

BURNIE CITY COUNCIL

Waste Collection and Waste Management By-Law No 2 of 2017

BY-LAW made under section 145 of the *Local Government Act 1993* for the purpose of regulating the storage, collection and disposal of waste in the City of Burnie.

Part 1

PRELIMINARY

SHORT TITLE

1. This By-law may be cited as the Waste Collection and Waste Management By-law, Number 2 of 2017.

COMMENCEMENT

2. This By-law commences on the date it is published in the *'Tasmanian Government Gazette'*.

APPLICATION

3. This By-law applies to the municipal area of the City of Burnie.

INTERPRETATION

4. In this By-law:

“approved” means given the appropriate approval by Council;

“at the kerbside” means at or near the back of the kerbface of a road, street or way and where there is no kerb, “at the kerbside” means at the outside edge of the carriageway;

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

“biohazardous waste” means waste that arises from medical, dental or similar procedures that is or has the potential to become, harmful to human health;

“Code of Practice” means the Code of Practice published by Safe Work Australia, titled How to Safely Remove Asbestos, CP113 2016, and as amended after this date;

“collection container” means a wheelie bin, recycling bin, or such other receptacle approved by the General Manager for the storage and collection of waste;

“controlled waste” means controlled waste as defined in the *Environmental Management and Pollution Control Act 1994*;

“commercial waste” means waste generated from wholesale, retail or service business;

“Council” means Burnie City Council;

“Director” means the Director of Environmental Management holding office under Section 18 of the *Environmental Management and Pollution Control Act 1994*;

“domestic or commercial waste wheelie bin” means a mobile wheelie bin of a size no greater than 240 litre capacity for the collection of domestic or commercial waste”;

“domestic waste” means all domestic garbage and waste arising from human habitation and the usual routine of housekeeping;

“Food Organics and Garden Organics Waste” means compostable waste such as lawn clippings, tree and shrub prunings, kitchen: fruit, vegetable, dairy, cereal and meat waste and biodegradable kitchen waste and bin liners;

“e-waste” means waste consisting of discarded electronic products such as computers, television and mobile phones;

“garden waste” means branches, grass, leaves, plants, loppings, tree trunks, tree stumps and the like and includes any mixture of those materials;

“General Manager” is the person appointed as the General Manager of the Council;

“litter bin” means a litter bin in a public place provided by the Council for public use to dispose of litter;

“low level controlled waste means:

- (a) less than 10 square metres of non-friable asbestos;
- (b) scrap tyre waste;
- (c) untreated solid sewage products such as grit and screening, but not sewage sludge and septic waste; and
- (d) medical waste such as sharps in an approved sealed sharps container and sanitary waste, but not infectious or cytotoxic waste.”

“municipal area” means the municipal area of the City of Burnie;

“notice” means a Council notice:—

- (a) displayed or set up in a public place or adjacent to a public place in the municipal area; or
- (b) in a daily newspaper circulating in the municipal area; or
- (c) forwarded by the Council or General Manager to a person to whom this By-law applies;

“noxious waste” means the highly putrescible content of waste and any animal carcasses, fish and poultry, offal, kitchen wastes and other offensive matter;

“organic and garden waste wheelie bin” means a mobile wheelie bin with a green lid approved by Council for the collection of food and garden organic waste and/or garden waste;

“public place” means:

- (a) any land (including highway) owned by or under the control of the Council
- (b) any public land in the municipal area and any building or structure in or upon that land
- (c) any property or facility owned, controlled, managed or maintained by the Council or otherwise being the responsibility of the Council;

“recyclable” means:

- (a) brown paper packaging - with the clear plastic 'window' removed
- (b) clean paper and cardboard
- (c) glass containers (empty and free of residue)
- (d) aluminium cans, steel cans, tin-plated steel cans, aluminium foil, paint tins and aerosol cans (all empty)
- (e) plastic containers and bottles (empty with lids off)
- (f) any other items determined by Council

“recyclable wheelie bin” means a mobile wheelie bin with a yellow lid and approved by Council for the collection of recyclable material;

“recycling centre” means an area set aside by the Council for receiving materials that are recyclable and may include a shop;

