

HOBART CITY COUNCIL

WASTE MANAGEMENT BY-LAW

BY-LAW No. 3 of 2018

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HOBART CITY COUNCIL

WASTE MANAGEMENT BY-LAW

BY-LAW 3 of 2017

PART 1 – PRELIMINARY

1. This by-law is made pursuant to section 145 of the Act for the purpose of regulating and controlling matters of waste and recycling.
2. This by-law may be cited as the Waste Management By-law.
3. This by-law applies to the Hobart municipal area.

4. In this by-law:

Act means the *Local Government Act 1993*;

approved container means any rigid walled receptacle in compliance with AS 4031-1992 designed for clinical and related wastes (or other wastes) to be deposited into it;

authorised officer means an employee of the Council authorised by the General Manager for the purposes of this by-law;

clinical and related wastes means that waste which has the potential to cause sharps injury, infection or offence, and includes sharps, human tissue waste, laboratory waste, animal waste resulting from medical, dental or veterinary research, or treatment that has the potential to cause disease. Related wastes means wastes within the waste stream, which constitute, or are contaminated with cytotoxic drugs, chemicals, pharmaceuticals;

commercial premises means a property which is used to sell any item by wholesale or retail, or to provide any service;

commercial waste means component of the waste stream generated from a commercial premises;

controlled waste has the same meaning as section 3(1) of the *Environmental Management and Pollution Control Act 1994* and includes a tyre;

Council means the Hobart City Council;

Council collection service means the service provided by Council for the collection of one or more of the following:

- (a) domestic waste;
- (b) commercial waste;
- (c) recyclable;
- (d) green waste; and
- (e) any other matter as notified by Council,

upon such terms and conditions determined by Council;

domestic waste means component of the waste stream arising from households;

General Manager means the General Manager of the Council appointed pursuant to section 61 of the Act;

green waste means domestic garden waste including weeds, grass clippings, flowers, leaves, prunings, twigs and small branches (shorter than 30cm and less than 10cm in diameter) but does not include soil, large branches and logs, concrete/rocks/ceramics, animal droppings, food waste, plastic, plastic bags, metals, paper or cardboard, building materials, nappies or textiles;

hazardous waste means that component of the waste stream which by its characteristics poses a threat or risk to public health, safety or to the environment;

highway means any highway or road shown on the map maintained by Council pursuant to section 208 of the Act, and includes a highway reservation, footpath or mall;

nature strip means all that part of a highway not constructed for the movement of vehicles or pedestrians;

occupier includes a resident or owner of premises;

occupy includes 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 the occupier or other person having the control and management of any land or premises;

permit means:

- (a) a current permit or other written approval (including a booking confirmation provided by electronic means) granted pursuant to this by-law; or
- (b) any permit, licence or written approval granted pursuant to another by-law or legislation including a by-law or legislation which has been repealed;

providing that:

- (c) if the permit, licence or written approval was issued for a certain time period, that time period has not expired; or
- (d) if the permit, licence or written approval was issued for a certain event, that event has not yet taken place;

person means an individual, corporation or any other legal entity (other than the Crown);

recyclable means able to be recovered, processed and used as a raw material for the manufacture of a useful new product through a commercial process;

sharps means objects or devices having sharp points or protuberances or

cutting edges capable of cutting or piercing the skin or having potential to become sharps;

waste has the same meaning as section 3(1) of the *Environmental Management and Pollution Control Act 1994*, and includes food;

waste management centre means the area set aside by or used by the Council as a waste disposal area or tip;

waste storage area means an area on either residential or commercial premises that is set aside for the storage of wheelie bins, recycling containers, or other waste containers or bins, but which is not a highway, or nature strip;

waste stream means the flow of materials from a point of generation to ultimate disposal;

wheelie bin means a mobile bin as approved and supplied by Council for the collection of one of the following:

- (a) domestic waste;
- (b) commercial waste;
- (c) recyclable;
- (d) green waste; or
- (e) any other matter as notified by Council.

PART 2 – DISPOSAL OF SHARPS FROM NON-COMMERCIAL PREMISES

Deposit of sharps from non-commercial premises

5. Any person depositing sharps at the waste management centre, other than sharps from a commercial premises, must:
 - (a) place any sharps in an approved container for burial;
 - (b) deposit sharps only after having informed the Council officer present;
 - (c) obey any reasonable direction given by any Council officer in the waste management centre; and

- (d) obey any direction on any sign in the waste management centre.

Penalty: 10 penalty units

Collection of sharps from non-commercial sources

- 6. Any person providing sharps for collection by the Council collection service, other than sharps from a commercial premises, must:
 - (a) place any sharps in an approved container; and
 - (b) obey any reasonable direction by the General Manager, an authorised officer or a Council officer in relation to the provision of sharps.

