



TASMANIAN GOVERNMENT GAZETTE

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Tasmanian Government Gazette

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Administration and Probate

ADMINISTRATION AND PROBATE ACT 1935

Notice of Intention to Apply for Letters of Administration

NOTICE is hereby given that after the expiration of fourteen days from the publication hereof application will be made to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that Letters of Administration of the Estate of PETER JOHN CURRAN late of 26 Forster Street Invermay in Tasmania brewery worker/divorced man deceased who died on the tenth day of March 2009 intestate may be granted to Allan Vernon Curran retired bricklayer/married man of 3 Waroona Street Youngtown in the State of Tasmania the lawful cousin of the said deceased.

Dated this thirtieth day of September 2009.

BISHOPS,
Solicitors for the Applicant.

ADMINISTRATION AND PROBATE ACT 1935

Notice of Intention to Apply for Letters of Administration

NOTICE is hereby given that after the expiration of fourteen days from the publication hereof application will be made to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that Letters of Administration of the Estate of CARDEN JAMES ROFE late of St Ann's Rest Home Hobart in Tasmania divorced/retired Antarctic photographer deceased who died on the nineteenth day of November 1999 intestate may be granted to William Cameron Justo divorced/solicitor of 4 Watchorn Street Hobart in Tasmania lawfully appointed attorney of Hamer Rofe of 45 Flood Street Bondi in New South Wales married/banker and Malcolm Rofe of 45 Flood Street Bondi in New South Wales married/website producer the lawful children of the said deceased.

Dated this thirtieth day of September 2009.

WALLACE WILKINSON & WEBSTER,
Solicitors for the Applicants.

ADMINISTRATION AND PROBATE ACT 1935

Notice of Intention to Apply for Letters of Administration

NOTICE is hereby given that after the expiration of fourteen days from the publication hereof application will be made to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that Letters of Administration of the Estate of LINDSAY ALLAN TURNER late of 147 Alanvale Road Newnham in Tasmania gardener/married deceased intestate may be granted to Barbara Elaine Turner of 147 Alanvale Road Newnham in Tasmania carer/widow wife of the said deceased.

Dated this thirtieth day of September 2009.

RAE & PARTNERS,
Solicitors for the Applicant.

Notices to Creditors

REX WILFRED EWINGTON late of 16 Franklin Street Brooklyn Burnie in Tasmania retired manager/ log truck driver deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Rex Wilfred Ewington who died on the second day of July 2009 are required by the Executor Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania to send particulars to the said Company by the thirtieth day of October 2009 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this thirtieth day of September 2009

LEONIE MULLOY, Trust Administrator.

JOHN FRANCIS SAMUEL PEARCE late of 33 Martin Street Wynyard in Tasmania forestry labourer deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased John Francis Samuel Pearce who died on the seventeenth day of July 2009 are required by the Executor Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania to send particulars to the said Company by the thirtieth day of October 2009 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this thirtieth day of September 2009

LEONIE MULLOY, Trust Administrator.

SHELLEY ANN CASHION late of 5 Thomas Street North Hobart in Tasmania clerk died on the twenty-eighth day of May 2009: Creditors next of kin and others having claims in respect of the property of the abovenamed deceased are required by the Executors Peter Noel Hopkins and Michael John Crisp of c/- Page Seager 162 Macquarie Street Hobart in Tasmania to send particulars by the second day of November 2009 after which date the Executors may distribute the assets having regard only to the claims of which they then have notice.

PAGE SEAGER, Solicitors for the Estate.

RICHARD JOHN HARRIS late of 7 Swanston Street New Town in Tasmania company director/married who died on the third day of April 2009: Creditors next of kin and others having claims in respect of the property or Estate of the abovenamed deceased are required by the Executors Richard Ashley Harris, Madeleine Jane Johnson, Noel Charles Davies and Valentine Roy Smith c/- Dobson Mitchell & Allport of 59 Harrington Street Hobart in Tasmania to send particulars of their claim to the Registrar of the Supreme Court of Tasmania in writing on or before the thirty-first day of October 2009 after which date the Executors may distribute the assets having regard only to the claims of which the Executors then have notice.

Dated this thirtieth day of September 2009.

DOBSON MITCHELL & ALLPORT, Solicitors to the Estate.