“scavenge” means to pick up, move or take away any discarded item;

“scavenging agreement” means an agreement made between the council and a person that entitles the person to scavenge at a waste management centre;

“shop” means any land, stall or building with unrestricted access to the general public during the hours when the Waste Management Centre is open to the public where retail goods are offered for sale;

“the Act” means the *Local Government Act 1993*;

“trade waste” means liquid waste and any solids contained in it (excluding sewage), generated by, or collected from, any industry, business, trade process, manufacturing process, or commercial activity from, on, or in relation to land, including, but not limited to:—

- (a) commercial food waste;
- (b) any matter discharged from any laundry used in relation to commercial activities or for commercial purposes including but not limited to laundrettes, hotels, motels, hospitals, and schools;
- (c) any matter discharged:
 - (i) from any industrial or commercial cooling, refrigeration or air conditioning system;
 - (ii) from any marine vessel to land;
 - (iii) as run-off water used to extinguish a fire or to deal with any other hazard or emergency on land used for industrial or commercial activities;
 - (iv) as leachate from any private, commercial or municipal landfill disposal site.

“vehicle” has the same meaning as in the *Road Rules 2009*;

“waste” means any domestic waste, recyclables, food organics and garden organics waste, biohazardous waste, controlled waste, noxious waste, trade waste and other waste, debris, litter, or any other similar materials, articles or things that is by notice determined to be waste;

“waste collection area” means that part of the municipal area served by a kerbside waste collection service;

“Waste Management Centre” means an area within the municipal area of the City of Burnie set aside by the Council for the collection of waste, and includes a waste transfer station, resource recovery and recycling centre;

“wheelie bin” means a mobile disposal bin of no greater than 240 litre capacity.

Part 2

USERS OF KERBSIDE WASTE COLLECTION SERVICES

- 5.
- (1) A person who is the occupier of domestic premises or the occupier of commercial premises using the Council waste collection service, must use a wheelie bin for the purpose of utilising any or all of the Council’s domestic, waste, recyclables, food organics and garden waste collection service.
- Penalty:** fine not exceeding 5 penalty points.
- (2) A person who is the occupier of a domestic premises or the occupier of a commercial premises using any of the Council collection services is to:
- (a) place all waste they wish to be collected by the Council in a wheelie bin; and
- (b) keep the wheelie bin in good repair and thoroughly clean and in a sanitary condition; and
- (c) keep the lid of the wheelie bin closed except when waste is being placed in it.
6. The Council or its authorised contractor will only collect waste that is contained within an approved wheelie bin with the lid closed.
7. The Council or its authorised contractor will only collect waste that is placed at the kerbside on the designated collection day at or before:
- (a) 7:30am for domestic waste;
- (b) 6:00am for recyclables;
- (c) 7.30am for food organics and garden organics waste; or
- (d) as otherwise specified by notice from the Council.
8. No person other than the Council or its authorised contractor is to collect waste placed in an approved collection container for collection by Council’s kerbside waste collection service.
- Penalty:** fine not exceeding 5 penalty points.
9. A person must comply with any direction from an authorised officer in relation to the storage, collection, transport or disposal of waste in the municipal area.
10. **Domestic and/or Commercial Wheelie Bins**
A person who is the occupier of domestic premises or the occupier of commercial premises using the Council’s domestic or commercial waste collection service may provide their own wheelie bin and must:
- (a) Ensure that contents of the wheelie bin, when put out for collection, does not exceed 50 kilograms in weight; and
- (b) clean and disinfect the wheelie bin.

11. **Approved Recyclables Wheelie Bins**

For the purpose of disposing of recyclable waste through the Council waste collection service, a person who is the occupier of domestic premises must:

- (a) use only an approved Council recyclables wheelie bin; and
- (b) ensure the total weight of the container and recyclables when put out for collection does not exceed 50 kilograms; and
- (c) leave the approved recyclables wheelie bin at the premises when vacating the premises.

