



SORELL COUNCIL

ENVIRONMENTAL HEALTH BY-LAW

BY-LAW 1 OF 2013

BY-LAW MADE UNDER SECTION 145
OF THE LOCAL GOVERNMENT ACT 1993

FOR THE PURPOSE OF
REGULATING MATTERS OF ENVIRONMENTAL HEALTH WITHIN THE
MUNICIPAL AREA

PART 1 - PRELIMINARY

Short Title

1. This by-law may be cited as the Environmental Health By-Law.

Interpretation

2. In this by-law:-

“**approved container**” in relation to the disposal of sharps, means any container which is impervious, rigid, durable, tamper resistant, clearly labelled and which is able to be securely fastened;

“**authorised officer**” means an employee of the Council authorised by the Council for the purposes of this by-law;

“**caravan**” includes , without limitation, any object or structure having the general characteristics of a caravan, a dwelling on wheels, a covered van or trailer and any vehicle used or adapted for occupation whether or not the wheels or axles are removed and whether it is resting directly on the ground or is placed on blocks or other supports and any structure, awning, verandah, lean-to, tent, car-port or any other enclosed or partly enclosed area used or capable of being used with or appurtenant to a caravan;

“**controlled substance**” has the same meaning as in the *Environmental Management and Pollution Control (Waste Management) Regulations 2010*;

“**Council**” means the Sorell Council;

“**dangerous goods**” has the same meaning as in the *Dangerous Goods (Road and Rail Transport) Act 2010*;

“**domestic waste**” means any domestic garbage, rubbish and disposable garbage bags arising from human habitation;

“General Manager” means the General Manager appointed by the Council, or an Acting General Manager appointed by the Mayor of the Council, or an employee of the Council with the written delegation of the General Manager to act on behalf of the General Manager for the purpose of matters regulated in this by-law;

“hazardous waste” means waste which by itself or in combination with other materials may be infectious, explosive, poisonous, toxic or otherwise dangerous or injurious to human, animal or plant life;

“Manager Engineering Services” means the Manager Engineering Services appointed by the Council;

“municipal area” means the area of land under the control of the Sorell Council and defined in accordance with section 16 of the *Local Government Act, 1993*;

“on site aerated wastewater treatment and disposal system” means a type of ‘on-site waste water management system’ as defined in the *Building Act 2000*, which uses a system for the disposal and treatment of wastewater by aeration and:

(a) is accredited under Section 59 of the *Building Act 2000*; or

(b) is determined by the General Manager to be an on-site aerated wastewater treatment and disposal system.

“occupy” includes, without limitation, reside or live in or use any caravan for entertainment, sleeping, resting, cooking, eating, commercial or retail activities or for any similar use;

“owner” includes, without limitation, the occupier or other person having the control and management of any land;

“poultry” includes ducks, fowl, geese, guinea fowl, peacocks, pheasants and pigeons, or any other birds kept in an aviary;

“recycling centre” means an area set aside by Council for receiving materials that are recyclable;

“refuse disposal site” means any area set apart by the Council for the disposal of waste and includes, without limitation, a refuse disposal area, waste transfer station, resource recovery facility, recycling centre, or tip;

“road” has the same meaning as in the *Roads and Jetties Act 1935*.

“Senior Environmental Health Officer” means the Senior Environmental Health Officer appointed by the Council;

“sewage” has the same meaning as in the *Plumbing Regulations 2004*;

“sharps” means objects or devices having acute rigid corners, edges, points or protuberances capable of cutting or penetrating the skin and includes medical objects or devices capable of cutting or penetrating the skin, hypodermic needles, intravenous sets, pasteur pipettes, lancets and scalpel blades, and other similar medical objects or devices;

“transfer station” means a facility established by the Council for the purpose of receiving refuse for transfer to a refuse disposal site;

“waste” has the same meaning as in the *Environmental Management and Pollution Control Act 1994*.

PART 2 - DISPOSAL OF WASTE

Interpretation

3. For the purposes of this Part, an "authorised officer" includes, without limitation, the Senior Environmental Health Officer and the Manager Engineering Services.

Off-loading refuse at refuse disposal site

4. A person must not deposit or cause to be deposited any waste, noxious or offensive matter or liquid waste or rubbish of any kind on any refuse disposal site except in accordance with signs or directions given by an authorised officer.

