



# ENVIRONMENTAL HEALTH BY-LAW

BY-LAW 1 OF 2023

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:-
  - “**animal**” includes, but is not limited to, livestock, pigs, poultry, bees, horses, and birds
  - “**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 General Manager for the purposes of this by-law;
  - “**bee hive**” means a modular framed housing for a honey bee colony, which normally contains either a nucleus colony or standard size colony;
  - “**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;

**"collection area"** means that land within the municipal area Council has determined for kerbside collection of domestic waste, recycling and organics.

**"controlled waste"** means; asbestos, paint, thinners, garden chemicals, oil or other petroleum products, automotive parts, explosives, flammable liquids and solids, batteries, pesticides and herbicides.

**"Council"** means the Sorell Council;

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

**"Environmental Health Officer"** means the Environmental Health Officer appointed by the Council;

**"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;

**"greenwaste"** means organic, biodegradable waste arising from vegetation that is suitable for processing or composting.

**"hard waste"** means large or bulky materials that are too large to be collected in kerbside garbage bins.

**"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 Health and Compliance"** means the Manager Health and Compliance appointed by the Council

**"mobile garbage bin"** means a wheelie bin provided by Council for garage collection.

**"mobile organics bin"** means a wheelie bin provided by Council for organics collection.

**"mobile recycling bin"** means a wheelie bin provided by Council for recycling collection.

**"multiple dwelling"** has the same meaning as the *Tasmanian Planning Scheme – Sorell*

**"municipal area"** means the municipal area of the Sorell Council defined in accordance with section 16 of the *Local Government Act*;

**"nuisance"** means as defined in section 199 of the *Local Government Act 1993*;

**"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;

**"organics"** includes greenwaste, food, or any other item determined by the authorised officer.

**"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;

**"prescribed zone"** means land zoned as General Residential, Inner Residential or Low Density Residential in the *Tasmanian Planning Scheme – Sorell*;

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

**"refuse"** includes domestic garbage, recyclables, greenwaste, hard waste and organics.

**"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;

**"rooster"** means an adult male chicken or similar bird;

**"road"** has the same meaning as in the *Roads and Jetties Act 1935*;

**"Senior Compliance Officer"** means the Senior Compliance Officer appointed by the Council;

**"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*;

**"website"** means the Sorell Council world wide web pages, domain address [www.sorell.tas.gov.au](http://www.sorell.tas.gov.au).



### **Interpretation**

3. For the purposes of this Part, an “authorised officer” includes, without limitation, the Environmental Health Officer, Senior Compliance Officer and the Manager Health and Compliance.

### **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: fine not exceeding 10 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: fine not exceeding 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; or
  - (b) light any fire or feed or extend any fire which is already burning.

Penalty: fine not exceeding 10 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: fine not exceeding 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: fine not exceeding 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.

### **Disposal of Hazardous Waste**

10. 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: fine not exceeding 20 penalty units

### **Disposal of sharps**

11. 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: fine not exceeding 5 penalty units

## **PART 3 – HOUSEHOLD REFUSE**

### **Interpretation**

12. For the purposes of this Part:
- (a) “notice” means a Council notice:
    - i. displayed or set up in a public place or adjacent to a public place in the municipal area; or
    - ii. displayed on Council’s website; or
    - iii. in a daily newspaper circulating in the municipal area; or

- iv. forwarded by the Council or an authorised officer to a person to whom this by-law applies.
- (b) “notified recyclables” means materials notified as being recyclables in accordance with clause 14;
- (c) “notified organics” means materials notified as being organics in accordance with clause 14; and
- (d) “kerbside collection service” includes collection services for garbage, recycling and food and organics.

### **Kerbside waste collection**

- 13. The Council will provide a kerbside collection service for domestic waste.
- 14. The General Manager may determine by notice classes of materials as being recyclables (**notified recyclables**) and organics (**notified organics**) for the purpose of kerbside collection.
- 15. The General Manager may determine by notice matters relating to the storage, collection, transport, or disposal of refuse in the municipal area.
- 16. Every tenement within the collection area will, upon request, be provided with a mobile garbage bin for the storage and collection of domestic waste and a mobile recycling bin for the storage and collection of recyclables and a mobile organics bin when the service is introduced. Mobile garbage bins, mobile recycling bins and mobile organics bins may be provided to residential flats or units on a share basis for use by two or more tenancies.
- 17. Bins provided in accordance with clause 16 remain the property of the Council, and are to be left at the premises when the owner/occupier vacates the premises.
- 18. Council may impose a charge for the replacement, repair or renewal of any mobile garbage bin, mobile organics bin or mobile recycling bin.
- 19. 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;
  - (b) notified recyclables that are wholly contained within a mobile recycling bin provided by or purchased from the Council for that purpose; and
  - (c) notified organics that are wholly contained within a mobile organics bin provided by or purchased from the Council for that purpose.



