



TASMANIAN GOVERNMENT GAZETTE

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Notices to Creditors

VALERIE PEPPIATT, Retired Teacher/Widow, deceased, who died on 29 February 2016, late of 35 Bayswater Road, Moonah in Tasmania.

DAVID WILLIAM PEPPIATT, Manager/Married Man, IAN ANDREW PEPPIATT, Car Rental Agent/Married Man, PHILIP JOHN PEPPIATT, Retired Fire Service District Officer/Married Man, and RODNEY CRAIG PEPPIATT, Minister of Religion/Married Man, all care of Worrall Lawyers, 133 Macquarie Street, Hobart in Tasmania, as Legal Personal Representatives of VALERIE PEPPIATT, require that any person who has a claim against the estate, lodge written details of their claim with the Registrar of the Supreme Court of Tasmania at Salamanca Place, Hobart in Tasmania, within 30 days from the date of publication of this notice, after which date the Legal Personal Representatives are at liberty to pay and distribute the assets of the estate, dealing then only with the claims that they have notice.

Dated this third day of August 2016.

WORRALL LAWYERS, Lawyers acting on behalf of the
Legal Personal Representatives of the Estate.

DERWYN JOHN WILLIAMS, Fire Tower Operator/Married Man, deceased, who died on 20 February 2016, late of 6 Medea Street, St Helens in Tasmania.

JENNIFER WILLIAMS, Business Proprietor/Married Woman and MARTIN JOHN WILLIAMS, Builder/Married Man, both care of Worrall Lawyers, 133 Macquarie Street, Hobart in Tasmania, as Legal Personal Representatives of DERWYN JOHN WILLIAMS, require that any person who has a claim against the estate, lodge written details of their claim with the Registrar of the Supreme Court of Tasmania at Salamanca Place, Hobart in Tasmania, within 30 days from the date of publication of this notice, after which date the Legal Personal Representatives are at liberty to pay and distribute the assets of the estate, dealing then only with the claims that they have notice.

Dated this third day of August 2016.

WORRALL LAWYERS, Lawyers acting on behalf of the
Legal Personal Representatives of the Estate

Tasmanian Government Gazette

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DENNIS ANTHONY BUCKLEY late of 48 Trevor Street, Ulverstone in Tasmania deceased who died on the eleventh day of September, 2014. Creditors next of kin and others having claims in respect of the property or Estate of the abovenamed deceased are required by the Executrix ROSE MAREE NEIL c/- Cann Legal 31 King Edward Street Ulverstone in Tasmania to send particulars of their claim in writing to the Registrar of the Supreme Court of Tasmania Salamanca Place Hobart on or before the 15th day of September 2016 after which date the Executrix may distribute the assets having regard only to the claims of which the Executrix then has notice.

Dated this third day of August 2016.

CANN LEGAL, Solicitors for the Estate.

ROBERT IAN STEPHEN late of 5/12 Milford Street, Lindisfarne in Tasmania, retired accountant/never married who died on the 18th day of June 2016

Creditors, next of kin and others having claims in respect of the property or estate of the abovenamed deceased are required by the Executor Ellise Maree Schwarz 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 3rd day of September 2016 after which date the Executor may distribute the assets, having regard only to the claims of which the Executor then has notice.

Dated this third day of August 2016.

DOBSON MITCHELL ALLPORT, Practitioners for the estate.

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 14 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 ROBERTO FOGAGNOLO, 181 Cranes Road, Dromedary in Tasmania, retired Teacher/divorced, deceased, intestate, may be granted to REGULUS PATRICIUS SERVIUS FOGAGNOLO, 181 Cranes Road, Dromedary in Tasmania, Policy Officer/married, the son of the said deceased.

Dated this, 3rd day of August 2016.

REGULUS FOGAGNOLO

ADMINISTRATION AND PROBATE ACT 1935

Notice of Intention to Apply for Letters of Administration

NOTICE is hereby given that, after the expiration of 14 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 BRENDA STEWART, late of 10 Derwent Avenue, Lindisfarne in Tasmania, Shorthand Typist/Married, deceased, intestate, may be granted to WILLIAM EDWARD STEWART of 10 Derwent Avenue, Lindisfarne in Tasmania, Retired Engineer/widowed, the husband of the deceased.

DATED this 3rd day of August 2016.

