



TASMANIAN GOVERNMENT GAZETTE

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Notices to Creditors

RONDA MAY HUDSON late of 21 Bordin Street Prospect Vale in Tasmania married retired farmer deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Ronda May Hudson who died on the thirteenth day of November 2010 are required by the Executors Kelly Lindley Donald Hudson and Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania to send particulars to the said Company by the nineteenth day of February 2011 after which date the Executors may distribute the assets having regard only to the claims of which they then have notice.

Dated this nineteenth day of January 2011.

JON ELLINGS, Trust Administrator.

BERYL ESMAY JOHNSON late of Karingal Nursing Home Lovett Street Devonport in Tasmania home duties widow deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Beryl Esmay Johnson who died on the thirtieth day of September 2010 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 nineteenth day of February 2011 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this nineteenth day of January 2011.

ANN SCOTT, Trust Administrator.

REGINALD ALFRED KELLY late of 44 Gunn Street Devonport in Tasmania retired farmer/married deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Reginald Alfred Kelly who died on the second day of October 2010 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 nineteenth day of February 2011 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this nineteenth day of January 2011.

VALERIE HINE, Trust Administrator.

Tasmanian Government Gazette

Text copy to be sent to Print Applied Technology Pty Ltd.
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SHIRLEY MAE KITTO late of Peace Haven Norwood Launceston in Tasmania widower deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Shirley Mae Kitto who died on the tenth day of October 2010 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 nineteenth day of February 2011 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this nineteenth day of January 2011.

EWAN STEWART, Senior Trust Administrator.

MICHAEL GEORGE LOVETT late of Unit 4/5 Broadhurst Avenue Devonport in Tasmania retired truck driver/single deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Michael George Lovett who died on the twelfth day of November 2010 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 nineteenth day of February 2011 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this nineteenth day of January 2011.

MIKALA DAVIES, Trust Administrator.

PAULINE JUNE McDERMOTT late of 9 Fort Street Riverside in Tasmania married deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Pauline June McDermott who died on the sixth day of September 2010 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 nineteenth day of February 2011 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this nineteenth day of January 2011.

REBECCA SMITH, Trust Administrator.

CHLORIS LEILA MURFET late of Karingal Home Devonport in Tasmania home duties/widower deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Chloris Leila Murfet who died on the nineteenth day of September 2010 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 nineteenth day of February 2011 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this nineteenth day of January 2011.

VALERIE HINE, Trust Administrator.

RAYMOND FLICK SCOTT late of Sandhill Nursing Home Launceston in Tasmania retired director of education widower deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Raymond Flick Scott who died on the twenty-third day of October 2010 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 nineteenth day of February 2011 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this nineteenth day of January 2011.

JON ELLINGS, Trust Administrator.

HEINZ KURT MAX SIEBERT late of Ainslie Nursing Home George Town in Tasmania widower deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Heinz Kurt Max Siebert who died on the twenty-second day of September 2010 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 nineteenth day of February 2011 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this nineteenth day of January 2011.

EWAN STEWART, Senior Trust Administrator.

EDNA MAY JOHNSON late of Unit 2 29 Mace Street Montello in Tasmania home duties who died on the twenty-seventh day of June 2010: Creditors next of kin and others having claims in respect of the property of the abovenamed deceased are required by the Executor Shirley Ann Garwood c/- Friend & Edwards Lawyers 28a King Edward Street Ulverstone in Tasmania to send particulars to the said Executor on or before the sixteenth day of February 2011 after which date the Executor may distribute the assets having regard only to the claims of which the Executor then has notice.

Dated this nineteenth day of January 2011.

FRIEND & EDWARDS LAWYERS, Solicitors to the Estate.

ALAN WIDDOWSON late of Unit 12 86 Mannata Street Lauderdale in Tasmania chemist/married man who died on the twenty-third day of August 2010: Creditors next of kin and others having claims in respect of the property of the abovenamed deceased are required by the Executors David Alexander Shelley and Raymond Allan Brown c/- Page Seager Level 2 179 Murray Street Hobart in Tasmania to send particulars of their claim in writing to the Registrar of the Supreme Court of Tasmania by the twenty-first day of February 2011 after which date the Executor may distribute the assets having regard only to the claims of which they then have notice.

Dated this nineteenth day of January 2011.

PAGE SEAGER, Solicitors for the Estate.

Administration and Probate

ADMINISTRATION AND PROBATE ACT 1935

Notice of Intention to Apply for Letters of Administration (with the Will Annexed)

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 (with the Will Annexed) of the Estate of KATHLEEN MARY BESTER late of Mary's Grange Nursing Home Taroona in Tasmania retired nurse/widow deceased may be granted to Vicki Maree Beare (in the Will called Vicki Maree Bester) of 101 Lyell Highway Granton in Tasmania the daughter of the deceased and the residuary legatee/devisee in trust named in the said Will.

Dated this seventh day of January 2011.

BRADFIELDS, Barristers and Solicitors,
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 MARTIN ANTHONY JONES late of 8 Bromley Road Bridgewater in the State of Tasmania labourer deceased divorced person intestate may be granted to Khesan Goss of 1/451 Oceana Drive Howrah in Tasmania administration assistant single person one of the daughters of the said deceased.

Dated this thirteenth day of January 2011.

TIERNEY LAW, Solicitors for the Applicant.

ADMINISTRATION AND PROBATE ACT 1935

Notice of Application to Reseal Probate

NOTICE is hereby given that after the expiration of fourteen days from the publication hereof Archer Bushby the duly appointed Proctors in Tasmania of Estelle Wong-See of 86 Cook Street Forestville in the State of New South Wales the Executor named in and appointed by the Will of HOWARD MAXWELL WONG-SEE late of Forestville in the State of New South Wales deceased to whom Probate of the said Will was granted by the Supreme Court of New South Wales on the twenty-fifth day of October 2010 will apply to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that the Seal of the said Supreme Court of Tasmania may be affixed to the said Probate pursuant to Part VI of the *Administration and Probate Act 1935*.

Dated this nineteenth day of January 2011.

ARCHER BUSHBY, 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 JOHN MAXWELL DAVIS late of 52 Parker Street Devonport in Tasmania track steward married man deceased intestate may be granted to Beverley Jean Davis of 52 Parker Street Devonport in Tasmania widow home duties the lawful wife of the said deceased.

Dated this nineteenth day of January 2011.

BRUCE DAVIES, Solicitor for the Applicant.

Crown Lands

Department of Treasury and Finance

11 January 2011

CROWN LANDS ACT 1976

NOTICE is hereby given that under the provisions of the *Crown Lands Act 1976* the property listed below will be submitted for sale by public auction.

147-185 Agnes Street, George Town
Folio of the Register Volume 158316 Folio 1
Land Zoned Closed Residential

Auction details:

On site

Friday, 4 February 2011 at 1 pm

Estate agents appointed to market the properties on behalf of the Crown:

Roberts Real Estate
15 St John Street
LAUNCESTON TAS 7250

HON BRIAN WIGHTMAN MP,
Minister for Environment, Parks and Heritage.

Dangerous Goods

DANGEROUS GOODS (ROAD AND RAIL TRANSPORT) ACT 2010

I, ROY ORMEROD, General Manager, Workplace Standards Tasmania, having been appointed a Competent Authority pursuant to Part 3, Division 1, section 11 of the *Dangerous Goods (Road and Rail Transport) Act 2010*, hereby appoint all:

- inspectors appointed pursuant to section 34 of the *Workplace Health and Safety Act 1995*, and
- authorised officers appointed pursuant to section 55 of the *Dangerous Substances (Safe Handling) Act 2005*

to be authorised officers pursuant to section 12 of the *Dangerous Goods (Road and Rail Transport) Act 2010*.