20. A person other than the Council or its authorised contractor must not collect recyclables placed in a mobile recycling bin for collection by Council's recycling collection service.

Penalty: fine not exceeding 2 penalty units

### **General Provisions**

21. A person entitled to receive the kerbside collection service is to:
- (a) keep the mobile garbage bin, mobile recycling bin and mobile organics bin in good repair and thoroughly clean and sanitary;
  - (b) keep the lid of the mobile garbage bin mobile recycling bin and mobile organics bin closed except when matter is being placed in it;
  - (c) leave the mobile garbage bin mobile recycling bin and mobile organic bin for collection on a day and in the manner and location notified by the General Manager under clause 15 or as approved by an authorised officer;
  - (d) ensure that the contents of the mobile garbage mobile recycling bin and mobile organics bin do not exceed 80 kilograms;
  - (e) place any domestic waste, which is not notified recyclables or notified organics, in the mobile garbage bin;
  - (f) not overload the mobile garbage bin, mobile recycling bin or mobile organics bin so that waste or recycling blows out of the bin;
  - (g) not place out for collection a mobile garbage, mobile recycling bin or mobile organics bin for collection, other than a Council supplied bin; and
22. A person entitled to receive the kerbside collection service must:
- (a) store the mobile garbage bin, mobile recycling bin and mobile organics 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 15 relating to collections;
  - (b) clean and disinfect the mobile garbage bin, mobile recycling bin and mobile organics bin if required to do so by the authorised officer;
  - (c) not place in any mobile recycling bin any matter except notified recyclables;
  - (d) not place in any mobile organics bin any matter except notified organics;
  - (e) not place a mobile garbage bin, mobile recycling bin or mobile organics bin for collection on the kerbside more than 24 hours prior to the scheduled collection and remove the mobile bin as soon as is reasonably practical after collection and no longer than 48 hours after collection, unless otherwise directed to do so by an authorised officer; and

- (f) comply with the directions of an authorised officer regarding where to locate a mobile waste bin, mobile recycling bin or mobile organics bin for kerbside collection.

Penalty: fine not exceeding 2 penalty units

### **Multiple Dwellings**

- 23. Occupants of multiple dwellings must ensure that a sufficient suitable area for the storage of mobile garbage, organic and recycling bins remains unobstructed to enable kerbside collection
- 24. An authorised officer may require the owner/occupier of multiple dwellings to share mobile garbage, organic or recycle bins if there is insufficient room for kerbside collection.

### **Dangerous substances**

- 25. The occupier of any premises must not place in any mobile garbage bin, mobile recycling bin, or mobile organics bin, which is placed for Council collection any thing or substance which:
  - (a) is a controlled waste;
  - (b) is trade refuse which is noxious, prejudicial to health, or a nuisance;
  - (c) 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;
  - (d) may, or is likely to explode;
  - (e) may interact with other substances in the bin and generate toxic or poisonous gases or fumes;
  - (f) is corrosive; or
  - (g) contains sharps, hazardous waste or potentially infectious waste.

Penalty: fine not exceeding 20 penalty units

### **Compliance notices**

- 26. An Authorised Officer may issue a notice on a person to enforce compliance with Part 3 of this By-Law.



27. A person must comply with any direction from an authorised officer in relation to the storage, collection, transport or disposal of refuse in the municipal area and with the terms and conditions of any notice issued pursuant to clause 26.

Penalty: fine not exceeding 10 penalty units

28. An authorised officer may require an owner or occupier of residential tenements to sort domestic refuse to enable the separate collection of recyclables, reusable materials, greenwaste, hard waste or organics.