TREMAYNE FAY RHEINBERGER, 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 14 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 VANESSA ELLEN BROWN, late of 9 Cornbury Grove, Solihull, West Midlands in the United Kingdom, Sports Charity Director/Partnered, deceased, intestate, may be granted to NATALIE RUTH BROWN, of 2 Grayling Avenue, Sandy Bay in Tasmania, University Administrator/Partnered, the lawful attorney of Rachel Pavlou, of 9 Cornbury Grove, Solihull, West Midlands in the United Kingdom, Football Development Manager/Single, the Partner of the said deceased.

DATED this 3rd day of August 2016.

TREMAYNE FAY RHEINBERGER, Solicitors for the Applicant

Poisons

POISONS ACT 1971

NOTICE is hereby given that, under the power conferred by Section 23 of the *Poisons Act 1971*, the following person is appointed as an inspector.

BIBICHE JUDITH FRANSSSEN

MICHAEL FERGUSON MP, Minister for Health,

Industrial Relations

INDUSTRIAL RELATIONS ACT 1984

Notice of Variation of an Award

<i>Name of Award</i>	<i>Award No.</i>	<i>Date Made</i>
Police Award	1/2016 (Consolidated)	02/06/2016

Dated this twenty fifth day of July 2016.

A. C. OAKES , Registrar.

Legal Profession

LEGAL PROFESSION ACT 2007

Section 225(1)

PROPOSED LEGAL PROFESSION (BARRISTERS) RULES 2016

TAKE NOTICE that the Tasmanian Bar proposes to make legal profession rules under Division 2 of Part 3.1 of the *Legal Profession Act 2007* about legal practice in this jurisdiction engaged in by Australian legal practitioners who practise solely as barristers.

The object of the proposed rules is to prescribe a range of legal practice matters for Tasmanian barristers, including pupillage requirements, and also to:

- Adopt the Australian Bar Association model rules in modified form; and
- Rescind some redundant rules of practice relating to barristers.

An electronic copy of the proposed rules may be accessed on the Tasmanian Bar website (www.tasmanianbar.com.au). Alternatively, arrangements to obtain a copy of or inspect the proposed rules may be made by contacting the Tasmanian Bar by telephone on (03) 6223 3844 during normal business hours.

The Tasmanian Bar invites comments and submissions in relation to the proposed rules. Comments and submissions may be sent to the Tasmanian Bar by e-mail to admin@tasmanianbar.com.au or by mail to:

The Secretary
The Tasmanian Bar
Malthouse Chambers
119 Hampden Road
Battery Point, Tasmania, 7000

The closing date for comments and submissions is 26 August 2016.

CHRIS GUNSON SC, President

Dangerous Goods (Road and Rail Transport)

DANGEROUS GOODS (ROAD AND RAIL TRANSPORT) ACT 2010

I, MARTIN SHIRLEY, Chief Executive, WorkSafe 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:

Brett James HISLOP

to be an authorised officer pursuant to section 12(1) of the *Dangerous Goods (Road and Rail Transport) Act 2010*.

This appointment is conditional on the holder's continued employment with the Department of Justice.

Dated the 29th July 2016.

MARTIN SHIRLEY, Competent Authority.

DANGEROUS GOODS (ROAD AND RAIL TRANSPORT) ACT 2010

I, MARTIN SHIRLEY, Chief Executive, WorkSafe 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:

Gregory Lee McCAULEY

to be an authorised officer pursuant to section 12(1) of the *Dangerous Goods (Road and Rail Transport) Act 2010*.

This appointment is conditional on the holder's continued employment with the Department of Justice.

Dated the 29th July 2016.

MARTIN SHIRLEY, Competent Authority

Erratum

Erratum: The notice of resignation of a permanent employee, J. Scott, Registered Nurse, in the State Services Notices of Wednesday 27 July is hereby rescinded.

MICHAEL PERVAN,
Secretary of the Department of Health and Human Services.

Land Acquisition

LAND ACQUISITION ACT 1993

NOTICE OF ACQUISITION

(Section 16)

Pursuant to Section 16 of the Land Acquisition Act 1993 (LAA) and section 56G of the Water and Sewerage Industry Act 2008 the TASMANTIAN WATER & SEWERAGE CORPORATION PTY LTD of 169 Main Road, Moonah in Tasmania 7009 ("TasWater") (being an acquiring authority in accordance with the LAA) does hereby declare that the Land described in the First Schedule hereto is taken and vested in TasWater absolutely under the LAA for the authorised purpose of:

- Operating and maintaining the Sewerage Treatment Plant at 4552 Huon Highway, Geeveston.