Penalty: 10 penalty units

PART 3 – WASTE MANAGEMENT

Division 1 – Wheelie bins

Possession of wheelie bins

- 7. A person must not take possession of a wheelie bin unless that wheelie bin has been provided by Council for use by the person or people who occupy the property which that person occupies.

Penalty: 5 penalty units

Use and possession of allocated number of wheelie bins

- 8. A person must not use, or have in their possession, a number of wheelie bins in excess of the number of wheelie bins allocated by Council to the

property occupier for use by that person.

Penalty: 5 penalty units

Use and possession of allocated size of wheelie bins

9. A person must not use or have in their possession a wheelie bin which is greater in size than the wheelie bin allocated by Council to the property occupier for use by that person.

Penalty: 5 penalty units

Placement of waste and recyclables in wheelie bins

10. A person must place any:
- (a) domestic waste;
 - (b) commercial waste;
 - (c) recyclable;
 - (d) green waste; and
 - (e) any other matter as notified by Council;
- in a wheelie bin which has been approved by Council for the collection of that type of waste or recycling.

Penalty: 2 penalty units

Improper placement of waste and recyclables in wheelie bins

11. A person must not place any clinical and related wastes, controlled or hazardous waste or recyclables in a wheelie bin approved and provided by Council for other use.

Penalty: 20 penalty units

Maintenance of wheelie bins

12. A person who is the occupier of a domestic premises or the occupier of a commercial premises using the Council collection service, in relation to each wheelie bin which has been allocated by Council to that premises, must:
- (a) keep the wheelie bin in good repair and thoroughly clean and sanitary;
 - (b) keep the lid of the wheelie bin closed except when waste or recycling is being placed in it;
 - (c) clean and disinfect the wheelie bin if required to do so by the General Manager;
 - (d) ensure that the contents of the wheelie bin do not exceed 70 kg;
 - (e) use the wheelie bin only for a purpose approved by the Council; and
 - (f) leave the wheelie bin at the premises when vacating that premises.

Penalty: 5 penalty units for a breach of clause 12(f);
2 penalty units for any other breach of clause 12.

Hazardous substances

13. A person must not place in any wheelie bin any thing or substance that:
- (a) is hot, or is likely to become hot;
 - (b) may, or is likely to explode;
 - (c) may interact with other substances in the wheelie bin and generate toxic or poisonous gases or fumes;
 - (d) is noxious or corrosive;
 - (e) is prejudicial to health; or
 - (f) is in any other way hazardous.

Penalty: 5 penalty units

Division 2 – Waste storage areas

Storage of bins in waste storage area

14. A person who is the owner or occupier of domestic or commercial premises must:
- (a) equip the premises with a waste storage area in accordance with Council requirements provided that the area does not interfere with emergency service facilities; and
 - (b) store wheelie bins or any other waste container or bin in a waste storage area except as otherwise provided by this by-law.

Penalty: 5 penalty units

15. Clause 14 applies to commercial premises even if the Council collection service is not being used by the owner or occupier of that premises.

Division 3 – Council collection services

Waste collection from wheelie bins

16. For the purposes of the Council collection service, a person who is the occupier of domestic premises or the occupier of commercial premises using the Council collection service, is to:
- (a) place a wheelie bin out between 6 pm on the evening preceding collection and 5 am on the designated day of collection;
 - (b) place a wheelie bin in a location as close as possible to the street entrance of that premises so as not to obstruct or hinder the

movement of pedestrians or traffic, or at a location approved by the General Manager;

- (c) ensure all waste or recyclables are properly secured within the wheelie bin and are not capable of being scattered by the wind during the Council collection service;
- (d) be responsible for the clean up of any waste spilt prior to the Council collection service within 24 hours of collection; and
- (e) return the wheelie bin to the waste storage area within 24 hours of collection.

Penalty: 2 penalty units

Powers to not collect waste

17. Council may refuse to collect, transport or accept for disposal any waste which:
- (a) is illegal to possess or would cause the Council to be performing an illegal act;
 - (b) may legally be classified as hazardous waste, unless a permit has been obtained for the disposal of such waste; or
 - (c) is dangerous unless an authorised officer is notified of the danger and all reasonable steps have been taken to reduce that danger.

Division 4 – Commercial collection services

Commercial premises must use waste bins or containers

18. A person who is the occupier of commercial premises not using the Council collection service must not place any waste or recyclables on the highway or nature strip for the purposes of collection unless the waste or recyclables are contained within a bin or container, or unless they have

obtained a permit to do so.