#### PART 4 - CONTROL OF ANIMALS

##### Prohibition on keeping certain animals in the prescribed areas

29. A person must not have or keep, on a temporary or permanent basis, any of the following in the Prescribed Zone without a permit:
- (a) Horses, cattle, other farm animals or stock, including:
    - (i) Sheep,
    - (ii) Goats,
    - (iii) Pigs,
    - (iv) Donkeys,
    - (v) Roosters;
  - (b) Bees (in excess of 2 hives)
  - (c) Poultry (in excess of 6 Adult hens)

Penalty: fine not exceeding 10 penalty units

##### Keeping of bee hives

30. A person must not keep a bee hive within 3m from a property boundary or within 6m from a dwelling in other ownership.

Penalty: fine not exceeding 5 penalty units

31. An authorised officer may by notice require an owner or occupier of land with a bee hive to provide a screen or barrier to prevent bees flying over a thoroughfare, public place or adjoining land.
32. A person served with a notice under clause 31 must not fail to comply with that notice.

Penalty: fine not exceeding 5 penalty units

### **Keeping of fowls and poultry**

33. A person must not keep any enclosure, building, or fenced area for keeping poultry within 6m of a dwelling in other ownership.

Penalty: fine not exceeding 5 penalty units

34. A permit is required to keep a rooster within 100m of a dwelling in other ownership.

Penalty: fine not exceeding 5 penalty units

### **Maintenance of premises used by animals**

35. The occupier of any premises where an animal is kept must:
- (a) keep any structures, buildings, enclosures or areas which the animal has access to, clean and sanitary;
  - (b) not allow the animal to cause any nuisance through smell, noise, rodents, flies or drainage; and
  - (c) not allow the animal to create a public health or safety risk to neighbouring residents.

Penalty: fine not exceeding 5 penalty units

36. If an authorised officer reasonably believes that a nuisance is being created or is likely to be created, an authorised officer may issue a notice to 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; or
  - (c) animals are removed or relocated from the premises or property where they are being kept.

An authorised officer may only exercise the powers specified in 35(c) when it is not reasonable or practical for the owner or occupier to undertake measures to prevent the animal creating a nuisance or the owner has undertaken measures and these measures have not been sufficient to prevent or abate the nuisance.

37. A person issued with a notice under clause 36 must not fail to comply with the notice.

Penalty: fine not exceeding 10 penalty units

38. A person served with a notice under clause 36 may apply to the General Manager for the notice to be reviewed. The General Manager may revoke or amend the notice having regard to:
- (a) whether a nuisance exists; and
  - (b) whether any other measures are available to the owner or occupier to prevent an animal causing a nuisance.
39. An authorised officer may request that a person making an allegation that an animal is creating a nuisance provide a written statement detailing information the authorised officer considers relevant. This may include, but is not limited to, the days, times and duration that the nuisance is occurring.

#### **Issue of a Permit**

40. Any application for a permit to keep animals pursuant to this by-law is to be in accordance with form 3 in Schedule 1.
41. An Authorised Officer may issue a permit to keep animals upon such terms and conditions as the Authorised Officer may determine are necessary to prevent the animal or animals creating a nuisance.
42. A person must comply with the terms and conditions of any permit issued.

Penalty: fine not exceeding 10 penalty units

#### **Refusal of Permit**

43. A permit may be refused if, in the opinion of the Authorised Officer:
- (a) the keeping of the animals will adversely affect or is likely to adversely affect the amenities of the neighbourhood in which the animals are kept;
  - (b) the keeping of the animals is, in the opinion of the Authorised Officer, likely to create a nuisance to neighbouring residents; or
  - (c) the keeping of the animals is, in the opinion of the Environmental Health Officer, likely to cause a health or safety hazard

#### **Cancellation of Permit**

44. An Authorised Officer may cancel the permit granted to a person under this Part, if that person breaches this Part or breaches a condition imposed under the permit.



45. If an Authorised Officer cancels a permit, the authorised officer is to serve a notice in writing on a permit holder that that the permit has been cancelled and the reason for that cancellation.
46. Cancellation of a permit is effective from the day that notice has been served on the permit holder or the date specified in the notice, whichever is the later.
47. A person may apply to the General Manager to review a decision to cancel a permit. The General Manager may uphold the decision or direct the Authorised Officer to issue the permit under the same or any other conditions the General Manager Considers are appropriate.
48. The person reviewing the decision to cancel the permit pursuant to Clause 47 must not be the same person who made the original decision to cancel the permit.

#### **Seizure, detention and impounding animals**

49. An authorised officer may seize, detain and impound an animal where the authorised officer believes an offence has been committed under Part 4 of this By-Law.