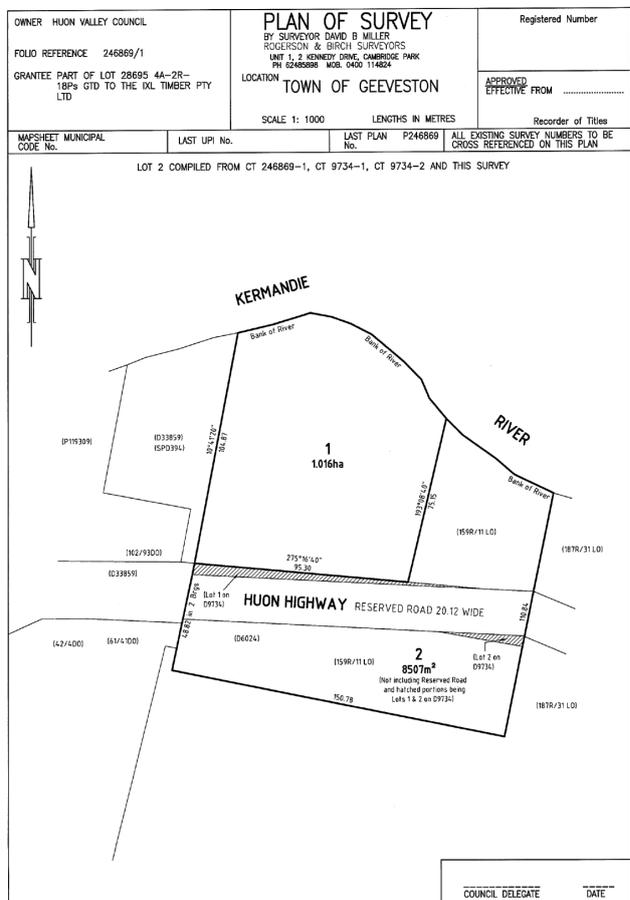
Dated this 28th Day of July 2016.

KRISTY MAREE LONG
Page Seager Lawyers
Solicitor for the Tasmanian Water & Sewerage Corporation Pty Ltd (ACN 162 220 653)
169 Main Road, Moonah Tasmania

FIRST SCHEDULE

PART ONLY of the parcel of land situated in the Town of Geeveston in Tasmania being that land comprised in the Folio of the Register Volume 246869 Folio 1 marked on the Land Plan as Lot 1 and measuring 1.016 hectares registered in the name of the Huon Valley Council.

Land Plan



Cities/Councils

**BRIGHTON COUNCIL
ENVIRONMENTAL HEALTH BY-LAW**

By-Law No. 1 of 2016

A BY-LAW of the Brighton Council made under the provisions of Section 145 of the *Local Government Act 1993* (Tas) for the purpose of controlling matters of environmental health.

PART 1 - PRELIMINARY

1. Short Title

This By-Law may be cited as the Environmental Health By-Law No. 1 of 2016.

2. Repeal

The Brighton Council – Environmental Health By-law, By-law No. 1 of 2015 made on the 15th of September 2015 and notified in the Tasmanian Government Gazette on the 30th of September 2015 at page 1433 is hereby repealed.

3. Definitions and Interpretation

In this By-law, unless the contrary intention appears –

‘**Act**’ means the *Local Government Act 1993* (Tas);

‘**Authorised Officer**’ means:

- (a) an employee of the Council appointed by the General Manager as an authorised officer for the purpose of this By-law; and
- (b) Environmental Health Officers;

‘**By-Law**’ is a reference to this Environmental Health By-Law being No. 1 of 2016;

‘**Council**’ means the Brighton Council (ABN 12 505 460 421) constituted pursuant to the Act;

‘**Environmental Health Officer**’ means the person (or persons) appointed by Council from time to time in the positions of Senior Environmental Health Officer and Environmental Health Officer;

‘**General Manager**’ means the person appointed by Council from time to time to the position of general manager in accordance with section 61 of the Act;

‘**Municipal Area**’ means the municipal area of the Brighton Council defined in accordance with section 16 of the Act;

‘**person**’ includes a body corporate;

‘**proprietor**’ includes the owner, occupier or any person having the control or management of any land;

‘**Residential Zone**’ means area of land zoned General Residential; Inner Residential; Low Density Residential; Urban Mixed Use; and Village under the Brighton Interim Planning Scheme 2015; and

'Rural Zone' means area of land zoned Rural Living and Rural Resource under the Brighton Interim Planning Scheme 2015.