IN the Estate of HERBERT MAXWELL BARTELS late of Presbyterian Home 8 Blenheim Street Norwood formerly of 60 Risely Street Launceston in Tasmania retired linesman/ widower deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Herbert Maxwell Bartels who died on the twenty-fifth day of June 2009 at Launceston in Tasmania are required by the Personal Representatives Lisa Maree Bird of 20 Charolais Drive Norwood Launceston in Tasmania personal assistant and Patricia Helen Butler of 144 Cambridge Street Launceston aforesaid retired receptionist to send particulars of such claims to the Registrar (Probate Division) Supreme Court of Tasmania Salamanca Place Hobart in Tasmania by the second day of October 2009 after which date the Personal Representatives may distribute the assets having regard only to the claims of which they then have notice.

Dated the twenty-eighth day of September 2009.

ZEEMAN KABLE & PAGE, Solicitors to the Personal Representatives of the Estate.

Government Notices

Department of Primary Industries, Parks,
Water and Environment

*Notice under section 25(1) of the
Water Management Act 1999*

PREPARATION OF THE DRAFT SOUTH ESK RIVER CATCHMENT
WATER MANAGEMENT PLAN

NOTICE is hereby given in accordance with Section 25(1) of the *Water Management Act 1999* that the Draft South Esk River Catchment Water Management Plan has been prepared.

The draft Plan relates to the water resources of the South Esk River Catchment, being tributaries of the South Esk River and the River itself upstream of its confluence with the Macquarie River, and the groundwater resources of this catchment.

Written representations may be made on the draft Plan and sent to:

Mr Henry Maxwell
Department of Primary Industries, Parks,
Water and Environment
PO Box 44
Hobart TAS 7001

The period for making representations will extend until 11 December 2009.

A copy of the draft Plan may be viewed at the Service Tasmania shop in Campbell Town, the Fingal Neighbourhood House, and the offices of the Northern Midlands Council in Longford and the Break O' Day Council in St Helens. Alternatively, a copy of the draft Plan may be downloaded from the Department's website (www.dpipwe.tas.gov.au/southeskwmp), or obtained by contacting Mr Henry Maxwell on (03) 6233 4807.

The draft Plan will be publicly displayed until close of business 11 December 2009.

Two public meetings to discuss the draft Plan have been scheduled for Wednesday 21 October 2009 at the following venues and times:

- 1 pm at the Fingal Valley Neighbourhood House (20 Talbot Street, Fingal)
- 7 pm at the Longford RSL Club rooms (78 Wellington Street, Longford).

KIM EVANS, Secretary.

Department of Education
Hobart, 30 September

**PARTNERSHIPS IN
TEACHING EXCELLENCE SCHOLARSHIP**

PLEASE be advised that the Department of Education, in partnership with the Faculty of Education (UTas), is providing a teacher education pathway with more school-based experience for pre-service teachers seeking a teaching career in Tasmanian government schools. If you will be in your second year of a Bachelor of Teaching degree in 2010, you are eligible to apply. Applications close on Friday October 16th 2009.

For a copy of the brochure that contains more information, application form and terms and conditions please contact Jan Bower jan.bower@education.tas.gov.au or phone (03) 6212 3550.

Industrial Relations

INDUSTRIAL RELATIONS ACT 1984

Notice of the Variation of Award

<i>Name of Award</i>	<i>Award No.</i>	<i>Date Made</i>
Police.....	2 of 2009	24/09/09

A. T. MAHONEY, Registrar.

Land Acquisition

LAND ACQUISITION ACT 1993

Notice of Acquisition (Section 18)

IN PURSUANCE of Section 18 of the *Land Acquisition Act 1993*, I, WARRICK PETER COVERDALE, Valuer-General acting as a delegate of the Minister of the Crown for the time being administering the *Land Acquisition Act 1993* do hereby declare that the land in the Schedule hereto is taken and vested in the Crown absolutely under the said Act for road purposes.

Given under my hand this 23rd day of September 2009.

W. P. COVERDALE,
Valuer-General,
Department of Primary Industries, Parks,
Water and Environment,
144 Macquarie Street, Hobart.

Schedule

All that 143m2 and 122m2 of land situate in the Parish of Wellington, Land District of Buckingham being Lots 2 and 3 respectively on Plan of Survey P157828 in the Office of the Recorder of Titles being portion of the land comprised in Folio of the Register Volume 134079 Folio 1 of which Pauline Ellen Green is the registered proprietor.