The appointments are made without restrictions and commence on the date of this *Gazette* for existing inspectors and authorised officers.

New inspector's and new authorised officer's appointments commence on their appointment under the *Workplace Health and Safety Act 1995* or *Dangerous Substances (Safe Handling) Act 2005* and unless otherwise provided for those appointments are made without restrictions.

The appointments are conditional on the holder's continued employment with the Department of Justice.

ROY ORMEROD,
Competent Authority.

Land Acquisition

LAND ACQUISITION ACT 1993

NOTICE OF ACQUISITION

(Section 16 and 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 12th day of January 2011.

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

SCHEDULE

All that 1383m² and 2616m² of land situate in the Parish of Wellington Land District of Buckingham being Lot 1 on Plan of Survey 156001 and Lot 1 on Plan of Survey 160944 respectively in the Office of the Recorder of Titles being portions of the land comprised in Folio of the Register Volume 158448 Folio 1 of which Patricia Mary Hanigan is the registered proprietor.

Location: Lyell Highway - Granton

Municipal Area: Derwent Valley (10-66-21-5)

LAND ACQUISITION ACT 1993

NOTICE OF ACQUISITION

(Section 18)

PURSUANT to Section 18 of the *Land Acquisition Act 1993* (referred to as “the Act”), Transend Networks Pty Ltd (being an acquiring authority in accordance with the Act), does hereby declare that the “Electricity Easement and Restriction as to User of Land” described in the Second Schedule hereto over the land described in the First Schedule hereto is taken and vested in Transend Networks Pty Ltd absolutely under the Act, for the authorised purpose of constructing, maintaining and operating electricity infrastructure necessary for the transmission of electricity

Dated this nineteenth day of January 2011.

For and on behalf of Transend Networks Pty Ltd,
D. P. OXLEY, Company Secretary for
Transend Networks Pty Ltd
ABN 57 082 586 892
7 Maria Street Lenah Valley, Tasmania, 7008

First schedule

ALL THAT parcel of land situate in the City of Launceston in Tasmania containing 27.97 hectares (area) or thereabouts delineated as Lot 1 on registered Diagram No. 28931 being the land comprised in the Register Volume 28931 Folio 1 registered in the name of Robert John Coker and Tara Louise Coker.

Second schedule

Electricity easement and restriction as to user of land means:

FIRSTLY the full and free right and liberty for Transend Networks Pty Ltd and its successors and its and their servants, agents, invitees and contractors (“Transend”) at all times:

- (a) **TO** clear the lands marked “Electricity Easement” on the Valuation Plan as served with this notice of acquisition (described as “the servient land”) and to lay, erect, construct, inspect, install, maintain, repair, modify, add to, replace, remove and operate in, upon, through, over, along and under the servient land the following designed principally or wholly for installation and installed below the surface of the servient land:
- (i) cable bays, wires, cables, apparatus, appliances, and all other ancillary and associated equipment (which includes telecommunications equipment), described collectively as “electricity infrastructure” for, or principally for, the transmission of electrical energy and for any incidental purposes.
- (b) **TO** operate and maintain electricity infrastructure on the servient land.

- (c) **TO** cut away remove and keep clear of the electricity infrastructure all trees and other obstructions or erections of any nature whatsoever which may at any time:

- (i) overhang, encroach upon or be in or on the servient land; or
- (ii) which may in the opinion of Transend endanger or interfere with the proper operation of the electricity infrastructure.

- (d) **TO** enter the servient land for all or any of the above purposes and to cross the remainder of the land with any and all necessary plant, equipment, machinery and vehicles for the purpose of access and egress to and from the servient land, and where reasonably practicable, in consultation with the registered proprietor/s (except when urgent or emergency repair work is needed).

SECONDLY the benefit of a covenant for Transend and with the registered proprietor/s for themselves and their successors not to:

- (i) erect any buildings; or
- (ii) place any structures or objects

within the servient land without the prior written consent of Transend. Transend may rescind its consent if in the opinion of Transend there are safety, access or operational concerns.

LAND ACQUISITION ACT 1993

NOTICE OF ACQUISITION

(Section 16)

PURSUANT to Section 16 of the *Land Acquisition Act 1993* (referred to as “the Act”), Transend Networks Pty Ltd (being an acquiring authority in accordance with the Act), does hereby declare that the “Electricity Easement and Restriction as to User of Land” described in the Second Schedule hereto over the land described in the First Schedule hereto is taken and vested in Transend Networks Pty Ltd absolutely under the Act, for the authorised purpose of constructing, maintaining and operating electricity infrastructure necessary for the transmission of electricity

Dated this nineteenth day of January 2011.

For and on behalf of Transend Networks Pty Ltd,
D. P. OXLEY, Company Secretary for
Transend Networks Pty Ltd
ABN 57 082 586 892
7 Maria Street Lenah Valley, Tasmania, 7008

First schedule

ALL THAT parcel of land situate in the City of Launceston in Tasmania containing 15.45 hectares (area) or thereabouts delineated as Lot 194 on registered Sealed Plan No. 30552 being the land comprised in the Register Volume 30552 Folio 194 registered in the name of Terrence Arnold Garcia.

Second schedule

Electricity easement and restriction as to user of land means:

FIRSTLY the full and free right and liberty for Transend Networks Pty Ltd and its successors and its and their servants, agents, invitees and contractors (“Transend”) at all times:

- (a) **TO** clear the lands marked “Electricity Easement” on the Valuation Plan as served with this notice of acquisition

(described as “the servient land”) and to lay, erect, construct, inspect, install, maintain, repair, modify, add to, replace, remove and operate in, upon, through, over, along and under the servient land the following designed principally or wholly for installation and installed below the surface of the servient land:

- (i) cable bays, wires, cables, apparatus, appliances, and all other ancillary and associated equipment (which includes telecommunications equipment), described collectively as “electricity infrastructure” for, or principally for, the transmission of electrical energy and for any incidental purposes.
- (b) **TO** operate and maintain electricity infrastructure on the servient land.
- (c) **TO** cut away remove and keep clear of the electricity infrastructure all trees and other obstructions or erections of any nature whatsoever which may at any time:
 - (i) overhang, encroach upon or be in or on the servient land; or
 - (ii) which may in the opinion of Transend endanger or interfere with the proper operation of the electricity infrastructure.
- (d) **TO** enter the servient land for all or any of the above purposes and to cross the remainder of the land with any and all necessary plant, equipment, machinery and vehicles for the purpose of access and egress to and from the servient land, and where reasonably practicable, in consultation with the registered proprietor/s (except when urgent or emergency repair work is needed).

SECONDLY the benefit of a covenant for Transend and with the registered proprietor/s for themselves and their successors not to:

- (i) erect any buildings; or
- (ii) place any structures or objects

within the servient land without the prior written consent of Transend. Transend may rescind its consent if in the opinion of Transend there are safety, access or operational concerns.

LAND ACQUISITION ACT 1993

NOTICE OF ACQUISITION

(Section 18)

PURSUANT to Section 18 of the *Land Acquisition Act 1993* (referred to as “the Act”), Transend Networks Pty Ltd (being an acquiring authority in accordance with the Act), does hereby declare that the “Electricity Easement and Restriction as to User of Land” described in the Second Schedule hereto over the land described in the First Schedule hereto is taken and vested in Transend Networks Pty Ltd absolutely under the Act, for the authorised purpose of constructing, maintaining and operating electricity infrastructure necessary for the transmission of electricity

Dated this nineteenth day of January 2011.

