

NORTHERN TERRITORY OF AUSTRALIA

Barkly Regional Council By-law (Waste Management)

Amended at Council meeting held on 16 June 2016

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the By-laws as in force at 1 July 2008. Any amendments that commence after that date are not included.

Barkly Regional Council By-law (Waste Management)

By-laws under the *Local Government Act*

Part 1 Preliminary

1 Short title

These By-laws may be cited as the Barkly Regional Council By-law (Waste Management).

2 Objectives

Ensure waste management operations within the Barkly Regional Council comply with the Central Australian Landfill Manual Dec 2013 and other Northern Territory public health, environmental laws and regulations.

3 Definitions

In these By-laws, unless the contrary intention appears:

animal includes cattle, buffaloes, horses, donkeys, asses, mules, sheep, goats, pigs, camels, dogs, cats, birds, poultry, fish and reptiles.

waste includes refuse, rubbish and waste matter.

person includes body's corporate

premises includes a dwelling-house, flat, home, unit, duplex, caravan, camp, tent, hostel, boarding-house, office, shop, factory, depot, workshop, mill slaughter house, warehouse, hotel, restaurant, eating-house and any land, building or establishment, whether the same is used for business, trade or residential purposes and, where a building is let or occupied in more than one separate unit, each separate unit, where it is let to or occupied by a separate person, shall be separate premises.

waste means:

- (a) a solid, a liquid or a gas; or
- (b) a mixture of such substances,

that is or are left over, surplus or an unwanted by-product from any activity (whether or not the substance is of value) and includes a prescribed substance or class of substances.

waste management includes the management of the generation, re-use, re-cycling, storage, collection, transportation, treatment and disposal of waste.

4 Clerk to keep register

The clerk shall cause a register to be kept of licences granted under by-law 8(3). Part II Waste services

Part II Waste services

5 Occupier to provide waste receptacle

(1) An occupier of premises shall:

- (a) keep on the premises one waste receptacle of a type that the council has, subject to clause (3), approved by resolution;
- (b) maintain the waste receptacle in good order and condition and not cause or permit the waste receptacle to attract or harbour insects or vermin, to become unsightly or cause an offensive odour or otherwise to become or cause a danger to public health or to interfere with or affect the comfort of persons occupying, using or passing through or along neighbouring premises or public places;
- (c) ensure that the lid of the waste receptacle is at all times kept closely fitted, except where the waste lid is removed for the purpose of placing waste into, or taking it out of, the receptacle;
- (d) subject to clause (2), ensure that waste produced on the premises is deposited in the waste receptacle;
- (e) cause all wet waste to be effectively wrapped before it is placed in the waste receptacle;
- (f) indelibly mark or paint on the lid and on the body of the waste receptacle the street number and name of the premises, or the lot number of the land;
- (g) on the day or days and at the time notified by the Council in a newspaper circulating in the municipality, cause the waste receptacle on the premises to be placed on the footpath outside the premises in such a position as to enable the waste collector access to it, and shall replace, or cause it to be replaced, on the premises as soon as possible after the contents have been removed; and
- (h) cause the waste receptacle to be thoroughly cleansed and sanitised at least not less than once in each 4 week period.

(2) The council must not approve a type of waste receptacle for the purposes of clause (1)(a) unless the receptacle:

- (a) has a capacity of not more than 240 litres; Part III sanitary landfill sites
- (b) is impervious to moisture and vermin; and
- (c) is fitted with wheels and handles.

6 Interference with waste receptacles

A person shall not touch, use, remove, mark, damage or otherwise interfere with a waste receptacle on premises or a footpath unless the person is:

- (a) the occupier of the premises for which the waste receptacle is provided, or that person's servant or agent;
- (b) a servant or agent of the council acting within the scope of that person's duties; or
- (c) a waste contractor of the council or a servant or agent of such a waste contractor acting in the due performance of the contract.

7 waste receptacles to be returned

A person engaged in the removal or collection of waste on behalf of the council shall, after emptying the contents of a waste receptacle, replace it and its lid approximately in the location where it was placed by the occupier under by-law 4(1)(g) above.