Location: Lyell Highway - Granton to New Norfolk - Project 3
Municipal Area: Derwent Valley (22-08-34)

LAND ACQUISITION ACT 1993

Notice of Acquisition (Section 18)

IN PURSUANCE of Section 18 of the *Land Acquisition Act 1993*, I, WARRICK PETER COVERDALE, Valuer-General acting as a delegate of the Minister of the Crown for the time being administering the *Land Acquisition Act 1993* do hereby declare that the land in the Schedule hereto is taken and vested in the Crown absolutely under the said Act for road purposes.

Given under my hand this 23rd day of September 2009.

W. P. COVERDALE,
Valuer-General,
Department of Primary Industries, Parks,
Water and Environment,
144 Macquarie Street, Hobart.

Schedule

All that 203m2 of land situate in the Parish of Wellington, Land District of Buckingham being Lot 1 on Plan of Survey P157831 in the Office of the Recorder of Titles being portion of the land comprised in Folio of the Register Volume 146076 Folio 1 of which Scott Anthony Barwick and Kylie Barwick are the registered proprietors.

Location: Lyell Highway, Granton to New Norfolk - Project 3
Municipal Area: Derwent Valley (22-08-35)

Cities/Councils

COAL RIVER WATER RECYCLING AUTHORITY

Notification of Winding Up

In accordance with the requirements of Section 37 of the *Local Government Act 1993*, the Clarence City Council resolved on 10 August 2009 to wind up the single authority known as the Coal River Water Recycling Authority.

Dated this thirtieth day of September 2009.

ANDREW PAUL,
General Manager, Clarence City Council.

Drainage Areas/Trusts/ Water Districts

EGG LAGOON DRAINAGE TRUST

NOTICE is hereby given that at the last meeting held 16th September 2009 the Trustees made the following rates, by virtue of and for the purpose provided in the *Water Management Act 1999* for the year ended 30th June 2010

- 1) A rate of .046 cents per \$100.00 upon the land value of property classified as deriving direct benefit from works carried out under the Act, or which are under control of the Trust under the Act.
- 2) A rate of .023 cents per \$100.00 upon the land value of property classified as deriving indirect benefit from works carried out under the Act or which are under control of the Trust under the Act.
- 3) That the rates be charged on the land value of the rateable properties within the Egg Lagoon Drainage Trust area.

K. H. RICHARDS, Chairman.
M. J. VIVIAN, Secretary.

Rules Publication

Rules Publication Act 1953

NOTICE OF THE MAKING OF STATUTORY RULES

In accordance with the provisions of the *Rules Publication Act 1953*, notice is given of the making of the following statutory rules:—

Title of Act (if any) under which statutory rules made	Number allotted to statutory rules	Title or subject matter of statutory rules
(1) <i>Fluoridation Amendment Act 2009</i>	S. R. 2009, No. 112	Proclamation under section 2
(2) <i>National Parks and Reserves Management Act 2002</i>	S. R. 2009, No. 113	<i>National Parks and Reserves Management (Rosny Hill Nature Recreation Area - Managing Authority) Order 2009</i>
(3) <i>Pharmacists Registration Act 2001</i>	S. R. 2009, No. 114	<i>Pharmacists Registration (Fees) Amendment Regulations 2009</i>
(4) <i>Water and Sewerage Industry (Community Service Obligation) Act 2009</i>	S. R. 2009, No. 115	<i>Water and Sewerage Industry (Community Service Obligation) Regulations 2009</i>
(5) <i>Youth Justice Act 1997</i>	S. R. 2009, No. 116	<i>Youth Justice Regulations 2009</i>

GENERAL PURPORT OR EFFECT OF THE ABOVEMENTIONED STATUTORY RULES

(1) Proclamation under section 2 of the *Fluoridation Amendment Act 2009*

This proclamation fixes 1 October 2009 as the day on which the *Fluoridation Amendment Act 2009* commences.

(2) *National Parks and Reserves Management (Rosny Hill Nature Recreation Area - Managing Authority) Order 2009*

This order declares Clarence City Council to be the managing authority for the Rosny Hill Nature Recreation Area.

(3) *Pharmacists Registration (Fees) Amendment Regulations 2009*

These regulations amend the *Pharmacists Registration (Fees) Regulations 2003* by increasing the annual registration fee payable under the *Pharmacists Registration Act 2001*.