For and on behalf of Transend Networks Pty Ltd,
D. P. OXLEY, Company Secretary for
Transend Networks Pty Ltd
ABN 57 082 586 892
7 Maria Street Lenah Valley, Tasmania, 7008

First schedule

ALL THAT parcel of land situate in the City of Launceston in Tasmania containing 1.463 hectares (area) or thereabouts delineated as Lot 2 on registered Sealed Plan No. 19052 being the land comprised in the Register Volume 19052 Folio 2 registered in the name of Shayne Ernest Arkley and Dianne Joy Arkley.

Second schedule

Electricity easement and restriction as to user of land means:

FIRSTLY the full and free right and liberty for Transend Networks Pty Ltd and its successors and its and their servants, agents, invitees and contractors (“Transend”) at all times:

- (a) **TO** clear the lands marked “Electricity Easement” on the Valuation Plan as served with this notice of acquisition (described as “the servient land”) and to lay, erect, construct, inspect, install, maintain, repair, modify, add to, replace, remove and operate in, upon, through, over, along and under the servient land the following designed principally or wholly for installation and installed below the surface of the servient land:
 - (i) cable bays, wires, cables, apparatus, telecommunication equipment, appliances and all other ancillary and associated equipment (described collectively as “electricity infrastructure”) for, or principally for, the transmission of electrical energy and for any incidental purposes.
- (b) **TO** cause or permit electrical energy (including electromagnetic energy in all its forms), telecommunications and data to flow or be transmitted or distributed through the electricity infrastructure.
- (c) **TO** cut away remove and keep clear of the electricity infrastructure all trees and other obstructions or erections of any nature whatsoever which may at any time:
 - (i) overhang, encroach upon or be in or on the servient land; or
 - (ii) which may in the opinion of Transend endanger or interfere with the proper operation of the electricity infrastructure.
- (d) **TO** enter the servient land for all or any of the above purposes and to cross the remainder of the land with any and all necessary plant, equipment, machinery and vehicles for the purpose of access and egress to and from the servient land, and where reasonably practicable, in consultation with the registered proprietor/s (except when urgent or emergency repair work is needed).

SECONDLY the benefit of a covenant for Transend and with the registered proprietor/s for themselves and their successors not to:

- (i) erect any buildings; or
- (ii) place any structures or objects

within the servient land without the prior written consent of Transend. Transend may rescind its consent if in the opinion of Transend there are safety, access or operational concerns.

LAND ACQUISITION ACT 1993

First Schedule

NOTICE OF ACQUISITION

(Section 18)

PURSUANT to section 18 of the *Land Acquisition Act 1993* (LAA) and section 56G of the *Water and Sewerage Industry Act 2008* (WSIA) the Tasmanian Water and Sewerage Corporation (Southern Region) Pty Ltd (being an acquiring authority in accordance with the LAA), does hereby declare that the Right of Way described in the First and Second Schedule hereto is taken and vested in the Tasmanian Water and Sewerage Corporation (Southern Region) Pty Ltd absolutely under the LAA, for the authorised purpose of:

- a Right of Way for the purposes of the Huon Valley Regional Water Scheme.

Dated this 19th day of January 2011

For and on behalf of Tasmanian Water and Sewerage Corporation (Southern Region) Pty Ltd
CAROLYN PILLANS
Company Secretary for the
Tasmanian Water and Sewerage Corporation
(Southern Region) Pty Ltd
(ACN 133 654 976),
Level 13, 110 Collins Street, Hobart.

The “Right of Way” situated in the Town of Geeveston in Tasmania delineated as RIGHT OF WAY (PRIVATE) 6.00 WIDE (**Easement Land**) on Plan 161135 being the land comprised in the Register Volume 27534 Folio 1 registered in the name of J.W. Porta (Tas) Pty Ltd (**Land Owner**).

Second Schedule

The Right of Way means:

Full and free right for the Tasmanian Water and Sewerage Corporation (Southern Region) Pty Ltd, to go, pass, and repass over the Easement Land at all times and for all purposes, with every person authorized by him and with machinery, vehicles, plant and equipment.

Unclaimed Moneys

WESTPAC GENERAL INSURANCE LIMITED

as at 31/12/2010

REGISTER

<i>Name of Owner on books</i>	<i>Address of Owner on books</i>	<i>Amount</i>	<i>Description of Unclaimed Money</i>	<i>Cheque Date</i>
Estate of the Late J Anderson	18 Gaffney Street Ulverstone Tas 7315	\$53.25	Cheque Unpresented	19-Jan-2004
P & A J Nicholas	7-9 Butlers Rd Lebrina Tas 7254	\$17.18	Cheque Unpresented	17-Feb-2004
N Gough & S Menzie	108 Kathleen Drive Old Beach Tas 7017	\$23.99	Cheque Unpresented	22-Mar-2004
Sandra E Barwick	RA 76 Mountain River Rd Grove Tas 7109	\$26.14	Cheque Unpresented	3-May-2004
T Lee	1/16 Race Course Cres Turners Beach Tas 7315	\$13.37	Cheque Unpresented	3-May-2004
I R Dunbabin	55 Cornwell Street Rose Bay 7015	\$49.14	Cheque Unpresented	8-Jun-2004
M A & K D Beamish	RA 24 Smarts Hill Rd Mount Hicks 7325	\$35.34	Cheque Unpresented	1-Sep-2004
Mr M Webb	Bishopbourne Road Carrick 7291	\$10.85	Cheque Unpresented	16-Nov-2004
	TOTAL	\$229.26		

Forest Practices

Forest Practices Authority
17 December, 2010

Forest Practices Act 1985

NOTIFICATION

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.

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>
2133	Bowen, DK	C/T Vol 147084 Fol 1 C/T Vol 147084 Fol 2	South Springfield	Dorset Council
2134	Brown, DR	C/T Vol 227268 Fol 1	North Lilydale	Launceston City Council
2149	Field, GM & JM	C/T Vol 207708 Fol 1 C/T Vol 250785 Fol 1	Weegenah	Meander Valley Council
2144	Frank, WKF & Smith, HA & Frank EEAM	C/T Vol 127842 Fol 1	Pipers River	George Town Council
2147	Hansson, HJ & PM	C/T Vol 38241 Fol 1	Alonnah	Kingborough Council
2146	Moore, JS	C/T Vol 203895 Fol 1	South Bruny	Kingborough Council

Given under my hand at Hobart in Tasmania on 17 December, 2010.

By His Excellency's Command,

P. G. UNDERWOOD, Governor.

B. GREEN, Minister for Energy and Resources

Cities Councils**GLENORCHY CITY COUNCIL****ENVIRONMENT AND HEALTH SERVICES BY-LAW****BY-LAW NO. 1 OF 2010****BY-LAW MADE UNDER SECTION 145****OF THE LOCAL GOVERNMENT ACT 1993****FOR THE PURPOSE OF****REGULATING AND CONTROLLING MATTERS OF****ENVIRONMENT AND HEALTH****TABLE OF PROVISIONS**

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PART 1 – PRELIMINARY

Repeal

The Incinerators and Backyard Burning By-law No 1 of 2002 made on the fourth day of June 2003 is repealed.