Part III sanitary landfill sites

8 Council may establish sanitary landfill sites

- (1) The council may establish a sanitary landfill sites for the disposal of waste on land owned by, vested in or under the control of the council.
- (2) The council may make arrangements or enter into contracts with the owners or occupiers of private land for the establishment of a sanitary landfill sites or the depositing of waste on that land.
- (3) The council may enter into arrangements with another council for the establishment and operation of sanitary landfill sites.
- (4) Where a sanitary landfill site has been established under clause (1), (2) or (3), the council shall be resolution determine:
 - (a) the limits of the sanitary landfill site;
 - (b) the hours during which and the days on which the sanitary landfill site shall be open for the depositing of waste; Part III sanitary landfill site
 - (c) the class or classes of sanitary landfill site which may be deposited on or removed from the sanitary landfill site; and
 - (d) the manner in which waste may be deposited on or removed from the sanitary landfill site.
- (5) Where a sanitary landfill site is established under this by-law, the council shall cause notice of the establishment to be published in a newspaper circulating in the municipality.

9 Waste not to be dumped without a licence

- (1) Where the council has notified a person, or body's corporate, that they shall obtain a licence for the depositing or removal of waste on or from a sanitary landfill site,

such person or bodies corporate shall not deposit waste on or remove waste from the sanitary landfill site until they have been granted a licence.

- (2) A person may apply in writing to the council for a licence to deposit waste on or remove waste from a sanitary landfill site, and the council may grant or refuse the application.
- (3) Where the council approves an application under clause (2), it may, on payment by the applicant of such a fee as the council may resolve, grant a licence authorizing a person to use a sanitary landfill site.
- (4) A licence granted under clause (3) may be subject to such conditions as the council thinks fit and endorses on the licence.

10 Offences with respect to sanitary landfill sites

- (1) A person shall not deposit on a sanitary landfill site:
 - (a) other than during the hours and on the days specified under by-law 7(4)(b);
 - (b) unless such waste is of the class or classes specified by the council; or
 - (c) other than in the manner specified by the council under by-law 7(4)(d).
- (2) A person shall not:
 - (a) enter or remain on a waste except for the purpose of depositing waste, unless that person is:
 - (i) an employee or agent of the council acting within the course of his or her duties; Part IV Removal and destruction of animals
 - (ii) a contractor of the council or an employee or agent of such a contractor in the due performance of the contract; or
 - (iii) the holder of a licence granted under by-law 8(3);
 - (b) remove waste from a sanitary landfill site without a licence granted under by-law 8(3);
 - (c) contravene or fail to comply with a condition to which a licence is subject under by-law 8(4);
 - (d) contravene or fail to comply with the directions of a person authorized by the council to give directions in relation to the operation of a sanitary landfill site; or
 - (e) act in a disorderly or offensive manner on a sanitary landfill site.

Penalty: \$500.

Part IV Miscellaneous

11 Offences and penalties

- (1) Where a matter or thing is by these By-laws directed or prohibited to be done, or where an authority is given by these By-laws to the council or to a person or persons to direct a matter or thing to be done, and such matter or things so directed to be done remains undone or such matter or thing forbidden to be done is done, a person offending against such direction or prohibition shall be guilty of an offence.

- (2) A person guilty of an offence referred to in clause (1) shall, for each such offence, be liable to a penalty not exceeding \$1,000 and, in addition, to a penalty not exceeding \$100 for each day during which that offence continues.

12 Recovery of expenses

In addition to a penalty imposed in respect of a breach of these By-laws, an expense incurred by the council in consequence of the breach, or in the execution of work required by these By-laws to be executed by a person and not executed by him or her, shall be recovered from the person committing the breach or failing to execute the work as a debt due and payable by that person to the council.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended od = order

app = appendix om = omitted

bl = by-law pt = Part

ch = Chapter r = regulation/rule

cl = clause rem = remainder

div = Division renum = renumbered

exp = expires/expired rep = repealed

f = forms s = section

Gaz = Gazette sch = Schedule

hdg = heading sdiv = Subdivision

ins = inserted SL = Subordinate Legislation

It = long title sub = substituted

nc = not commenced

2 LIST OF LEGISLATION *Tennant Creek (Garbage) By-laws* (SL No. 19, 1989)

Notified 9 August 1989

Commenced 9 August 1989

***Amendment of Tennant Creek (Garbage) By-laws* (SL No. 6, 1999)**

Notified 10 March 1999

Commenced 10 March 1999

Amended to “Barkly Regional Council By-law (waste management)” – endorsed at Barkly Regional Council meeting held on 16 June 2016.