(4) *Water and Sewerage Industry (Community Service Obligation) Regulations 2009*

These regulations prescribe who is eligible for a concession under the *Water and Sewerage Industry (Community Service Obligation) Act 2009*, the base amount for calculation of the concession, the percentage amount by which that base amount is to be increased for a financial year and the prescribed institutions for the purposes of the Act.

(5) *Youth Justice Regulations 2009*

These regulations—

- (a) prescribe persons who may make certain applications under sections 55, 56, 68 and 94 of the *Youth Justice Act 1997*; and
- (b) provide the procedure for appeals under section 118 of that Act; and
- (c) are made consequentially on the repeal of the *Youth Justice Regulations 1999* under section 11 of the *Subordinate Legislation Act 1992*.

Copies of the abovementioned statutory rules may be purchased at Print Applied Technology Pty Ltd, 123 Collins Street, Hobart, Phone (03) 6233 3289 or Toll Free 1800 030 940; 80B Wilson Street, Burnie and State Offices, 68 Rooke Street, Devonport.

P. R. CONWAY, Chief Parliamentary Counsel.

PARLIAMENTARY STANDING COMMITTEE ON SUBORDINATE LEGISLATION

'Anyone who has problems with, or feels they are adversely affected by, any of the above Regulations can write to the Secretary of the Subordinate Legislation Committee, Legislative Council, Parliament House, Hobart, 7000.'

RUTH FORREST, MLC, Chairperson.

Freedom of Information

Department of Police and Emergency Management.

FREEDOM OF INFORMATION ACT 1991

AUTHORISATION

NOTICE is hereby given that the officer specified in column 1 of the Schedule hereunder, is authorised pursuant to section 21(c) of the *Freedom of Information Act 1991*, to make decisions in respect of requests made under the Act to the agency specified in column 2 and subject to the limitations specified in column 3.

Schedule

<i>Column 1 Officer</i>	<i>Column 2 Agency</i>	<i>Column 3 Limitations</i>	<i>Column 4 Principal Officer</i>
Scott Raymond McDonald	DPEM	Nil	Darren Leigh Hine

Dated the eleventh day of September 2009.

D. L. HINE, Acting Secretary,
Department of Police and Emergency Management.

Private Forests

Forest Practices Authority
21 September 2009

Forest Practices Act 1985

NOTICE

IN ACCORDANCE with the provisions of Section 14 of the *Forest Practices Act 1985*, and on the recommendation of the Forest Practices Authority, His Excellency, the Governor-in-Council has declared part of each of the lands listed in the following schedule previously declared a Private Timber Reserve shall cease to form part of a Private Timber Reserve, being those parts as shown attached on the pages annexed hereto.

SCHEDULE

Revocation of Part of Private Timber Reserve

<i>Application No.</i>	<i>Owner</i>	<i>Land Title Reference</i>	<i>Location</i>	<i>Municipal Area</i>
0439AR	Tasberry Holdings P/L	C/T Vol 135247 Fol 1	Waddamana	Central Highlands Council

Given under my hand at Hobart in Tasmania on 21 September 2009.

By His Excellency's Command,

D. LLEWELLYN, Minister for Energy & Resources

E. C. CRAWFORD, Lieutenant-Governor.

Forest Practices Authority
21 September 2009

Forest Practices Act 1985

NOTICE

IN ACCORDANCE with the provision of Section 11 of the *Forest Practices Act 1985*, and on the recommendation of the Forest Practices Authority, His Excellency, the Governor-in-Council has declared the lands listed in the following schedule to be Private Timber Reserves.

SCHEDULE
Private Timber Reserve
Whole Title

<i>Application No.</i>	<i>Owner</i>	<i>Land Title Reference</i>	<i>Location</i>	<i>Municipal Area</i>
2068	Blue Leaf Plantations Pty Ltd	C/T Vol 131775 Fol 3 C/T Vol 131775 Fol 4 C/T Vol 131775 Fol 5	Weetah	Meander Valley Council
2065	Burton, JT	C/T Vol 119283 Fol 1 C/T Vol 232897 Fol 1	Wilmot	Kentish Council
2074	Fergusson, JE	C/T Vol 106391 Fol 1	Adventure Bay	Kingborough Council
2073	Kelly, PS & MJ	C/T Vol 202481 Fol 1 C/T Vol 203518 Fol 1 C/T Vol 208967 Fol 1 C/T Vol 52782 Fol 1	Liena	Meander Valley Council
2071	Munday, MA & LS	C/T Vol 201478 Fol 1	Oonah	Waratah/Wynyard Council
2066	Tasmanian Plantation Pty Ltd	C/T Vol 200931 Fol 1 C/T Vol 200932 Fol 1 C/T Vol 214765 Fol 1	Mawbanna	Circular Head Council

Given under my hand at Hobart in Tasmania on 21 September 2009.