Penalty: 5 penalty units

Normal hours of refuse disposal site operation

5. A person must not deposit, place or drop or allow any person to deposit, place or drop any waste in or on any refuse disposal site except on the days and within the periods of time fixed by the Council as shown on signs at the entrance to the refuse disposal site.

Penalty: 5 penalty units

Lighting of Fires

6. Unless otherwise authorised by an authorised officer, a person must not at a refuse disposal site:
 - (a) deposit embers, coals or ashes;
 - (b) with respect to matter other than waste, light any fire or feed or extend any fire which is already burning.

Penalty: 5 penalty units

Interference with plant or equipment

7. A person must not, without the written permission of an authorised officer, interfere with any plant or equipment at a refuse disposal site.

Penalty: 5 penalty units

Disposal of loose paper

8. A person must not deposit any paper at a refuse disposal site without securing it from being scattered by the wind.

Penalty: 5 penalty units

Refusal to accept waste at a refuse disposal site

9. An authorised officer may refuse to accept any waste at a refuse disposal site which, in the opinion of the authorised officer, is:
- (a) likely to pose a substantive and unacceptable hazard to Council employees, the public, or the environment;
 - (b) prohibited by any permit conditions relevant to the disposal site; or
 - (c) otherwise prohibited from being accepted at or deposited at the refuse disposal site by law.

Cartage of waste

10. A person must not carry or cause to be carried any noxious matter on a public highway unless in a way that prevents it from:
- (a) being accessed by flies; or
 - (b) emitting any odours which are offensive to users of the highway.

Penalty: 5 penalty units

Disposal of Hazardous Waste

11. A person must not deposit, place or drop or allow any person to deposit, place or drop any hazardous waste at a refuse disposal site except with the prior written approval of an authorised officer.

Penalty: 10 penalty units

Disposal of sharps

12. A person must not deposit, place or drop or allow any person to deposit, place or drop any sharps in or on any refuse disposal site except with the prior written approval of an authorised officer and in an approved container for burial.

Penalty: 5 penalty units

PART 3 – HOUSEHOLD REFUSE

Interpretation

13. For the purposes of this Part:
- (a) “notice” means a Council notice displayed in a daily newspaper circulated in the municipal area and forwarded by Council or an authorised officer to a person to whom this by-law applies; and
 - (b) “notified recyclables” means materials notified as being recyclables in accordance with clause 14(2).

Kerbside waste collection

14.

- (1) The Council will provide a kerbside collection service for domestic waste.
- (2) The General Manager may determine by notice classes of materials as being recyclables (**notified recyclables**) for the purpose of kerbside collection.
- (3) The General Manager may determine by notice matters relating to the management and control of the kerbside collection service.
- (4) Every tenement will, upon request, be provided with a mobile garbage bin for the storage and collection of domestic waste and a recycling bin for the storage and collection of recyclables.
- (5) Bins provided in accordance with sub-clause 14(4) remain the property of the Council.
- (6) Council may impose a charge for the replacement, repair or renewal of any mobile garbage bin or recycling bin.
- (7) The Council or its authorised contractors will only collect domestic waste that is:
 - (a) contained within a mobile garbage bin with a closed lid and which was provided by or purchased from the Council for that purpose; and
 - (b) notified recyclables that are wholly contained within a recycling bin provided by or purchased from the Council for that purpose.
- (8) A person other than the Council or its authorised contractor must not collect recyclables placed in a recycling bin for collection by Council's recycling collection service.

Penalty: 2 penalty units

General Provisions

15. A person entitled to receive the kerbside collection service is to:
- (a) store the mobile garbage bin and recycling bin wholly within the property boundaries unless otherwise authorised by an authorised officer, except when placed on the kerbside for collection in accordance with the General Manager's notice under clause 14(3) relating to collections;
 - (b) use the mobile garbage bin for domestic waste, with the exception of recyclables, which is on the premises;
 - (c) use the recycling bin for notified recyclables that are on the premises;
 - (d) keep the mobile garbage bin and recycling bin in good repair and thoroughly clean and sanitary;
 - (e) clean and disinfect the mobile garbage bin and recycling bin if required to do so by the authorised officer;
 - (f) keep the lid of the mobile garbage bin and recycling bin closed except when matter is being placed in it; and

- (g) leave the mobile garbage bin and recycling bin for collection on a day and in the manner and location notified by the General Manager under clause 14(3), or as approved by an authorised officer, at least once per fortnight, or empty the mobile garbage bin and recycling bin at least once per fortnight, or whenever required to do so by an authorised officer, at a Council refuse disposal site;
- (h) ensure that the contents of the mobile garbage and recycling bin do not exceed 50 kilograms;
- (i) not place in any Council recycling bin any matter except notified recyclables;
- (j) remove the mobile garbage bin and recycling bin from the kerbside as soon as practicable after collection.