Short Title

1. This by-law may be cited as the Environment and Health Services By-law.

Interpretation

2. In this by-law:

“authorised officer” means a person appointed by the Council, an employee of the Council authorised by the General Manager for the purposes of this by-law, or a police officer;

“Council” means the Glenorchy City Council;

“Environmental Health Officer” means an Environmental Health Officer, as appointed by the Council;

“food” has the same meaning as defined in the *Food Act 2003*;

“General Manager” means the general manager, or delegate, of the Glenorchy City Council for the time being;

“municipal area” means the municipal area of the Glenorchy City Council;

“occupier” includes any person having the care, control or management of any land or premises;

“owner” means any person who, whether jointly or severally, is seized or possessed of, or entitled to, any estate or interest in land;

“person” has the meaning set out in the *Acts Interpretation Act 1931*;

“proprietor” includes the owner, occupier or the person having control or management of any land.

PART 2 – PERMITS AND LICENCES

3. Any application for a licence or permit pursuant to this by-law must be:

- (a) in writing;
- (b) in accordance with the relevant form set out in Schedule 1 of this by-law; and

- (c) accompanied by such other information as the authorised officer may reasonably require.
- 4. Licences or permits issued pursuant to this by-law are in the forms appearing in Schedule 2 of this by-law.
- 5. A permit or licence under this by-law may be issued subject to such terms and conditions as the Council considers appropriate.
- 6. The holder of a permit, or licence issued pursuant to this by-law must comply with the terms and conditions thereof.

Penalty: 20 penalty units

PART 3 – INFRINGEMENT NOTICES

7. Infringement notices

- (1) In this clause –
 - “**specified offence**” means an offence against a clause specified in Column 1 of Schedule 3.
- (2) An infringement notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 3 is the penalty payable under the infringement notice for that offence.
- (3) Payment of the monetary penalty set out in an infringement notice must be made to the Council.
- (4) The monetary penalty set out in an infringement notice must be paid within 28 days of the service of the infringement notice, after which time the infringement notice may be referred to the Director, Monetary Penalties Enforcement Service.
- (5) An authorised officer may –
 - (a) issue an infringement notice to a person who the authorised officer has reason to believe has committed a specified offence; and
 - (b) issue one infringement notice in respect of more than one specified offence.
- (6) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.
- (7) 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.

PART 4 – ENFORCEMENT

8. Recovery of expenses.

In addition to a penalty imposed in relation to a failure to comply with or a contravention of this by-law, an expense incurred by the Council in consequence of that failure or contravention is recoverable by the Council as a debt payable by the person so failing to comply or contravening.

9. Continuing offences

Where an offence against this by-law is alleged to have been committed by a person and the act or omission which constituted the alleged offence continues after the person has been served with notice of the alleged offence and the person is subsequently convicted of the alleged offence, the person is liable, in addition to the penalty otherwise applicable to the offence, to a penalty for each day during which the act or omission continues after the service of the notice of 2 penalty units.

PART 5 – BUILDING SITE SANITATION

Interpretation

10. In this Part –

“**builder**” has the same meaning as “builder” under the *Building Act 2000*;

“**building**” has the same meaning as “building” under the *Building Act 2000*;

“**building work**” has the same meaning as “building work” under the *Building Act 2000*;

“**prescribed work**” has the same meaning as “prescribed work” under the *Building Act 2000* and the *Building Regulations 2004*;

“**building site**” means a place where building work is carried out;

“**toilet**” includes a facility that has a seat and a removable pan, a water closet or a portable toilet;

“**urinal**” means a facility used solely for the receipt of human urine.

General duty of the builder

11. A builder must ensure that toilets in accordance with this Part are provided on the building site prior to the commencement of any building work.

Penalty: 20 penalty units

Number of toilets provided

12. The builder must provide 1 toilet for every 10 people, or part thereof, on the building site, or as directed by an authorised officer.

Penalty: 20 penalty units

Urinals

13. A urinal must not be provided on any building site without the approval in writing of an authorised officer.

Penalty: 20 penalty units

Types of toilets or urinals provided

14. An authorised officer may specify the type of toilet or urinal to be provided on any site and the builder must comply with such specification.

Penalty: 20 penalty units

Location of toilets and urinals

15. The builder must comply with any directions given by an authorised officer about the location of the toilets or urinals.

Penalty: 20 penalty units

Toilet design and construction

16. A portable toilet installed on a building site must be designed and installed in accordance with the following requirements:-

- (a) floor area of not less than 1.1 m²;
- (b) floor to be covered with a durable waterproof material, well drained and above ground level;
- (c) a ceiling height of at least 2.1 metres;
- (d) the walls are to be made from opaque and rigid material that is impervious to moisture;
- (e) toilet is to be well lit and well ventilated, either naturally or artificially;
- (f) the door is to be hinged and able to open outward;
- (g) the toilet is to be weatherproof;
- (h) the pan compartment is to be fly proofed and fitted with a hinged lid;
- (i) the toilet must be provided with a plentiful supply of toilet paper and, where appropriate, must be provided with sanitary disposal units that are regularly serviced;
- (j) if required by the Council, the portable toilet is to be connected to the sewerage system or temporary on-site system; and

- (k) the toilet must have a suitable and appropriately sized hand wash basin supplied with running water, soap and paper towel.

Penalty: 20 penalty units

Emptying of portable toilets

17. The builder must ensure that any portable toilet provided on the building site is emptied
- (a) regularly; and
 - (b) whenever required by an authorised officer; and
 - (c) in a manner approved by an authorised officer.

Penalty: 20 penalty units

Cleanliness

18. Each toilet or urinal on a building site is to be cleaned and kept clean, and maintained in a sanitary condition and free from odours. Its condition must be to the satisfaction of an authorised officer.

Penalty: 20 penalty units

PART 6 – CONTROL OF INCINERATORS AND OPEN AIR BURNING

Interpretation

19. In this part unless the contrary intention appears:-

“**open air burning**” means the burning of trees, scrub, long grass, stubble, or the results or products of mowing, trimming, pruning, weeding or like activity or any other waste item;

“**open air fire**” means a fire burning in the outside environment and not housed or contained in any built structure or container;

“**barbecue**” means any device or structure or equipment used, designed or adapted solely for cooking food in the open air for human consumption;

“**building**” includes a proposed building, part of a building, a structure and part of a structure;

“**incinerator**” includes any outside fireplace, construction or container housed outside a building, which:-

- (a) is used for the purpose of burning any material; and
- (b) does not include a barbecue, while it is being used in connection with the cooking of food for human consumption.

“**waste**” includes, without limitation, domestic refuse, hazardous waste, trade waste,

recyclables, and any other garbage, rubbish, debris, litter, or vegetation that is the result or product of mowing, trimming, pruning, weeding, or any other similar matter.

20. Application

The burning of any waste in an incinerator or open air fire is prohibited except in the following circumstances:

- (a) in the course of ordinary farming operations which are the primary use of that land; or
- (b) in the formation of fire breaks and any act to prevent, control or extinguish fires pursuant to the *Fire Service Act 1979*; or
- (c) for the purpose of cooking food, for heating liquids or warming humans. Such fires shall be –
 - (i) fitted with a lid and/or spark arrester so as to prevent the emission of ash and other particulates; and
 - (ii) situated not less than 3 metres from any boundary; and
 - (iii) situated not less than 10 metres from any dwelling; and
 - (iv) be clear of any overhanging foliage or other flammable material; or
- (d) where an exemption has been granted under clause 26 of this by-law by the General Manager.

- 21.** Pursuant to clause 20(c) a person must not, on any land, burn or cause or allow to be burned, materials other than seasoned wood or other fuel as defined in Part 5 of the *Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007*.