By His Excellency's Command,

D. LLEWELLYN, Minister for Energy & Resources

E. C. CRAWFORD, Lieutenant-Governor.

Forest Practices Authority
21 September 2009

Forest Practices Act 1985

NOTICE

IN ACCORDANCE with the provision of Section 11 of the *Forest Practices Act 1985*, and on the recommendation of the Forest Practices Authority, His Excellency, the Governor-in-Council has declared part of each of the lands listed in the following schedule to be Private Timber Reserves, being those parts as shown attached on the pages annexed hereto.

SCHEDULE

Private Timber Reserve
Part Title

<i>Application No.</i>	<i>Owner</i>	<i>Land Title Reference</i>	<i>Location</i>	<i>Municipal Area</i>
2069	Tasmanian Plantation Pty Ltd	C/T Vol 136488 Fol 1	Ridgley	Burnie City Council
2070	Tasmanian Plantation Pty Ltd	C/T Vol 120723 Fol 1	Trowutta	Circular Head Council

Given under my hand at Hobart in Tasmania on 21 September 2009.

By His Excellency's Command,

D. LLEWELLYN, Minister for Energy & Resources

E. C. CRAWFORD, Lieutenant-Governor.

By-Laws**BURNIE CITY COUNCIL
STREET DINING BY-LAW
BY-LAW NO. 14 OF 2009**

A By-Law of the Burnie City Council made under section 145 of the *Local Government Act 1993* for the purpose of regulating and controlling the conduct of street dining on the highways in the municipal area of Burnie.

**PART 1
PRELIMINARY****Short Title**

1. This By-law may be cited as the *Street Dining By-law* No. 14 of 2009.

Interpretation

2. In this By-law:—

‘authorised officer’ means an employee of Council authorised by Council for the purposes of this by-law;

‘certificate of registration’ means the certificate of registration under the *Food Act 2003* issued with respect to the food business to which the application for a licence, or a licence, is related;

‘Council’ means the Burnie City Council;

‘food business’ has the meaning assigned to it in the *Food Act 2003*;

‘footpath’ means that area of a highway between the highway pavement and/or property line paved or unpaved, primarily used by pedestrians;

‘furniture’ includes chairs, tables, umbrellas, screens, barriers, awnings, waste bins, heaters and portable lighting;

‘General Manager’ means the General Manager of the Council;

‘highway’ has the same meaning as under the *Local Government (Highways) Act 1982*;

‘infringement notice’ means a notice issued by an authorised officer to a person who commits an offence against this By-law;

‘penalty unit’ means the amount of money set under the *Penalty Units and Other Penalties Act 1987* as amended;

‘permit’ means a statement in writing with or without conditions issued by an authorised officer authorising an activity regulated by the By-law;

‘premises’ means the premises with respect to which a certificate of registration is issued to the proprietor of the food business carried on in those premises;

‘proprietor’ has the same meaning as provided in the *Food Act 2003*;

‘street dining’ means the consumption of food and or beverages by customers seated in an area on a highway external to a food business;

‘street dining permit’ means street dining permit issued by the Council in accordance with this By-law;

‘street rubbish bins’ means rubbish bins installed by the Council on the footpath;

‘trading day’ means each day that the holder of a street dining permit opens a food business.

PART 2
STREET DINING PERMIT

Placement of Furniture on a Highway

3. (1) A person must not cause or permit any furniture to be placed on a highway for the purpose of encouraging or permitting street dining except in accordance with a permit.

Penalty: a fine not exceeding seven (7) penalty units and, in the case of a continuing offence, a daily fine not exceeding one (1) penalty unit.