Dangerous substances

16. The occupier of any premises must not place in any mobile garbage bin or recycling bin, which is placed for Council collection any thing or substance which:
- (a) is a controlled substance;
 - (b) is a dangerous good;
 - (c) is trade refuse which is noxious, prejudicial to health, a nuisance or which is being collected by a registered waste disposal contractor;
 - (d) contains sufficient heat, or is likely to generate sufficient heat by itself or in combination with other matter, to ignite or cause fire, or damage the mobile garbage bin, or recycling bin, or any other property of Council or its contractors;
 - (e) may, or is likely to explode;
 - (f) may interact with other substances in the bin and generate toxic or poisonous gases or fumes;
 - (g) is corrosive;
 - (h) contains sharps, hazardous waste or potentially infectious waste; or
 - (i) is in any other way dangerous.

Penalty: 10 penalty units

PART 4 - CONTROL OF ANIMALS

Maintenance of premises used by animals or poultry

17.

- 1) The occupier of any premises where an animal or poultry is kept must:
 - (a) keep any structures, buildings, enclosures or areas which the animal or poultry has access to, clean and sanitary;
 - (b) not allow the animal or poultry to cause any nuisance through smell, noise, rodents, flies or drainage;
 - (c) take all necessary steps to abate any nuisance that may arise as a result of keeping of the animal or poultry.

Penalty: 5 penalty units

- 2) An authorised officer may issue a notice on the owner or occupier of land requiring that:
 - (a) any animals kept on the property are kept in cages, pens or similar structures.
 - (b) The owner or occupier of the land undertakes any necessary measures to prevent an animal causing a nuisance to neighbours.
- 3) notice A person issued with a notice under clause 17(2) must comply with the.

Penalty: 10 penalty units

PART 5 – CARAVANS

Application

18. This Part applies to caravans in the municipal area, but does not apply to those:
 - (a) occupied on Council land appointed as a caravan park or area designated for overnight parking of recreational vehicles, motor homes or caravans; or
 - (b) caravans used by travelling showpersons in the ordinary course of their business; or
 - (c) caravans used by Council work gangs or contractors involved in construction work for the Council.

Application for Caravan Licence

19. A person may apply in writing for a licence to have a caravan situated on private land by completing and returning to the Council an application in accordance with Form 1 in the first schedule.

Licence necessary to have a Caravan situated on private land

20. A person must not have a caravan situated on private land within the municipal area without a current licence issued by Council in accordance with clause 19 unless the caravan is situated at the person's principal place of residence solely for the purpose of storage.

Penalty: 10 penalty units.

21. without limitation, this clause applies to a person who is constructing a house as a principal place of residence on land owned by them.

Method of disposal of sewage to be approved

22. A licence to have a caravan situated on private land is not to be granted unless the proposed method for the disposal of sewage has been approved by the Senior Environmental Health Officer.

Cessation of occupation

23. When the holder of a licence issued by the Council ceases to have a caravan situated on private land for which a licence is required, before the expiry of their licence, the holder is to inform the Council within ten days of the date the caravan ceases to be situated on private land.

Licences

24.

- (1) On receipt of an application, an authorised officer may grant or refuse to grant a licence in accordance with Form 2 in the first schedule.
- (2) A licence may be granted subject to terms and conditions.
- (3) A licence must not be issued for a period of more than 12 months.
- (4) A person who breaches any licence condition imposed by the authorised officer commits an offence.

Penalty: 5 penalty units.

Power to dispense with compliance

25.

- (1) Council by resolution may dispense with the compliance by any person with any provision of this Part on such terms and for such period as Council determines at its complete discretion.
- (2) A dispensation is not valid unless it is in writing and signed by the General Manager.
- (3) Council may revoke a dispensation granted under this clause at any time on giving notice to the person affected.

Disallowance of occupation in public places

26. A person must not occupy a caravan if it is erected, parked or placed on any road, public reserve or other public place.

Penalty: 5 penalty units.

