

HUON VALLEY COUNCIL

MISCELLANEOUS AMENDMENTS BY-LAW BY-LAW NO. 1 of 2021

A BY-LAW of the Huon Valley Council made under the provisions of section 145 of the *Local Government Act 1993* and numbered 1 of 2021 to amend the *Waste Management By-law 2012*, the *Caravan By-law 2015* and the *Council Land and Recreational Facilities By-law 2017*.

PART 1 PRELIMINARY

Short Title

1. This By-Law may be cited as the *Miscellaneous Amendments By-law 2021*.

Commencement

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

Expiry

3. This By-law expires 30 days after its publication in the Tasmanian Government Gazette.

PART 2 WASTE MANAGEMENT BY-LAW AMENDMENTS

Division 1 - General

Interpretation

4. In this Part:

“the By-law” means the *Waste Management By-law, By-law No.1 of 2012* made the 27th day of February, 2013 and notified in the Tasmanian Government Gazette on the 6th day of March, 2013 at page 313.

Division 2 - Amendments

Interpretation

Clause 4 Amended (Interpretation)

5. Clause 4 of the By-law is amended by:

(a) omitting the definition of “inert waste”:

(b) inserting the following definition after the definition of “authorised officer”:

““clean fill” means “clean fill” as defined under the *Environmental Management and Pollution Control Act 1994*.”.

Clause 8 (Disposal of Waste)

6. Clause 8(3) of the By-law is amended by omitting “inert waste” and substituting “clean fill”.

Clause 11 (Scavenging and Recycling)

7. Clause 11(1) of the By-law is amended by inserting the words “other than a re-use shop” after the words “waste management facility”.

**PART 3
CARAVAN BY-LAW AMENDMENTS**

Division 1 - General

Interpretation

8. In this Part:

“the By-law” means the *Caravan By-law, By-law No.1 of 2015* made the 8th day of September, 2015 and notified in the Tasmanian Government Gazette on the 16th day of September, 2015 at page 1338.

Division 2 - Amendments

Clause 4 Amended (Interpretation)

9. Clause 4 of the By-law is amended by:

(a) omitting the definition of “building code” and substituting the following definition after the definition of “authorised officer”:

““building code” means the “National Construction Code” defined under section 4 of the *Building Act 2016* and includes any subsequent replacement thereof;”;

(b) in the definition of “motor vehicle”, omitting the words “*Road Rules 2009*” and substituting “*Road Rules 2019*”;

(c) in the definition of “temporary structure”, omitting the words “*Building Act 2000*” and substituting “*Building Act 2016*”;

(d) in paragraph (c) of the definition of “temporary structure”, omitting the words “and,” and substituting “*Building Act 2016*”;

(e) in the definition of “temporary structure” inserting after paragraph (d):
“ and,

(e) that is exempt from approval to occupy under any Act or Regulation.”

Clause 5 Amended (Non Application of the By-law)

10. Clause 5 of the By-law is amended by omitting “*Council Land and Recreational Facilities By-law 2006*” from paragraph (b) and substituting “*Council Land and Recreational Facilities By-law 2017*”.

**PART 4
COUNCIL LAND AND RECREATIONAL FACILITIES BY-LAW AMENDMENTS**

Division 1 - General

Interpretation

11. In this Part:

“the By-law” means the *Council Land and Recreational Facilities By-law, By-law No.1 of 2017* made the 27th day of April, 2017 and notified in the Tasmanian Government Gazette on the 3rd day of May, 2017 at page 372.

Division 2 - Amendments

Clause 4 Amended (Interpretation)

12. Clause 4 of the By-law is amended by inserting the following definition after the definition of “hirer”:

““homeless” means:

(a) the person is sleeping rough or living in improvised dwelling; or

(b) the person is temporarily living with friends or relatives, has no other usual address and does not have the capacity to obtain other suitable accommodation; or

(c) the person has no safe place to live (including because the person is, or is at risk of, experiencing domestic violence); or

(d) the person is living in accommodation provided by a specialist homelessness service; or

- (e) the person is living in a refuge, shelter or similar crisis accommodation; or
- (f) the person is living in a caravan park, boarding house, hostel or similar accommodation, whether on a short-term or long-term basis, in respect of which the person has no secure lease and the person is not living in that accommodation by choice.”

Clause 14 Amended (Obstruction of a marine facility)

13. Clause 14 of the By-law is amended by inserting, after sub-clause (3), the following sub-clause:

“(3A) A person must not moor or leave a vessel at a marine facility for a period in excess of 2 consecutive nights without a permit.

Penalty: Fine not exceeding 10 penalty units.”

Clause 39 Amended (Animals and dogs in Council land or recreational facility)

14. Clause 39 of the By-law is amended by inserting after sub-clause (2) the following:

“(3) Sub-clause (1) does not apply where:

- (a) the activity specified is on roads, paths or tracks or in areas provided for these activities; and
- (b) signs or notice boards indicate that it is allowed.”

Clause 51 Amended (Camping)

15. Clause 51 of the By-law is amended by omitting the Clause and substituting:

“Camping

51.(1) A person must not camp or set up any caravan in or on any council land or recreational facility unless authorised to do so by a permit or user agreement or in an area designated for that purpose and any applicable fee is paid.

Penalty: Fine not exceeding 10 penalty units

(2) It is a defence in any proceedings for an offence under sub-clause (1) for the person to establish that, at the time he or she camped or set up a caravan, he or she was homeless.”

Schedule 1 Amended (Infringement Notice Offences)

16. Schedule 1 of the By-law is amended by inserting the following in the Table following clause 14(3):

Column 1 CLAUSE	Column 2 OFFENCE	Column 3 PENALTY (Penalty Units)
	GENERAL DESCRIPTION OF OFFENCE	
14(3A)	Moor vessel for in excess of 2 consecutive nights without a permit	2

Miscellaneous Amendments By-law 2021

Certified as being in accordance with the Law by:

, Legal Practitioner

Dated day of , 2021 at Huonville

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

, General Manager

Dated day of , 2021 at Huonville

The Common Seal of the Huon Valley Council has been hereunto affixed this day of , 2021 pursuant to a resolution of the Council passed the day of , 2021 in the presence of:

(seal)

, General Manager