12. **Approved Food and Organics and/or Garden Waste Wheelie Bins**

For the purpose of disposing of food and organics and/or garden waste that is collectable through the Council waste collection service, a person who is the occupier of domestic premises must:

- (a) use only an approved Council organic and garden waste wheelie bin; and
- (b) ensure the total weight of the container and recyclables when put out for collection does not exceed 50 kilograms; and
- (c) clean and disinfect the wheelie bin; and
- (d) leave the approved organic and garden waste wheelie bin at the premises when vacating the premises.

KERBSIDE DOMESTIC WASTE COLLECTION

13.

(1) The Council may provide a kerbside domestic waste collection service for domestic waste within the waste collection area upon such conditions and terms as determined by the Council.

(2) An occupier of land within a waste collection area:

- (a) must not place in a domestic waste collection container to be collected by the Council's domestic waste collection service any:
 - (i) recyclable materials
 - (ii) e-waste;
 - (iii) hot or burning matter;
 - (iv) garden waste;
 - (v) liquid waste;
 - (vi) medical waste including sharps;
 - (vii) items likely to rupture or pierce the domestic waste collection container whilst it is being collected, emptied or transported in the collection vehicle.
- (b) must not place in a domestic waste collection container any:
 - (i) biohazardous waste;
 - (ii) controlled waste;
 - (iii) noxious waste; or
 - (iv) trade waste;

unless otherwise approved by the General Manager or an authorised officer.

Penalty: fine not exceeding 5 penalty units.

KERBSIDE RECYCLABLES COLLECTION

14.

- (1) The Council may provide a kerbside recyclables collection service for recyclable materials within a designated waste collection area upon such conditions and terms as determined by the Council.
- (2) All premises within a kerbside waste collection area will be provided with an approved collection container for the storage and collection of recyclables.
- (3) An approved collection container provided in accordance with sub-clause 14(2) remains the property of the Council or its authorised contractor unless otherwise advised by notice by the General Manager.

KERBSIDE FOOD ORGANICS AND GARDEN ORGANICS WASTE COLLECTION

15.

- (1) The Council may provide a kerbside collection service for food organics and garden organics waste within a designated waste collection area upon such conditions and terms as determined by the Council.
- (2) All premises within a food organics and garden organics waste collection area will be provided with an approved collection container for the storage and collection of food organics and garden organics waste.
- (3) An approved collection container provided in accordance with sub-clause 15(2) remains the property of the Council or its authorised contractor unless otherwise advised by notice by the General Manager.

CONVEYANCE OF WASTE TO A WASTE MANAGEMENT CENTRE

16.

- (1) A person must not within the municipal area convey in or on any vehicle or in or on a trailer towed by a vehicle any waste, unless the same is in a sealed container or effectively covered with a tarpaulin or other suitable cover.
- (2) The waste must be conveyed in such a manner as to prevent:
 - (a) the escape of any of the contents from the vehicle or container; or
 - (b) the emission of any offensive odours from the container; or
 - (c) the creation of any nuisance.

Penalty: fine not exceeding 5 penalty units.

WASTE MANAGEMENT FACILITIES

NORMAL HOURS OF WASTE MANAGEMENT CENTRE

17.

- (1) Waste may only be deposited at a Waste Management Centre during normal hours of operation of that Waste Management Centre and on payment of the relevant fee or charge imposed under section 205 of the Act.
- (2) Normal hours of operation of the Waste Management Centre will be determined by the General Manager from time to time and notified by a sign erected at the Waste Management Centre.

ACCESS TO WASTE DISPOSAL SITES

18.

- (1) The General Manager may by notice refuse access to any Waste Management Centre.
- (2) A person must not:
 - (a) enter any Waste Management Centre for any purpose other than:
 - (i) to deposit waste;
 - (ii) to deposit recyclable materials in an area within the Waste Management Centre area designated by the Council or an authorised officer for that purpose; or
 - (iii) with the written permission of an authorised officer, to remove items deposited there; or
 - (iv) to visit any shop situated within the Waste Management Centre.
 - (b) without the written permission of an authorised officer, remain in a Waste Management Centre longer than is reasonably necessary to deposit waste or recyclable materials that person has brought to that area.
 - (c) without written permission from an authorised officer enter a Waste Management Centre when the area is closed.

Penalty: A fine not exceeding 10 penalty units.

DISPOSAL OF WASTE

19.