Entry onto land

27.

- (1) An authorised officer may enter land where a caravan is kept to inspect the condition of the caravan and determine if it requires licensing.
- (2) If an authorised officer has reasonable cause to suspect that there has been a breach of this by-law, that officer may enter the premises on which it is suspected the breach has occurred, or to which the expected breach relates, after giving the owner or occupier of the premises notice of an intention to do so.

Cancellation of Licence

28. Council may cancel the licence granted to a person under this Part, if that person breaches this Part or breaches a condition imposed under the licence.

Refusal of licence

29. A licence may be refused if, in the opinion of the General Manager:-

- (a) the use of the caravan will adversely affect or is likely to adversely affect the amenities of the neighbourhood in which the caravan is to be set up;
- (b) the caravan does not contain satisfactory facilities for the supply of water or the disposal of sewage;
- (c) the caravan does not have sufficient or satisfactory facilities for the supply of water or disposal of sewage available to the occupants; or
- (d) the occupation of the caravan is likely to cause a health hazard.

PART 6 – SEWAGE TREATMENT

Maintenance

30.

- (1) An on-site aerated wastewater treatment and disposal system installed within the municipal area that is installed on or after the day on which this by-law was made on land in the municipal area is subject to inspection and maintenance by the Council or its authorised agent in accordance with the specifications of the manufacturer and the requirements of Council.
- (2) For the purposes of sub-clause 30(1), an authorised officer or agent may enter upon the land upon which an on-site aerated wastewater treatment and disposal system is situated provided that prior notice of the intention to enter has been given to the owner or occupier of that land.
- (3) The Council may carry out in relation to an on-site aerated wastewater treatment and disposal system, any other inspection or maintenance operation, or other action, that is authorised by law, or in the opinion of the General Manager, is appropriate.
- (4) For the purposes of this Part, an "authorised agent" includes any person and any company by its servants or agents authorised, approved or engaged by Council or the General Manager to manage, maintain, monitor and audit (or any of these matters) an on-site aerated wastewater treatment and disposal system.

- (5) Council may enter into a contract with one or more agents to manage, maintain, monitor and audit (or any of these matters) on-site aerated wastewater treatment and disposal systems.
- (6) An owner of property where an on- site aerated wastewater treatment and disposal system is installed may enter into a contract for the management, maintenance, monitoring and audit (or any of these matters) of the on- site aerated wastewater treatment and disposal system with an authorised agent and on terms approved by the General Manager, but must not otherwise enter into such a contract.
- (7) A person who enters into a contract under clause 30(6) is required to comply with the conditions of the contract.
- (8) An authorised agent is to ensure that the on-site aerated wastewater treatment and disposal system is serviced regardless of whether the owner defaults in its obligations to pay for the service.
- (9) If a property owner fails to pay the authorised agent or is in arrears for a period exceeding 3 months, the authorised agent may request Council to take over the management, maintenance, monitoring and audit (or any of these matters) of the on- site aerated wastewater treatment and disposal system. If Council take over the management, maintenance, monitoring and audit (or any of these matters) of the on-site aerated wastewater treatment and disposal system, Council may then charge the property owner a service rate for management, maintenance, monitoring and audit (or any of these matters) of the on- site aerated wastewater treatment and disposal system in accordance with section 93 of the Local Government Act 1993.

PART 7 - PERMITS AND APPROVALS

Conditions of licence, approval or authorisation

31.

- (1) The holder of a licence, approval or authorisation issued pursuant to this by-Law must comply with the terms and conditions thereof.
- (2) The permit or approval under this by-law may be issued subject to such conditions as the General Manager may consider necessary.

Referral to Council

32. No provision of this by-law is to be construed as preventing the General Manager from requiring an authorised officer to refer any application for a licence to the Council.

PART 8 - INFRINGEMENT NOTICES

Infringement Notices

33.

- (1) In this clause –

“Specific offence” means an offence against the clause specified in column 1 of Schedule 3.

- (2) An infringement notice may be issued in respect of a specific offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 3 of the infringement notice is imposed with respect to an infringement notice issued for that offence.

- (3) An authorised officer may –

(a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specific offence; and

(b) Issue one infringement notice in respect of more than one specific offence

- (4) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.

- (5) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specific offence may be served by affixing it to that vehicle.

PART 9 POWERS OF AUTHORISED OFFICERS

34.