#### **Sale and destruction of animals**

50. The General Manager may:
  - (a) sell, give away free of charge or destroy any impounded animal, in accordance with section 197 of the *Local Government Act 1993*, if:
    - (i) no one has claimed the animal within 14 days of impounding; or
    - (ii) any fees, costs and charges specified by notice have not been paid within the time specified in that notice; and
  - (b) arrange for an impounded animal to be destroyed, in accordance with section 198 of the *Local Government Act 1993*, if, in the opinion of a qualified veterinary surgeon, the animal is:
    - (iii) seriously diseased; or
    - (iv) so injured or disabled as to be apparently in continual pain

### **PART 5 – CARAVANS**

#### **Application**

51. 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 or approved for overnight parking of recreational vehicles, motor homes or caravans; or

- (b) situated on private land in respect of which a planning permit has been issued under the Land Use Planning & Approvals Act 1993 for a caravan park or overnight parking of recreational vehicles, motor homes or caravans; or
- (c) used by travelling showpersons in the ordinary course of their business; or
- (d) used by Council work gangs or contractors involved in construction work for the Council; or
- (e) situated at a person's principal place of residence and occupied for up to 14 days per calendar year; or
- (f) situated at a person's principal place of residence solely for the purposes of storage.

#### **Application for Caravan Licence**

52. 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**

53. A person must not have a caravan to which this Part applies situated on private land within the municipal area without a current licence issued by Council in accordance with clause 52.

Penalty: fine not exceeding 10 penalty units

54. Without limitation, clause 53 applies to a person who is constructing a house as a principal place of residence on land owned by them.

#### **Cessation of occupation**

55. If 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**

56. On receipt of an application, an authorised officer may grant or refuse to grant a licence in accordance with Form 2 in the second schedule. In deciding whether or not to grant a licence under this Part for the occupation of a caravan, the General Manager may have regard to the following:
- (a) whether the use of the caravan will adversely affect or is likely to adversely affect the amenity of the neighbourhood in which the caravan is to be set up;

- (b) whether the caravan has sufficient or satisfactory facilities for the supply of water or disposal of waste water available to the occupants;
  - (c) whether the occupation of the caravan is likely to cause a health hazard;
  - (d) any relevant policy of the Council; and
  - (e) any other relevant matter.
57. Notwithstanding Clause 56, a licence to have a caravan situated on private land is not to be granted unless:
- (a) A plumbing permit has been issued under the *Building Act 2016* for an on-site wastewater management system; or
  - (b) the proposed method for the disposal of wastewater has been approved by the Environmental Health Officer on the basis that it is safe for the general public.
58. A licence may be granted subject to any reasonable and relevant terms and conditions with respect to the:
- (a) location of the caravan or caravans;
  - (b) number of persons that may occupy the caravan;
  - (c) number of days per year that the caravan may be occupied;
  - (d) method of wastewater or garbage disposal;
  - (e) type of sanitary, washing facilities, drinking water and cooking facilities that must be provided or available on-site; or
  - (f) measures required to screen or otherwise improve the aesthetic appearance of the caravan.
59. A licence must not be issued for a period of more than 12 months.
60. A person who breaches any licence condition imposed by the authorised officer commits an offence.

Penalty: fine not exceeding 5 penalty units.

#### **Power to dispense with compliance**

61. 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.
62. A dispensation is not valid unless it is in writing and signed by the General Manager.
63. 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**

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

Penalty: fine not exceeding 5 penalty units.

### **Cancellation of Licence**

65. An Authorised Officer may cancel the licence granted to a person under this Part, if satisfied that the licence holder has breached this Part or has breached a condition imposed under the licence.
66. If an Authorised Officer cancels a licence, the authorised officer is to serve a notice in writing on a licence holder that the licence has been cancelled and the reason for that cancellation.
67. Cancellation of a licence is effective from the day that notice has been served on the licence holder or the date specified in the notice, whichever is the later.

### **Refusal of licence**

68. A licence may be refused if, in the opinion of the Authorised Officer:
- (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; or
  - (b) the caravan does not contain satisfactory facilities for the supply of water or the disposal of sewage; or
  - (c) the caravan does not have sufficient or satisfactory facilities for the supply of water or disposal of sewage available to the occupants.
69. A licence may be refused if the Authorised Officer has received advice from the Environmental Health Officer that the occupation of the caravan is likely to cause a health hazard.