- (1) Any person depositing waste at a Waste Management Centre must:
 - (a) comply with any direction by an authorised officer; and
 - (b) comply with any direction on any sign at that Waste Management Centre.

Penalty: A fine not exceeding 5 penalty units.

- (2) An authorised officer may refuse to accept any waste at a Waste Management Centre which in the opinion of the authorised officer:
 - (a) may be hazardous to employees of Council or employees of its authorised contractor or the public unless authorised under sub-clause 3; or
 - (b) is excluded by the Environmental Protection Notice conditions for the Waste Management Centre.

- (3) Subject to clause 19(4) of this By-law a person must not deposit any controlled waste at a Waste Management Centre without the prior written approval of the Director and may only do so upon such conditions as that person may determine.

Penalty: A fine not exceeding 20 penalty units.

- (4) Subject to complying with any relevant provisions of this By-law a person may deposit at a Waste Management Centre any low level controlled waste.
- (5) Prior to depositing any low level controlled waste at a Waste Management Centre a person must notify an authorised officer at the Waste Management Centre of that person's intention to deposit such waste.

OFF-LOADING WASTE AT WASTE MANAGEMENT CENTRE

20. A person must not:

- (1) deposit any waste in a Waste Management Centre outside normal hours of operation;
- (2) deposit any waste outside the boundary of any Waste Management Centre;
- (3) deposit any waste within any Waste Management Centre, except in such place and position and in such manner and under such conditions approved by the General Manager or an authorised officer or in accordance with any signs erected;
- (4) deposit any material capable of becoming airborne, without first securing it from being scattered by the wind;
- (5) deposit sharps at a Waste Management Centre except at such place and position and in such manner and under such conditions approved by an authorised officer;
- (6) remain within any Waste Management Centre longer than is necessary to deposit waste brought to that area unless with the consent of an authorised officer;
- (7) fail to comply with any direction given by an authorised officer.

Penalty: a fine not exceeding 5 penalty units.

DISPOSAL OF ASBESTOS

21.

- (1) Asbestos or any material containing asbestos is not to be delivered to or deposited at the Waste Management Centre by a person other than in accordance with the following requirements:
 - (a) The asbestos is non friable and of area less than 10m²;
 - (b) Notification is made to the Waste Management Centre prior to arriving on site;
 - (c) The Toll Booth Operator is notified upon arrival that asbestos is contained within the materials to be deposited;
 - (d) The asbestos containing material is separated from other waste to be deposited and is wrapped in accordance with the Code of Practice and has a wrapped dimension of less than 1200mm length and 900mm width; and
 - (e) The asbestos containing material is deposited in the designated asbestos disposal receptacle.

Penalty: A fine not exceeding 20 penalty units.

- (2) A person disposing of asbestos or any material containing asbestos in accordance with clause 21(1) must comply with any directions given by an authorised officer and any signage erected at the Waste Management Centre related to the placement, storage or disposal of asbestos or asbestos containing material

Penalty: A fine not exceeding 20 penalty units.

LIGHTING OF FIRES

22. A person must not:

- (1) dump hot waste such as recently burnt contents of incinerators or wood heaters, including embers and coals, within a Waste Management Centre; or
- (2) cause or knowingly permit any open burning on a Waste Management Centre otherwise than in an approved heater or incinerator under the supervision of an authorised officer; or
- (3) set fire to any waste within the Waste Management Centre.

Penalty: A fine not exceeding 20 penalty units.

RECYCLING AND SCAVENGING

23.

- (1) A person must not remove any article or thing deposited as waste at a Waste Management Centre, nor interfere with any materials, plant or equipment thereon without the written permission of the General Manager and on such conditions as that person may determine.

Penalty: A fine not exceeding 5 penalty units.

- (2) The General Manager may approve, subject to terms and conditions, a section of any Waste Management Centre for the purpose of collecting material to be recycled provided that the area is:
 - (a) fenced or otherwise clearly delineated; and
 - (b) identified by appropriate signs.
- (3) The Council may enter into a scavenging agreement with a person on such terms and conditions as the Council thinks fit.
- (4) A person must not scavenge in a Waste Management Centre unless that person is authorised to do so by a scavenging agreement.