Penalty: 20 penalty units

- 22.** Subject to clauses 20 and 26, a person must not light or allow to be lit or to remain alight an incinerator or open air fire on any land unless -

- (a) the waste is dry; and
- (b) the waste has been lightly loaded so as to allow sufficient air to circulate through the waste to facilitate complete combustion.

Penalty: 20 penalty units

- 23.** Subject to clause 20(c) a person must not light or allow to be lit or to remain alight more than one incinerator or open air fire at any one time.

Penalty: 20 penalty units

24. Prohibiting of open air burning and use of incinerators

A person who causes or allows open air burning or an open air fire, or causes, allows or uses an incinerator to burn any waste, material or substance, unless in accordance with this Part, is guilty of an offence.

Penalty: 20 penalty units

25. Power to extinguish

- (1) A person who is causing, allowing or burning any waste, material, or substance in contravention of this by-law, and who fails to extinguish a fire as directed by an authorised officer is guilty of an offence.

Penalty: 20 penalty units

- (2) An authorised officer may take any reasonable action to extinguish the fire where a person fails to comply with a direction under this clause.

EXEMPTIONS**26. Exemption to Light Fire**

A person may apply for an exemption to light a fire in writing to the General Manager who may issue an exemption with or without conditions, subject to any legal requirements.

PART 7 – SEWAGE TREATMENT (PACKAGE PLANT – MAINTENANCE)**Interpretation****27. In this Part:**

“**on-site wastewater management system**” has the same meaning as “on-site wastewater management system” under the *Building Act 2000*;

“**employee or agent**” includes any person and any company by its servants or agents authorised or engaged by Council to inspect, monitor or maintain an on-site wastewater management system.

Maintenance by Council

- 28.** An on-site wastewater management system that is installed on land in the municipal area of the Council is subject to inspection and maintenance by the Council or its employee or agent in accordance with the procedures specified by the manufacturer.
- 29.** The Council may carry out in relation to an on-site wastewater management system any inspection or maintenance operation, or other action that is authorised by law.
- 30.** For the purposes of clauses 28 and 29, an authorised officer or agent of the Council may enter upon the land upon which the on-site wastewater management system is situated in accordance with Section 20A *Local Government Act 1993*.

PART 8 – CARAVANS

Interpretation

31. In this Part –

“caravan”

- (a) is any object or structure which has the general characteristics of a caravan, house on wheels, a covered van or trailer and any vehicle used or adapted for occupation; and
- (b) includes any structure, awning, verandah, lean-to, tent, carport or any other enclosed or partly enclosed area used or capable of being used in connection with, or attached to any caravan; and
- (c) may or may not have the wheels or axles attached; and
- (d) may be resting directly on the ground or placed on blocks or other supports.

“licence” means a licence to occupy a caravan in accordance with Form 4 of Schedule 2 of this By-law, issued by the Council;

“occupy” includes reside or live in any caravan for the purposes of shelter, entertainment, sleeping, resting, cooking, eating, or for any other similar use whether temporary or permanent.

Application

32. This Part does not apply to a caravan that is:

- (a) situated on Council land approved as a caravan park; or
- (b) situated on private land approved by the Council as a caravan park;
- or
- (c) used by a travelling show person in the ordinary course of their business;
- or
- (d) used by work gangs or contractors involved in construction work that is authorised by the Council within the municipality.

Application for caravan licences

33. (1) A person may apply in writing for a licence to occupy a caravan by making an application to the Council in accordance with Form 1 of Schedule 1, together with the required fee.
- (2) On receipt of an application, the Council may grant or refuse to grant a licence. An application may be refused if in the opinion of the Council:-
- (a) the use of the caravan will adversely affect or is likely to adversely affect the amenity of the neighbourhood in which the caravan is to be set up; or

- (b) the caravan does not have sufficient facilities for the supply of water or disposal of sewerage available to the occupants; or
 - (c) the occupation of the caravan is likely to cause a health hazard.
- (3) The Council may grant a licence subject to terms and conditions.
- (4) A licence to occupy a caravan is not to be granted unless an Environmental Health Officer has approved the proposed method for the disposal of garbage, and on-site wastewater.
- (5) The Council may cancel the licence of a person who is in breach of this Part or who breaches a condition imposed under the licence.

Licence necessary to occupy a caravan

- 34.** (1) A person must not occupy a caravan without a licence.

Penalty: Fine not exceeding 20 penalty units

- (2) The proprietor of any land within the municipal area must not allow any person to occupy a caravan upon that land without a licence.

Penalty: 20 penalty units

Expiry of licence

- 35.** A licence shall be for a period not exceeding twenty-six weeks.

Cessation of occupation

- 36.** If the holder of a licence issued by the Council ceases to occupy a caravan before the expiry date of the licence, the holder of the licence is to inform the Council within ten days of the cessation of occupation.

Fee for occupation of a caravan

- 37.** A person must not accept any fee or reward from any person in return for the occupation of any caravan set up on private property unless the property is approved as a caravan park.

Penalty: 20 penalty units.

PART 9 – FOOD VENDORS

Interpretation

- 38.** In this Part:

“**food**” has the same meaning as in section 5 of the *Food Act 2003*;

“food stall” means any basket, stand, table, trestle or similar article or structure from which food is sold to the public;

“food vendor” means a person who sells food from a food vending vehicle, or food stall;

“food vending vehicle” means any vehicle, caravan, trailer or other conveyance, whether stationary or mobile, from which food is sold to the public;

“sell” has the same meaning as defined in the *Food Act 2003*;

Application for Licence

39. A person must not sell food from a food vending vehicle or food stall, without first having obtained a licence to do so from the Council.

Penalty: 20 penalty units

Requirements for food vendors

40. A person must not sell food from any food stall or food vending vehicle unless such food has been prepared in premises which, in the opinion of an Environmental Health Officer, comply with the requirements of the *Food Act 2003*.

Penalty: 20 penalty units

Granting applications

41. The Council may grant a licence of the type referred to in clause 39 of this Part after having regard to:
- (a) The effect which the licence may, if granted, have on the ability of pedestrians or vehicular traffic to move freely in the vicinity of a food stall or food vending vehicle;
 - (b) The effect which the licence may, if granted, have in relation to the ability of the police or any other person authorised by the Council to maintain public order in the vicinity of the food stall or food vending vehicle;
 - (c) The nature and location of any existing facilities that sell food of a type proposed to be sold by the applicant for a licence;
 - (d) The availability of suitable parking areas for motor vehicles in the vicinity of the food stall or food vending vehicle;
 - (e) The possible effect of dust, effluent or other pollution that may occur in the vicinity, on the food stall or food vending vehicle;
 - (f) The manner in which the applicant proposes to advertise the food for sale; and
 - (g) Any other matter considered appropriate by the Council.

Licence period

42. The maximum period for which a licence may be issued is one year.

Offences

43. Any person who fails to comply with a provision of this Part or fails to comply with the terms and conditions of a licence issued under this Part shall be guilty of an offence.

Penalty: 20 penalty units

Cancellation of licences

- 44 The Council may cancel a licence granted under this Part if the licence holder does not comply with the conditions of the licence or commits an offence under this Part.