## **PART 6 - PERMITS AND APPROVALS**

### **Referral to Council**

70. 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.

### **Assignment of permit**

71. A permit must not be assigned and is not transferable to any person except with the written consent of the Authorised Officer.

## PART 7 - INFRINGEMENT NOTICES

### Infringement Notices

72. In this clause -

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

73. 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 is imposed with respect to an infringement notice issued for that offence.
74. 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.
75. The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.
76. 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.
77. A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:
- (a) pay the monetary penalty in full to the General Manager;
  - (b) apply to the General Manager for withdrawal of the infringement notice;
  - (c) apply to the General Manager for a variation of payment conditions; or
  - (d) lodge with the General Manager a notice of election to have the offence of offences set out in the infringement notice heard and determined by a court.
78. If a person who has been served with an infringement notice fails to take one or more the actions required by clause 77 within the prescribed time, the infringement may be referred to the Director, Monetary Penalties.

## PART 8 - POWERS OF AUTHORISED OFFICERS

79. An Authorised Officer may:

- (a) remove any person from land owned by, or under the control of the Council, if the authorised officer reasonably believes that person is offending against this by-law;
  - (b) remove anything which is on land owned by, or under the control of the Council without the approval of the Council; or
  - (c) request assistance from a police officer, and a police officer can carry out any of the actions an Authorised Officer could carry out under this clause, or arrest a person who is on land owned by, or under the control of the Council and whom the police officer reasonably believes is offending against this by-law
80. In order that the Council may perform its functions or exercise its powers under this by-law, the General Manager may authorise an officer to enter land pursuant to s. 20A of the *Local Government Act 1993*. Unless specified otherwise, an officer so authorised may enter and remain in or on any private premises to determine:
- (a) the number of animals or bees on those premises;
  - (b) whether or not any animal on those premises is authorised under a licence, permit or other authority;
  - (c) the condition of any caravan, animal, enclosure or structure where animals are or are proposed to be kept;
  - (d) whether an offence against this by-law has been committed on those premises; or
  - (e) any other matter relating to any permit, licence or authority, or any application for a permit, licence or written authority.

**A person must not hinder or obstruct an authorised officer**

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

Penalty: fine not exceeding 10 penalty units

82. 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: fine not exceeding 10 penalty units



### Supply of Name and Address

83. An authorised officer may require a person to give their name and address if the authorised officer reasonably believes that the person is offending or has offended against this By-Law
84. A person who fails or refuses to comply with a request to give their name and/or address is guilty of an offence.

Penalty: fine not exceeding 5 Penalty units

85. A police officer making a request under clause 83 may arrest a person who is on land owned by, or under the control of, the Council and whom the police officer reasonably believes is offending against clause 83.

### Recovery of Costs

86. Any expense incurred by the Council as a result of a person's contravention or failure to comply with a provision of this by-law is recoverable by the Council as a debt to it from the person failing to comply or contravening the by-law.

## PART 9 – CONTROL OF BURNING

87. For the purpose of regulation 9 of the *Environmental Management and Pollution Control (Smoke) Regulations 2019*:
- (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 request the Tasmania Fire Service to extinguish the fire.
88. Council may recover any costs incurred in taking action under clause 87 from the person responsible for lighting the fire.
89. A person must not light a fire, in the open or in an incinerator for the burning of wastes or fuels:
- (a) on council land or a road without the permission of Council.
  - (b) within 50m of a dwelling, unless the dwelling is owned or occupied by that person.

Penalty: fine not exceeding 10 Penalty Units

90. Clause 89(a) does not apply to the Crown or persons working on behalf or with the approval of the Crown.

91. Clause 89(b) does not apply:
- (a) to a wood heater or stove inside a building or structure;
  - (b) when a fire permit issued by the Tasmania Fire Service applies;
  - (c) to a 'fire pit' or similar enclosure or structure used primarily for heating or warmth;
  - (d) to a wood fired barbeque or pizza oven, but only for the purposes of cooking food; or
  - (e) to fire hazard reduction burning of in situ vegetation on land zoned Rural, Agriculture, Community Purpose, Recreation, Environmental Management or Rural Living in the *Tasmanian Planning Scheme – Sorell*.