Penalty: A fine not exceeding 5 penalty units.

GENERAL PROVISIONS

IMPROPER USE OF LITTER BIN

24.

- (1) A person must not place domestic or commercial waste that is in excess of 5 litres in volume in or near a litter bin.

Penalty: A fine not exceeding 5 penalty units.

REQUEST TO LEAVE AN AREA

25.

- (1) A police officer or authorised officer may ask a person found offending against this by-law to leave a Waste Management Centre.
- (2) A person must obey the directions of an authorised officer or a police officer given under this clause.
- (3) A police officer or authorised officer may remove any person from the Waste Management Centre who is offending against this clause.

SUPPLY OF NAME AND ADDRESS

26.

- (1) A person must supply their correct and full name and permanent or present temporary address if requested to do so by an authorised officer or by a police officer.

Penalty: A fine not exceeding 5 penalty units

- (2) A police officer may arrest a person if that officer finds the person offending against this clause or reasonably believes the details provided are false.

Part 3

PENALTIES

INFRINGEMENT NOTICES

27.

- (1) In this clause “specified offence” means an offence against the clause specified in Column 1 of Schedule 1.
- (2) An authorised officer may:
 - (a) issue an infringement notice to a person that the authorised officer has reason to believe is guilty of a specified offence;
 - (b) issue one infringement notice in respect of more than one specified offence;
 - (c) impose a monetary penalty for the specified offence in respect of which the infringement notice is issued.

- (3) Infringement notices may be issued in respect of the offences specified in Column 2 of Schedule 1 to this By-law and the penalty specified in Column 3 opposite the offence is the penalty payable under an infringement notice issued in respect of that offence.
- (4) In order to avoid the infringement notice being referred to the Director Monetary Penalties Enforcement Service for enforcement action the person issued with an infringement notice must either:
- (a) pay the total amount of the monetary penalty stated on the infringement notice to; or
 - (b) lodge a notice of election to have the offence heard by a Court with;
- the General Manager within 28 days of the date of service of the notice.
- (5) An infringement notice alleging that a vehicle has been used in relation to a prescribed offence may be served by affixing it to that vehicle.
- (6) The Monetary *Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.
- (7) All monies payable to the Council or General Manager under this By-law are a debt due to the Council and recoverable at law.

SCHEDULE 1

Column 1 CLAUSE	Column 2 GENERAL DESCRIPTION OF OFFENCE	Column 3 PENALTY (Penalty Units)
5(1)	Complying with direction from an authorised officer	2.5
8	Taking waste or recyclable material	2.5
13(2)	Permitted contents of domestic waste container	2.5
16(2)	Failure to cover waste whilst being conveyed	2.5
18(2)	Entering waste management area for other than an authorised purpose	5
19(1)	Depositing waste without complying with any direction given or sign	2.5
19(3)	Depositing controlled waste without approval of Director	10
20(7)	Failure to comply with depositing requirements at Waste Management Centre	2.5
21(1)	Failure to comply with requirements for depositing asbestos or material containing asbestos	10
21(2)	Depositing asbestos or material containing asbestos without complying with any direction given or sign	10
22(3)	Lighting of fires	10
23(1)	Removing waste from Waste Management Centre without permission	2.5
23(4)	Scavenging without agreement	2.5
24(1)	Depositing excess waste in or near litter bin	2.5
26(1)	Failure to supply name and address	2.5

RECOVERY OF EXPENSES

28. In addition to any penalty imposed in relation to any failure by a person to comply with any of the provisions of this By-law, any expenses incurred by the Council as a consequence of that contravention is recoverable by the Council as a debt payable by that person.

The Waste Collection and Waste Management By-law, By-law No 2 of 2017:

Was certified as being in accordance with the *Local Government Act 1993* by Andrew Wardlaw, General Manager.

Was certified as being in accordance with the law by Geoff Tremayne, Legal Practitioner.

The common seal of the Burnie City Council has been hereunto affixed pursuant to a resolution of the Council passed on the 16th day of May 2017 in the presence of Andrew Wardlaw, General Manager.

Dated 25 May 2017 at Burnie.