- (2) A person must not cause or permit any furniture to be placed on a highway such that it unreasonably prevents the free and unrestricted use of the highway by pedestrians. An authorised officer may remove any furniture that such person believes is preventing the free and unrestricted use of the highway by pedestrians.
- (3) A person must not place any furniture on a highway such that it obstructs the lawful movement of traffic along the highway. An authorised officer may remove any furniture that such person believes may obstruct the lawful use of the highway.
- (4) A person must not place any furniture on a highway such that it obstructs or may obstruct a motor vehicle entering or leaving land that adjoins the highway. An authorised officer may remove any furniture that such person believes may obstruct a motor vehicle entering or leaving land that adjoins a highway.
- (5) A person must not place any furniture on a highway such that it intrudes into any part of the highway that is set aside for parking. An authorised officer may remove any furniture that such person believes intrudes into any part of the highway that has been set aside for parking.
- (6) A person must only place furniture on a highway in a location authorised by the Council in a permit granted in accordance with Clause 4 of this By-law. An authorised officer may remove any furniture not placed in accordance with the permit condition.

Application for a Permit

4. (1) The proprietor of a food business may apply to the Council for a permit with respect to premises if:-
- (a) the proprietor holds a certificate of registration with respect to those premises; and
 - (b) those premises adjoin a highway; and
 - (c) the food business includes the sale of food or beverages for human consumption on those premises

- (2) An application for a licence is to be in accordance with Form 1 in Schedule 2 and be lodged with the General Manager and is to be accompanied by the following:-
- (a) a copy of the current certificate issued by the Council in respect of the food business pursuant to the *Food Act 2003*;
 - (b) a copy of the certificate of currency of the public and products insurance referred to in clause 11(1)(a);
 - (c) a drawing with sufficient detail to determine the location and extent of the furniture to be placed on the footpath;
 - (d) such other information as an authorised officer may reasonably require or as may be required by any act or regulation;
 - (e) any applicable fee.
- (3) It is a condition of granting a permit that the applicant has a current certificate of registration of a food business issued pursuant to the *Food Act 2003*.
- (4) The Council may grant a permit to a person on such terms and conditions as it thinks fit.
- (5) The grant of a permit permits the holder of the permit to provide a street dining service.
- (6) Street dining may only take place on a footpath outside a food business.

Display of a Permit

5. The holder of a street dining permit must display that permit in a prominent location at the entrance to the premises.

Penalty: A fine not exceeding 5 penalty units.

Failure to comply with the Condition of a Street Dining Permit

6. Any person who is the holder of a street dining permit issued pursuant to this By-law and who fails to comply with any condition of that permit is guilty of an offence.

Penalty: A fine not exceeding 10 penalty units.

Revocation of a Permit

7. (1) An authorised officer may revoke a permit if the holder of the permit does not:
- (a) comply with the terms and conditions of the permit; and/or
 - (b) comply with the provisions of this By-law.

- (2) An authorised officer is to give the permit holder seven (7) days notice in writing of the revocation of a permit.
- (3) An authorised officer may revoke a permit immediately if a permit holder breaches clause 11 of this By-law.

Removal of Furniture

- 8. (1) Any furniture placed on a highway pursuant to a permit granted in accordance with Clause 4 of this By-law must be removed by the holder of a street dining permit within thirty (30) minutes of the food business closing at the end of each trading day.
- (2) An authorised officer may remove furniture that is placed on a highway in contravention of clause 3 and store it in a safe location until any penalty that may be payable pursuant to this By-law has been paid to the Council.
- (3) An authorised officer intending to remove any furniture pursuant to this clause must give an offending permit holder two (2) days written notice of that person's intention to remove the furniture.

Cleanliness

- 9. (1) The permit holder must ensure that the area covered by the permit and the area immediately adjacent is at all times clean, tidy and in a sanitary condition.
- (2) Without limiting what is required in order to comply with clause 8(1) of this By-law, the permit holder must regularly empty waste bins, wash the pavement on a daily basis, and immediately a table is vacated clean away any liquid, food, debris, broken glass, cigarette butts or waste from the table and wipe the surface of the table.

Penalty: A fine not exceeding three (3) penalty units and in the case of a continuing offence, a further daily fine not exceeding one (1) penalty unit.

Street Rubbish Bins

- 10. A permit holder must not use existing street rubbish bins for the disposal of table waste.

Penalty: A fine not exceeding three (3) penalty units and in the case of a continuing offence, a further daily fine not exceeding one (1) penalty unit.

Insurances

- 11. (1) (a) An applicant for a street dining permit must have public and products liability insurance that covers the area designated for street dining before the applicant is issued with a permit.
- (b) The insurance cover is to be for a minimum sum of ten (\$10) million dollars and be in a form acceptable to Council.