PART 10 – WASTE MANAGEMENT

Interpretation

45. In this Part unless the contrary intention appears

“authorised receptacle” means a wheelie bin supplied by the Council and bearing the Council logo, or such other receptacle approved by the Council, and includes a recycling authorised receptacle;

“disposal site” means the Jackson Street Waste Management Centre or any area approved by the Environment Protection Authority as a waste transfer station or refuse disposal site;

“domestic refuse” means all household waste including biodegradable waste, recyclable materials, debris, litter and other similar matter generated at domestic tenements, but excludes liquid waste, hot ash, controlled waste, sharps, trade waste and hard waste;

“green waste” means organic, biodegradable waste arising from vegetation that is suitable for processing or composting;

“hard waste” means large or bulky materials that are too large to be collected in an authorised receptacle as part of Council’s kerbside waste collection service;

“controlled waste” means any waste whose quantity or toxic, reactive, corrosive, flammable, explosive, infectious or like nature poses a substantive and unacceptable hazard to the public, the environment or both.

“notice” means a notice issued by the Council or the General Manager that is:

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

“refuse” includes, without limitation, domestic refuse, controlled waste, trade waste, hard waste, reusable materials, green waste, recyclables and any other garbage, rubbish, debris, litter or similar matter;

“reusable materials” means materials that may be reused without further treatment or processing;

“recyclables” means materials that are suitable for reprocessing to produce new products and the Council has by notice classed as being recyclable;

“recycling authorised receptacle” means an authorised receptacle used for the storage and collection of recyclables;

“recycling centre” means an area designated by the Council for receiving recyclables;

“resource recovery agreement” means an agreement between the Council and a person for the recovery or removal of articles or things deposited on a disposal site;

“resource recovery facility” means an area designated by the Council for receiving reusable materials;

“sharps” means objects or devices having acute rigid corners, edges, points or protuberances capable of cutting or penetrating the skin and includes hypodermic needles, intravenous sets, Pasteur pipettes, lancets, and scalpel blades used in medical, dental, veterinary and nursing applications;

“trade waste” means waste products arising from or incidental to the carrying on of any profession, trade, business or manufacture;

Compliance with Notices

- 46** (1) The General Manager may regulate by notice the management and control of the storage, collection, transport and disposal of refuse (including any disposal site, resource recovery facility or recycling centre) in the municipal area;
- (2) A person must comply with any direction from an authorised officer in relation to the storage, collection, transport or disposal of refuse in the municipal area and with the terms and conditions of any notice issued pursuant to sub-clause (1);

Penalty: 20 penalty units

- (3) The General Manager may require by notice that owners or occupiers of residential tenements sort domestic refuse to enable the separate collection of recyclables, reusable materials, green waste and hard waste;

- (4) A person must comply with any notice from the General Manager in relation to the sorting and separation of refuse, recyclables, reusable materials, green waste or hard waste;

Penalty: 5 penalty units

- (5) A notice referred to in this clause is to be in writing and in a form approved by the General Manager.

Storage and Collection of Domestic Refuse and Recyclables

47. (1) Every residential tenement shall be supplied with an authorised receptacle for the storage and collection of domestic refuse and recyclables. Authorised receptacles may be provided to residential flats and units on a share basis for use by two or more tenancies;
- (2) The owner or occupier of a commercial tenement may apply to Council for the supply of an authorised receptacle for the storage and collection of domestic refuse and recyclables from that commercial tenement;
- (3) Authorised receptacles supplied by the Council shall remain the property of the Council, and are to be left at that premises when the owner/occupier vacates the premises;
- (4) It is an offence for any person to:
- (a) fail to maintain an authorised receptacle in a state of good repair, clean and sanitary condition; or

Penalty: 5 penalty units

- (b) remove an authorised receptacle from the property when vacating that property.

Penalty: 10 penalty units

- (5) In addition to any penalty imposed under sub-clause (4), the Council may recover from any person who fails to comply with sub-clause (4) the cost of repairing a damaged authorised receptacle or for supplying a new authorised receptacle;
- (6) Any person receiving a Council kerbside waste collection service must:
- (a) place authorised receptacles on the kerbside adjacent to the street entrance to the property or such other position approved by an authorised officer, at such times specified by notice;
 - (b) not place in any Council recycling authorised receptacle any matter except recyclables;
 - (c) not load an authorised receptacle so that domestic refuse or recyclables protrude over the top rim of the bin and prevent complete closing of the lid;
 - (d) not load an authorised receptacle in such a manner as to prevent complete emptying of the bin during normal operations of the collection vehicle;
 - (e) not place out domestic refuse or recyclables for collection in any receptacle or container other than an authorised receptacle;

- (f) ensure that authorised receptacles and the areas in which they are stored and the area from which they are collected, are maintained in a clean and hygienic condition;
- (g) comply with the direction of an authorised officer who may determine the location for storage of authorised receptacles;
- (h) remove authorised receptacles from the kerbside as soon as practicable after collection and no longer than 48 hours after collection;
- (i) not place any refuse or recyclables in any authorised receptacle other than the authorised receptacle allocated to that property;

Penalty: 5 penalty units

- (7) For the purposes of the Council waste collection service a person who is the occupier of domestic premises or the occupier of commercial premises using the Council waste collection service, is to:-
- (a) place an authorised receptacle in a location as close as possible to the street entrance of those premises so as not to obstruct or hinder the movement of pedestrians or traffic, or at a location approved by an authorised officer; and
 - (b) be responsible for the clean up of any waste spilt prior to collection by the Council waste collection service.

Penalty: 5 penalty units

- (8) For the purposes of the Council waste collection service, a person who is the occupier of domestic premises or the occupier of commercial premises using the Council waste collection service must:-
- (a) place out no more than the number of authorised receptacles as determined by an authorised officer; and
 - (b) ensure all waste is properly secured within the authorised receptacle and not capable of being scattered by the wind or by other means such as animals during or prior to collection by the Council waste collection service.

Penalty: 5 penalty units

- (9) A person must not:
- (a) place in any authorised receptacle any hot or burning material, liquid in excess of 2 litres in volume, controlled waste, trade waste, commercial food waste, sharps, or materials which are excluded from the domestic refuse collection service because of their potential to damage the authorised receptacle or the lifting or compaction equipment on the collection vehicle, or any materials that are determined by an authorised officer as being likely to cause damage to an authorised receptacle or the lifting or compaction equipment on the collection vehicle; or
 - (b) cause or allow an authorised receptacle to be removed from the tenement to which it was supplied;

Penalty: 10 penalty units

- (10) It is an offence for any person other than Council's authorised contractor to collect recyclables placed in a recycling authorised receptacle for collection by the Council's recycling collection service.

Penalty: 5 penalty units

Conveyance of Refuse or Recyclables

48. A person must not convey in any vehicle or container any refuse or recyclables unless the material is in a closed container or carried in such a manner as to prevent:
- (a) the escape of any of the contents from the vehicle or container;
 - (b) the emission of any offensive odours; and
 - (c) the creation of any nuisance.

Penalty: 5 penalty units

Directions for the Disposal of Refuse

49. Any person depositing refuse at a disposal site, recycling centre, or resource recovery facility must:
- (a) comply with any direction given by an authorised officer; and
 - (b) comply with any direction on any sign;
- at that disposal site, recycling centre, or resource recovery facility.

Penalty: 20 penalty units

Disposal of Refuse at a Disposal Site

50. (1) A person must not:
- (a) deposit refuse at a disposal site without the permission of an authorised officer except on the days and at the times fixed by Council notice;
 - (b) deposit any refuse outside the boundaries of a disposal site;
 - (c) allow any animal to be at large on a disposal site without the written consent of the Council;
 - (d) deposit any material capable of becoming air borne, without first securing it from being scattered by the wind; or
 - (e) deposit sharps at a disposal site except at such times and under such conditions approved by an authorised officer or fixed by Council notice.