#### PART 10 - CONTINUING OFFENCES

92. Where an offence against this by-law is alleged to have been committed by a person and the act or omission which constituted the alleged offence continues after the person has been served with notice of the alleged offence and the person is subsequently convicted of the offence, the person is liable, in addition to the penalty otherwise applicable to the offence, to a penalty for each day during which the act or omission continues after the service of the notice of not more than an amount equal to one-fifth of the maximum penalty prescribed for that offence or 2 penalty units whichever is the lesser.
93. Where an offence against this by-law is committed by a person and the act or omission which constituted the offence continues after the person is convicted of the offence, the person is guilty of a further offence against that provision and is liable, in addition to the penalty otherwise applicable to the further offence, to a penalty for each day during which the act or omission continues after that conviction of not more than an amount equal to one-fifth of the maximum penalty prescribed for that offence.
94. For the purposes of this by-law, an obligation to do something is to be regarded as continuing until the act is done notwithstanding that any period within which, or time before which, the act is required to be done has expired or passed.

SCHEDULE 1 - APPLICATIONS

FORM 1  
SORELL COUNCIL  
APPLICATION FOR CARAVAN LICENCE

Given Name .....Surname .....  
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, hand basin  
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.



**FORM 3**  
**SORELL COUNCIL**  
**APPLICATION FOR A PERMIT TO KEEP HORSE, PIG, LIVESTOCK, ROOSTER or BEES**

Applicant Name.....  
Residential Address.....  
.....  
Telephone Number: (Home) ..... (Work) .....  
Email.....

Type of animal: .....  
Address where animal will be kept: .....  
.....  
Name of owner of land where animal will be kept: .....  
Address of owner of land: .....  
.....

Where animal will be kept, including the type of building, enclosure, hive, stable, land:  
.....

Method for ensuring that the animal will not create a nuisance to neighbouring residents:  
.....  
.....

Number of animals / hives to be kept: .....

Location where animals will be kept including a map or plan:  
.....

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

.....  
Signature of Applicant

Please attach a site plan to your application showing the outline of the property showing where the animal or hives will be situated including a photograph.

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 Compliance Officer

**FORM 4**  
**SORELL COUNCIL**  
**LICENCE TO KEEP AN ANIMAL OR BEES ON PRIVATE LAND**

A licence to have an animal or bees situated on private land being a .....  
.....  
to be situated at: .....  
on land owned by: ..... , for a period of  
..... months, is hereby granted, subject to the following .....  
.....  
.....

A fee of \$ ..... has been received by Council.

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

.....Senior Compliance Officer



### SCHEDULE 3 – INFRINGEMENT NOTICE OFFENCES

Clause	General Description of Offence	Penalty (Penalty units)
4	Off-loading refuse at refuse disposal site	2
5	Hours of use refuse disposal site	1
6	Lighting of fires	2
7	Interference with plant or equipment	1
8	Disposal of loose paper	1
10	Disposal of hazardous waste	4
11	Disposal of sharps	1
20	Collection of kerbside recyclables other than by authorised contractor	0.5
22	Offences relating to use of kerbside collection service	0.5
25	Disposal of dangerous substances	4
27	Failure to comply with a direction from an authorised officer	4
29	Keeping certain animals in prescribed areas without a permit	2
30	Keeping a bee hive close to property boundaries without a permit	1
32	Failure to comply with a notice to provide a screen or barrier	1
33	Keeping a poultry enclosure close to property boundaries	1
34	Keeping a rooster close to property boundaries without a permit	1
35	Failure to comply with maintenance obligations	1
37	Failure to comply with a notice	2
42	Failure to comply with the terms and conditions of a permit	2
53	Keeping on private land of caravan without a licence	2

60	Breach of condition of caravan licence	1
64	Occupation of caravan in a public place	1
81	Must not hinder or obstruct authorised offer	2
82	Must obey instruction from authorised officer	2
84	Failure to supply name and address	1
89	Lighting a fire in the open on Council land or within 50m of a dwelling	2

Certified as being in accordance with the law by:

Mea Quartararo, Abetz Curtis, Australian Legal Practitioner

Dated this 12<sup>th</sup> day of September 2023, at Hobart.

Certified as being made in accordance with the Local Government Act 1993:

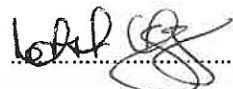
General Manager

Dated this 12 day of SEP, 2023 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 12 day of SEP, 2023 at Hobart.