Penalty: 5 penalty units

Use of waste bins or containers

19. A person who is the occupier of commercial premises not using the Council collection service, who places or permits to be placed a bin or container of waste on the highway or nature strip for the purposes of collection, must:

- (a) place the bin or container in a location as close as possible to the street entrance of that premises so as not to obstruct or hinder the movement of pedestrians or traffic, or at a location approved by the General Manager;
- (b) ensure all waste or recyclables are properly secured within the bin or container and are not capable of being scattered by the wind;
- (c) ensure that no waste is spilt on the highway or nature strip;
- (d) be responsible for the clean-up of any waste spilt, within 15 hours of the spillage or as otherwise directed by an authorised officer;
- (e) return the bin or container to the waste storage area as soon as practicable after waste collection; and
- (f) not leave, or allow to be left, the bin or container on the highway or nature strip between the hours of 6 am and 4 pm.

Penalty: 5 penalty units

Division 5 – Waste management centre**Prohibitions in the waste management centre**

20. A person must not in the waste management centre:
- (a) light any fire or feed or extend any fire which is already burning;
 - (b) remove any article or thing deposited at the waste management centre without the consent of an authorised officer;
 - (c) deposit any paper, or material capable of becoming airborne, without securing it from being scattered by the wind;
 - (d) deposit waste in the green waste area, white goods area or at any other location in the waste management centre not designated for waste disposal;
 - (e) interfere with landfill gas, leachate management or other environmental control infrastructure;
 - (f) dispose of controlled waste without the prior approval of the State Government and the General Manager;
 - (g) deposit clinical and related waste;
 - (h) enter the waste management centre other than during the operating hours without the approval of an authorised officer; or
 - (i) fail to comply with reasonable directions given by an authorised officer or Council site operations personnel.

Penalty: 20 penalty units for a breach of clause 20(f) or (g);
5 penalty units for any other breach of clause 20.

21. The General Manager may impose a ban on a person or company from using or entering the waste management centre where that person or any representative of a company has contravened a provision of clause 20 on more than one occasion.

22. A ban imposed under clause 21 may be up to but not exceeding 12 months duration.

Request to leave waste management centre

23. An authorised officer or police officer may ask a person whom they reasonably believe is offending or has offended against this by-law to leave the waste management centre.
24. An authorised officer or police officer may remove any person from the waste management centre who is found offending against this clause.

PART 4 – PERMITS

Granting permits

25. A permit may be granted for any purpose under this by-law by:
- (a) the General Manager; or
 - (b) any electronic method authorised by the General Manager, including via Council's website or an application operated by or on behalf of Council.
26. No provision of this by-law is to be construed as preventing the General Manager from referring any application for a permit to the Council.

Applications

27. Any application for a permit pursuant to this by-law is to be:
- (a) in accordance with any form approved by the General Manager;
 - (b) accompanied by the fee specified by the General Manager, if any;
- and

- (c) where applicable, must be accompanied by the following:
 - (i) a statement in writing of the type of activity proposed to be undertaken by the applicant and the period in which it is proposed to be carried out;
 - (ii) a scaled drawing showing the location and extent of the proposed activity;
 - (iii) evidence of current public liability insurance or other relevant insurance; and
 - (iv) such other information that the General Manager may reasonably require.
28. In deciding whether or not to grant a permit pursuant to this by-law, the General Manager may have regard to the following and any other relevant matters:
- (a) the type of activity proposed;
 - (b) the location of that activity;
 - (c) the impact of the proposed activity on public safety, the environment and amenity; and
 - (d) any comments made by any employee of the Council or by a police officer in relation to the application.

Permits

29. A permit granted under this by-law must be in writing and may be granted under such terms and conditions as the General Manager considers appropriate. Those conditions may include:
- (a) a restriction on the type of activity;
 - (b) a restriction on the period in which the activity may be carried out;
 - (c) the precautions to be observed while the activity is being carried out;
 - (d) the requirement for supervision or control of the activity;

- (e) the record to be kept or notification to be given in relation to the any activity carried out pursuant to the permit;
 - (f) the payment of a bond to cover any damage to Council property or any cleaning required, or the provision of an indemnity to Council for any other loss or damage; or
 - (g) the acceptance of responsibility for any damage to or loss of Council property as a result of the activity.
30. The holder of a permit granted pursuant to this by-law must comply with the terms and conditions of the permit.

Penalty (unless otherwise specified): 1 penalty unit

Production of a permit

31. A permit holder is to produce the permit immediately when requested to do so by a police officer or an officer of the Council, and the holder of the permit must answer all questions which are reasonably necessary to establish that the person holds a permit in good faith.

Variation of permit conditions

32. The General Manager may vary the conditions of any permit if he or she considers it is appropriate to do so.
33. If the conditions of any permit are varied pursuant to clause 32, the General Manager must serve a notice in writing on the permit holder stating:
- (a) the conditions of the permit are varied; and
 - (b) the reason or reasons for the variation of the permit conditions.