Penalty: 20 penalty units

- (2) A person must not at a disposal site:
- (a) light any fire or feed or extend any fire which is already burning unless in an approved heater under the supervision of an authorised officer;

- (b) dump any hot wastes likely to self-combust or to ignite when in proximity with other refuse;
- (c) deposit any controlled waste at a disposal site except at such times and under such conditions approved by an authorised officer or fixed by Council notice; or
- (d) enter a disposal site when the site is closed without the permission of an authorised officer.

Penalty: 20 penalty units

Prohibitions in the disposal site

- 51.** (1) An authorised officer may impose a ban on a person using or entering the disposal site where that person has contravened a provision of clauses 49 or 50 on more than one occasion.
- (2) A ban imposed under sub-clause (1) may be for a maximum of 12 months duration.
- (3) A person who has been banned from entering the disposal site, pursuant to this clause, must not enter the disposal site when such a ban is in place.

Penalty: 20 penalty units

Request to leave disposal site

- 52.** (1) An authorised officer may ask a person whom they reasonably believe is offending against this Part to leave the disposal site.
- (2) A person must comply with the directions of an authorised officer given under this clause.

Penalty: 10 penalty units

- (3) An authorised officer may remove any person from the disposal site who they reasonably believe is offending against this clause.

Refusal to Accept Refuse at a Disposal Site

- 53.** An authorised officer may refuse to accept any refuse at a disposal site which in the opinion of the authorised officer:
- (a) is likely to pose a substantive and unacceptable hazard to Council employees, the public, or the environment; or
 - (b) may not be accepted under the Environment Protection Authority's permit conditions for the disposal site.

Resource Recovery at a Disposal Site

54. (1) The Council may enter into a resource recovery agreement in relation to a disposal site with a person on such terms and conditions as the Council thinks fit.
- (2) A person must not remove any article or thing deposited on a disposal site unless they are authorised to do so by a resource recovery agreement or the written consent of the Council. This provision does not apply to materials purchased from the resource recovery contractor in an area designated by the Council for the sale of salvaged material.

Penalty: 20 penalty units

PART 11 – CLEANLINESS OF LAND

Interpretation

55. In this Part –

“land” includes premises.

Cleanliness

56. The proprietor of any land must:

- (a) keep that land free from filth, dust, ashes, refuse, waste and other offensive matter; and
- (b) not allow any refuse or articles to accumulate on the land in a manner which, in the opinion of an authorised officer, is likely to create a health risk or is unsightly.

Penalty: 20 penalty units

PART 12 – GRAFFITI MANAGEMENT

Interpretation

57. In this Part –

“**art mural**” means a mural or street art applied to a designated surface and location that has been deliberately commissioned or approved by Council for the purpose of beautifying a specific location or mitigating the unsightly appearance of graffiti.

“**Council property**” means any property owned or under the control of Council and includes “public land” within the meaning of the *Local Government Act 1993*.

“**graffiti**” means one or more letters, symbols, figures, designs, drawings, messages, slogans, etchings, scratches, inscriptions, stains or other marking that is written, marked, etched, scratched, sprayed, drawn, painted, engraved on or otherwise affixed to

property and includes offensive graffiti. Graffiti does not include marks made accidentally or any of the following:

- (a) an art mural approved by Council and the owner or occupier of property;
- (b) a sign, public notice or traffic control mark approved by Council or another road authority;
- (c) markings applied by Council or public utilities that identify infrastructure or services; and
- (d) numbering, names, signs, public notices or placards permitted or approved pursuant to the *Glenorchy Planning Scheme 1992*, a Council By-Law or State or Commonwealth legislation.

“offensive graffiti” means graffiti that contains or depicts a racist, discriminatory, offensive or obscene content.

“interior space” means an interior wall, ceiling, floor or other partition that divides the interior space within a building or structure.

“property” means property within the municipal area including land, buildings, structures or part of a building or structure, and includes outbuildings, fences, signs, poles, awnings, floors, pavements, sidewalks, roads, highways and erections thereon including all mobile homes, mobile buildings and mobile structures.

“public place” has the same meaning as under the *Police Offences Act 1935*.

Application to Interior Space

58 This Part does not apply to the following:

- (a) interior space within a building;
- (b) interior space of any other structure that is not otherwise visible from a public place.
- (c) A thing located wholly within the interior space of a building or a structure as described in sub-clause (b).

Graffiti Prohibited

59 A person must not place or cause or permit graffiti to be placed on any property.

Penalty: 5 penalty units

60 An owner or occupier of property must not permit graffiti to be placed on any wall, fence, building or structure that is located on their property.

Penalty: 5 penalty units

61 Every owner or occupier of property must maintain their property free of graffiti.

Penalty: 2 penalty units

- 62** Every owner or occupier of property must ensure that graffiti placed on their property is removed, painted over, or otherwise permanently blocked from being viewed from a public place.

Penalty: 2 penalty units

Compliance

- 63** (1) An authorised officer may direct a person whom they believe on reasonable grounds is committing or has committed an offence under this Part and on Council property to leave the property.

- (2) A person must comply with the directions of an authorised officer given under clause 63 (1).

Penalty: 2 penalty units

- (3) An authorised officer may remove any person from Council property if the authorised officer reasonably believes the person is offending against this Part.

- 64** An authorised officer may issue a verbal direction to the owner or occupier of property containing graffiti setting out remedial action to be taken and the date and time by which the remedial action must be taken to remove any graffiti.

- 65** Where property is not maintained free of graffiti an authorised officer who reasonably believes that a contravention of this Part has occurred may give written notice to the owner or occupier of the property requiring compliance with this Part within the time period specified in the notice but no sooner than 7 calendar days after notice is given.

- 66** Where property is not maintained free of offensive graffiti an authorised officer who reasonably believes that a contravention of this Part has occurred may give written notice to the owner or occupier of the property requiring compliance with this Part within the time period specified in the notice but no sooner than 3 calendar days after notice is given.

- 67** An owner or occupier of property must comply with a notice issued under this Part within the time period specified in that notice.

Penalty: 5 penalty units

- 68** For the purposes of ensuring compliance with this Part an authorised officer may enter upon and inspect the property in accordance with Section 20A *Local Government Act 1993*.

Supply of name and address

- 69** (1) An authorised officer may require a person to give his or her name and address if the authorised officer reasonably believes that the person is offending or has offended against this Part, and a person who fails or refuses to comply with such a requirement or, in response to such a requirement, states a name or address that is false, is guilty of an offence.

Penalty: 5 penalty units

- (2) A police officer making a requirement under clause 69 (1) may arrest a person who is on land owned by or under the control of the Council and who the police officer reasonably believes has committed an offence under clause 69 (1).
- 70** If an owner or occupier fails to comply with a notice issued under clause 65 or 66 within the time period specified in the notice the Council may authorise a person or persons under Section 20A *Local Government Act 1993* to enter the property and perform the work described in the notice.

SCHEDULE 1 - APPLICATIONS

Schedules**Form 1****Application for Licence to Occupy a Caravan****Applicant's Details:**

Mr/Mrs/Ms/Miss

Surname

Given Names

Telephone (Home)

Telephone (Work)

Mobile Telephone No.

About the Caravan:

Registration No.

Size (Length)

No. of Berths:

Manufacturer:

Colour

Site Details:

Address where caravan will be kept:

.....

.....