- (1) An authorised officer may request assistance from a police officer

A person must not hinder or obstruct an authorised officer

- (2) A person must not hinder or obstruct an authorised officer in the exercise of his or her duties under this by-law.

Penalty 10 penalty units

- (3) A person must obey a lawful direction or instruction from an authorised officer, whether that instruction or direction is given verbally or in writing.

Penalty 10 penalty units

PART 10 – Control of Burning

35.

- (1) For the purpose of regulation 11(b)(i) of the *Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007*:
 - (a) an authorised officer may direct a person to extinguish a fire for the burning of wastes or fuels;
 - (b) if either the owner or occupier of the land or person who has lit the fire refuses to extinguish the fire the authorised officer may extinguish the fire or instruct the Tasmania Fire Service to extinguish the fire.
- (2) Council may recover the costs of extinguishing the fire from the person responsible for lighting the fire.
- (3) a person must not light a fire for the burning of wastes or fuels on council land or a road without the permission of Council. This requirement does not apply to the Crown or contractors working on behalf of the Crown.

Penalty 10 Penalty Units

Schedule 1 - Applications

**FORM 1
SORELL COUNCIL
APPLICATION FOR CARAVAN LICENCE**

Mr/Mrs/Ms/Miss:

Given NameSurname

Residential Address.....

Telephone Number: (Home) (Work)

About the Caravan

Registration Number: Size:

Model:Manufacturer:

Colour:

Address where caravan will be kept:

Name of owner of land where caravan will be kept:

Address of owner of land:

Type of water supply to caravan:

Method of disposal of sewage wastes (including water closet, bath, shower, handbasin sink and laundry):

Number of people to occupy caravan:

Period proposed to remain on site:

Date:/...../.....

.....
Signature of Applicant

Please attach a site plan to your application showing the outline of the property, the existing buildings, a photograph of the caravan the proposed location of the caravan.

Schedule 2 – Licences

FORM 2

SORELL COUNCIL

LICENCE TO SITUATE CARAVAN ON PRIVATE LAND

A licence to have a caravan situated on private land being a
.....
.....
of registration number , to be situated at
.....
on land owned by , for a period of
..... months, is hereby granted, subject to the following
.....
.....
.....

The proposed method for the disposal of sewage has been approved.

A fee of \$ has been received by Council.

Date:/...../.....


.....
Senior Environmental Health Officer

Schedule 3 – Infringement Notice Offences

Column 1 Clause	Column 2 General Description of Offence	Column 3 Penalty (Penalty units)
4	Off-loading refuse at refuse disposal site	1
5	Hours of use refuse disposal site Lighting of fire	1
6	Removal of materials	1
7	Cartage refuse	1
8	Disposal of loose paper	1
10	Cartage of waste	1
11	Disposal of hazardous waste	2
12	Disposal of sharps	1
14(8)	Collection of kerbside recyclables other than by authorised contractor	0.5
16	Deposit dangerous substances in mobile garbage bins or recycling bin	2
17(1)	Inadequate maintenance of premises used by animals	1
17(3)	Must comply with notice	2
20	Keeping on private land of caravan without a licence	2
24(4)	Breach of condition of caravan licence	1
26	Occupation of caravan in a public place	1
34(2)	Must not hinder or obstruct authorised offer	2
34(3)	Must obey instruction from authorised officer	2

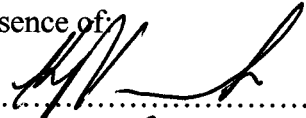
Certified as being in accordance with the law by:
, Australian Legal Practitioner


Dated this 12 day of DECEMBER, 2013 at Hobart
Certified as being made in accordance with the Local Government Act 1993:


.....
General Manager

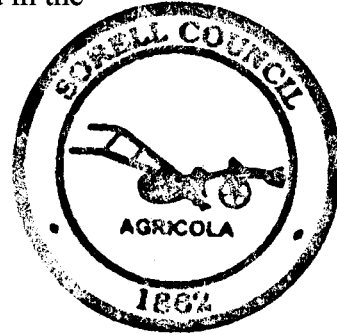
Dated this 12 day of DECEMBER, 2013 at Hobart

The Common Seal of the Sorell Council was hereunto affixed in the
presence of:


.....) Mayor.


.....) Deputy Mayor.


.....) General Manager



Confirmed by me this day of , 2013 at Hobart.

The Honourable Bryan Green
Minister for Local
Government