34. The conditions of a permit will be varied from the date of service of the notice of the variation.

Cancellation of permits

35. The Council or the General Manager may cancel any permit if satisfied that:
- (a) a permit holder has breached any of Council's by-laws; or
 - (b) a permit holder has breached a term or condition of the permit.
36. If a permit is cancelled pursuant to clause 35, the General Manager must serve a notice in writing on the permit holder stating:
- (a) the permit is cancelled; and
 - (b) the reason or reasons for the cancellation.
37. Cancellation of any permit is effective from the date of service of the notice of the cancellation.
38. Nothing in this by-law is to be construed as preventing or prohibiting the Council from cancelling any permit if this is required due to the exercise or intended exercise of any local government functions, powers, rights or duties by the Council.

Notices

39. For the purposes of clauses 33 and 36, a notice may be served in any of the following ways:
- (a) on the holder of the permit personally;
 - (b) by ordinary post to the last known address of the permit holder; or

- (c) by notice being given in the public notice section of a newspaper circulating in the Hobart City Council municipal area.
40. The date of service of a notice will be:
- (a) if the holder of the permit was served by ordinary post, 3 business days from the date the notice was posted; or
 - (b) if the notice was given in a newspaper, the date of the publication of that newspaper.

PART 5 – RECOVERY OF COSTS

Expenses incurred

41. The Council may rectify a breach of this by-law, including any damage to Council property, without ordering the offending person to undertake the rectification works.
42. Any expense or damages incurred by the Council as a result of the breach of any of the by-laws, including expense or damages, will be paid by the person committing the breach and is recoverable by the Council as a debt due to it.

PART 6 – INFRINGEMENT NOTICES

43. In this Part:
- specified offence** means an offence against the clause specified in Column 1 of the Schedule to this by-law.
44. An authorised officer may issue an infringement notice to a person in

respect of a specified offence and the penalty payable under the infringement notice for that offence is the penalty specified in Column 3 of the Schedule to this by-law.

45. An authorised officer may:
 - (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
 - (b) issue one infringement notice in respect of more than one specified offence.

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

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

48. 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 or offences set out in the infringement notice heard and determined by a court.

49. If a person who has been served with an infringement notice fails to take one or more of the actions required by clause 48 within the prescribed time, the infringement may be referred to the Director, Monetary Penalties.

PART 7 – ENFORCEMENT

Hindering or resisting authorised officers

50. A person must not obstruct, hinder, abuse, or resist any authorised officer in the discharge of the authorised officer's duty.

Penalty: 3 penalty units

Directions by authorised officers

51. An authorised officer may give reasonable directions to any person in relation to matters which are the subject of this by-law.
52. A person must not fail to comply with a reasonable direction from an authorised officer.

Penalty: 3 penalty units.

Production of wheelie bins and evidence of authorisation

53. An authorised officer may require the owner or occupier of a premises to produce for inspection by the authorised officer:
- (a) any wheelie bin; or
 - (b) evidence of allocation by Council of wheelie bins for use on the premises.

54. A person must comply with a reasonable direction by an authorised officer pursuant to clause 53.

Penalty: 5 penalty units

Seizure of wheelie bins

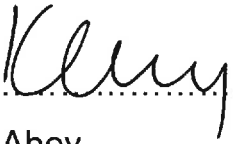
55. If an authorised officer forms the opinion that a person has in their possession a wheelie bin in breach of this by-law, the authorised officer may seize any such wheelie bin.

**SCHEDULE
INFRINGEMENT NOTICE OFFENCES**

1: CLAUSE	2: DESCRIPTION	3: PENALTY (penalty units)
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PART 3 – WASTE MANAGEMENT		
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8	Use and possession of allocated number of wheelie bins	5
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1: CLAUSE	2: DESCRIPTION	3: PENALTY (penalty units)
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51	Directions by authorised officers	3
54	Production of wheelie bins and evidence of authorisation	5

Certified that the provisions of this by-law are in accordance with the law by:


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K.M. Abey

Solicitor

Dated10/7/18.....

At Hobart

Certified that this by-law is made in accordance with the *Local Government Act* 1993 by:


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N.D. HEATH

General Manager

Dated ..10/7/18.....

At Hobart

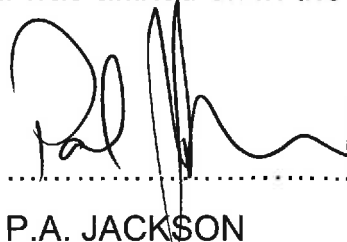
The common seal of the Hobart City Council was affixed on in the presence of


.....

H.J. SALISBURY

Deputy General Manager

Dated: ..10/7/2018.....


.....

P.A. JACKSON

Manager Legal & Governance

Dated: ..10/7/18.....