Type of water supply to caravan:

Proposed method of disposal of waste water (including toilet, bath, shower, hand-basin, sink and laundry):

Number of people to occupy caravan:

Period proposed to remain on site:

Name of Applicant:

Signature of Applicant:

Date:

Please attach a site plan to your application showing the outline of the property,
the existing buildings
and the proposed location of the caravan

Form No 2**APPLICATION FOR LICENCE AS A FOOD VENDOR:****TAX INVOICE**

Environment & Health Services

By-Law 1 of 2010

PLEASE COMPLETE ALL SECTIONS**Applicant Details (*Owner or Occupier*)**Name of applicant (***ORGANISATION/BUSINESS/PERSON***)

.....

ACN (*if a Registered Company*)

.....

Postal address

.....

Postcode:

Telephone Mobile Phone

Facsimile Email

Operator DetailsName of proposed operator (*must be a natural person*)

.....

Address of proposed operator (*residential address*)

.....

.....

Postcode:

Telephone Mobile Phone

Details of food safety qualifications, training or experience of the applicant or food handlers (*if any*).

Please attach details if insufficient space.

.....

.....

Premises DetailsLocation of premises (*stall, market etc*)

.....

Trade name of premises (*stall/business name*)

.....

Emergency contact Telephone

Types of food

.....

.....

For Mobile Food Business – vehicle registration number and address where garaged

.....

.....

.....

Food Premises - continuedProposed date/hours of operation (*or attendance on site*):

Mon Tue Wed Thu

Fri Sat Sun

Details of proposed or operational quality assurance program, food safety plan or other approved food safety management system (*if any*). Please attach details if insufficient space.

.....

.....

.....

Fee and Signature

Application fee: \$

Signature of applicant Date

Signature of proposed operator (*if applicable*) Date

Please lodge this form and application fee with the General Manager .

Office Use Only**ASSESSMENT REPORT**

- ☐ I RECOMMEND THAT the proposed food vendor situated at the above address be Licenced subject to the terms and conditions on the attached Licence.
- ☐ I DO NOT RECOMMEND the granting of the proposed licence. My reasons are given in the attached report.

Inspection date:.....

Conditions:


.....

APPROVED:

DATE:

Environmental Health Officer

SCHEDULE 2 – PERMITS AND LICENCES**Form 3****FOOD VENDOR'S LICENCE**

	<p align="center">PERMANENT FOOD VENDOR LICENCE</p> <p align="center">Used for or in Relation to the MANUFACTURE AND SALE OF FOOD</p> <p align="center">Environment and Health Services By-Law 1 of 2010</p>
Application No:	

The Glenorchy City Council, pursuant to City of Glenorchy By-law Nos. 1 of 2010 hereby Licences:

for the manufacture and sale of non-potentially hazardous food at

subject to the following conditions:

- (i) food may only be sold from
- (ii) all packaged foods must be labelled and include the name and contact details of the food manufacturer or processor and an appropriate description of the food product, including a list of the main ingredients;
- (iii) all foods that contain any of the following ingredients must include a declaration on the label identifying the presence of the substance in the food. Cereals containing gluten and their products; crustaceans and their products; egg and egg products; fish and fish products; milk and milk products; peanuts and soybeans, and their products; tree nuts and sesame seeds and their products; and added sulphites in concentrations of 10 mg/kg or more;
- (iv) the storage, preparation and sale of food is to be conducted in accordance with the relevant requirements of the *Food Act 2003* and the FSANZ Food Safety Standards;
- (v) the owner/operator is to advise Council's Environmental Health Section in writing prior to undertaking any significant changes to food storage or preparation, operations or types of food stored, prepared or sold; and
- (vi) the owner/operator is to ensure that all persons undertaking or supervising food handling operations have skills and knowledge in food safety and food hygiene matters which are commensurate with their work activities.

This Licence will remain in force for a period not exceeding 12 months from the date of issue, expiring on .

Date of Issue:

Signed

Environmental Health Officer

You may apply to the Magistrates Court (Administrative Appeals Division) for a review of the decision to impose a condition on a Licence or registration within the prescribed period (28 days from the date on which the decision was notified, unless a statement of reasons is requested when different time limits apply).

You may make a written request to the decision-maker for a statement of the reasons for the decision.

Form 4

Licence to Occupy a Caravan

The Glenorchy City Council, pursuant to By-Law 1 of 2010, hereby licences:

to occupy a caravan of registration number:

to be situated at:

on land owned by:

for a period of : months,

subject to the following conditions:-

.....

.....
(Authorised Officer)

Date:

Schedule 3 - INFRINGEMENT NOTICE OFFENCES

Column 1	Column 2	Column 3
CLAUSE	GENERAL DESCRIPTION OF OFFENCE	
	PENALTY	(Penalty Units)
6	Fail to comply with the terms and conditions of licence or permit	2
11	Fail to provide building site sanitation accommodation	3
12	Fail to provide required number of sanitary units	1
13	Provide urinal without first obtaining approval	1
14	Fail to comply with Council specifications for toilet or urinal	1
15	Fail to locate toilets or urinal as directed	1
16	Fail to comply with design and construction requirements	1
17	Fail to comply with portable toilet emptying requirements	1
18	Fail to keep toilet or urinal clean	1
21	Burning prohibited materials	2
22	Failure to comply with burning requirements	2
23	Allowing more than one fire	2
24	Fail to comply with the requirements of Part 6	2
25(1)	Fail to extinguish an incinerator or open air burning as directed	1
34(1)	Set up caravan for occupancy without licence	2
34(2)	Proprietor of land to set up a caravan for occupancy without licence	2
37	Receiving fee from person to occupy caravan	1
39	Sell food from a stall without a licence	2
40	Selling food from a stall or food vending vehicle that has not been prepared in compliance with the <i>Food Act 2003</i>	2
43	Fail to comply with terms and conditions of food vending licence	2
46(1)	Fail to comply with directions from authorised officer regarding storage, collection, transport or disposal of refuse and terms and conditions of a notice	2
46(4)	Fail to comply with notice	2
47(4)(a)	Fail to maintain domestic refuse or recycling receptacle in good repair	1
47(4)(b)	Remove authorised receptacle from property	1
47(6)	Fail to comply with general requirements of waste collection service	1
47(7)	Placement of authorised receptacle or failure to clean up spilt refuse	1
47(8)	Use more than one bin or allow waste to be scattered	1
47(9)	Place hazardous material in a wheelie bin or remove an authorised receptacle	2
47(10)	Take recyclable material placed for collection by Council	2
48	Allow material or odour to escape while being conveyed	1
49	Fail to comply with directions when depositing waste	2
50(1)	Fail to comply with requirements for disposal of refuse at disposal site	2
50(2)	Light fire at disposal site, dump hot waste or hazardous material or enter closed disposal site	2
51(3)	Enter disposal site whilst banned	2
52(2)	Fail to comply with direction to leave site	2
54(2)	Unauthorised removal of article or thing from disposal site	2
56	Fail to keep land clean, or is likely to create a health risk or be unsightly	2
59	Place cause or permit graffiti to be placed on any property	2
60	An owner or occupier permitted graffiti to be placed on their property	1
61	Fail to maintain property free of graffiti	1

62	Fail to remove, paint over or otherwise permanently block graffiti from being viewed	1
63(2)	Fail to comply with directions of authorised officer or police officer	1
67	Fail to comply with a notice to removed graffiti within the time specified	1
69(1)	Failure to supply name and address	1

Certified as being in accordance with the law by

Philipp

(P Ikedife)
Registered Legal Practitioner

Dated this tenth day of January 2011

At Hobart in Tasmania

The Common Seal of the Glenorchy City Council
was hereunto affixed in the presence of:

Adriana Taylor
MAYOR

[Signature]
GENERAL MANAGER



Dated this 10th day of January 2011

At Glenorchy



P
MS
GSM
CMYK

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