- (2) (a) A permit holder must produce a Certificate of Currency of the insurance referred to in clause 10(1)(a) if requested by an authorised officer.

Penalty: A fine not exceeding 5 penalty units.

- (b) A copy of the Certificate of Currency is to be prominently displayed on the premises.

Penalty: A fine not exceeding 2 penalty units.

- (3) An authorised officer may cancel a permit immediately if:

- (a) a permit holder refused to allow an authorised officer to view a relevant certificate of insurance; or
- (b) the insurance cover lapses during the term of the permit.

PART 3

INFRINGEMENT NOTICES

Infringement Notice

12. (1) 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.
- (2) Infringement notices may be issued in respect of the offences specified in Column 1 of Schedule 2 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.
- (3) 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 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 on the notice.

- (4) An infringement notice alleging that a vehicle has been used in relation to a prescribe offence may be served by affixing it to that vehicle.
- (5) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.
- (6) 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 – Street Dining By-law No 14 of 2009

INFRINGEMENT NOTICE OFFENCES

CLAUSE	GENERAL DESCRIPTION OF OFFENCE	PENALTY (Penalty Units)
3(1)	Placing furniture on a highway without permit	3.5
5	Failure to display permit	2.5
6	Failure to comply with permit conditions	5
9(2)	Licensee using street rubbish bins	1.5 + 0.5 per day
10	Use of street rubbish bins	1.5 + 0.5 per day
11(2)(a)	Licensee failing to produce policy of insurance	2.5
11(2)(b)	Failure to display Certificate of Currency	1

Schedule 2 – Street Dining By-law No 14 of 2009

FORMS**FORM 1****BURNIE CITY COUNCIL**
Application for a Street Dining Licence

1. Applicant's full name:
2. Address of applicant:
3. Trading name of Business:
4. Telephone number:
5. Address of Premises:
6. Indicate (.....) owner (.....) occupier of the premises.
7. Attach plan showing the location of the proposed street dining area, size, number and location of screens, tables and chairs proposed, together with placement of waste bins.
8. Brief description of street furniture proposed:
 - 8.1 number of chairs:
 - 8.2 number of tables:
 - 8.3 colours of chairs and tables:
 - 8.4 number of umbrellas:
 - 8.5 colour of umbrellas:
9. Outline proposed method for the disposal of waste:
10. period for which licence is sought:-
 - ☐ to the expiration of the certificate of registration of the food business
 - ☐ to/...../..... (being an earlier date)
11. Attach:-
 - 11.1 a copy of a current certificate issued by the Council in respect of the food business pursuant to the *Food Act 2003*
 - 11.2 a copy of the certificate of currency of the public and products insurance referred to in clause 11 (1)(a)
 - 11.3 a drawing with sufficient detail to determine the location and extent of the furniture to be placed on the footpath

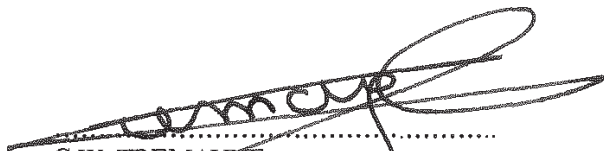
I/we apply for a licence pursuant to the Street Dining By-law, a copy of which I/we have read and agreed and undertake that upon the issue of any licence pursuant to this application I/we will abide by the provisions of that By-law.

Dated this day of 2

Signature of Applicant/s

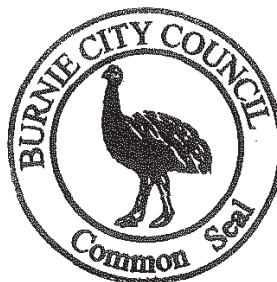
.....

This By-law is certified as being in accordance with the Law.


.....
G.W. 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 15th day of September 2009 in the presence of:


.....
GENERAL MANAGER





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- Only print emails or documents when necessary

Ensure access to recycling services

- Place all used paper in paper recycling bin
- Collect cardboard boxes for recycling and place into your recycling bin
- Place your plastic bottles, aluminium cans, tin cans, milk and juice cartons in a separate recycling bin

Reduce energy consumption:

- Turn off office lighting when not in use
- Activate sleep mode on your computer to switch off the screen after ten minutes
- Switch off office equipment when leaving the office

Reducing waste

- Bring a mug to work and have some set aside for visitors
- Bring lunch from home or eat in a local café to avoid packaging waste generated by take away foods.



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