PART 2 - CARAVANS

4. Interpretation of Part 2

In this Part 2 –

'caravan' means:

- (a) 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;

'caravan licence' means a licence to occupy a caravan ;

'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 on a temporary or permanent basis;

'uninhabitable state' means:

- (a) there is no electricity, water, sanitation or other form of domestic utility connection servicing the caravan and no bedding is made up; and
- (b) in the reasonable opinion of an Authorised Officer, the caravan does not show signs of current or recent human habitation.

5. Application of Part 2

Part 2 of this By-Law does not apply to a caravan that is:

- (a) parked for less than forty eight (48) hours on Council land which is signposted or otherwise designated as a RV rest stop;
- (b) situated on land for which a planning permit has been issued under the *Land Use Planning and Approvals Act 1993* (Tas) permitting the use and/or development of caravans, including but not limited to caravan parks;
- (c) used on a temporary basis by persons engaged in a travelling show, including but not limited to a circus, the annual Brighton Rural Show or some other form of public performance; or
- (d) used by Council work gangs or Council contractors involved in construction work for the Council.

6. Application for caravan licence

- (a) A person may apply for a caravan licence by submitting to an Environmental Health Officer:

- i. an application made in accordance with the form in Schedule 1 of this By-law; and
 - ii. the application fee determined by Council.
- (b) Upon receipt of an application made in accordance with clause 6(a), an Environmental Health Officer may request that the applicant supply additional information for the purpose of assessing the application. If an applicant fails to comply with a request made pursuant to this clause 6(b), the relevant application will be refused.
- (c) Subject to subclauses 6(d), 6(e) and 6(f) of this By-Law, an Environmental Health Officer may grant or refuse an application made in accordance with subclause 6(a) and if an application is granted the Environmental Health Officer may impose reasonable terms and conditions upon a caravan licence.
- (d) A caravan licence will not be granted where the applicant intends to keep the caravan on land located in a Residential Zone.
- (e) Where an applicant intends to occupy a caravan on land located in a Rural Zone, a caravan licence will only be granted if the applicant can demonstrate that approval has been granted under the *Building Act 2000* (Tas) to construct a residential dwelling on the land identified in the application.
- (f) A caravan licence will not to be granted unless an Environmental Health Officer has approved the proposed method for the disposal of refuse and on-site wastewater during the period of occupancy.
- (g) All caravan licences will remain valid for a maximum period of twenty six (26) weeks from the date of issue, after which time they will automatically expire.
- (h) An Environmental Health Officer may cancel any caravan licence issued pursuant to this By-Law by giving written notice of cancellation to the holder of the licence in the event that the terms and conditions of the licence are breached.

7. Licence necessary to occupy a caravan

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

Penalty: Fine not exceeding 12 penalty units.

- (b) The proprietor of any land within the Municipal Area must not authorise, allow or otherwise permit any person to occupy a caravan upon their land unless such occupancy is authorised by a current caravan licence.

Penalty: Fine not exceeding 12 penalty units.

8. Storage of caravans

A caravan being stored on any land within the Municipal Area must at all times be kept and maintained in an uninhabitable state.

Penalty: Fine not exceeding 12 penalty units.

PART 3 - BUILDING SITE SANITATION**9. Interpretation of Part 3**

In this Part 3 –

‘**builder**’ in relation to a building site, has the meaning given to that term in section 3 of the *Building Act 2000* (Tas);

‘**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; and

‘**urinal**’ means a facility used solely for the receipt of human urine.

10. Work Health and Safety Act 2012 (Tas)

For the avoidance of doubt, the provisions of Part 3 of this By-law are in addition to, and not in derogation of, the provisions of the *Work Health and Safety Act 2012* (Tas) and all regulations thereto.

11. Location of toilets and urinals

A builder must not fail to comply with any reasonable direction which may be given by an Authorised Officer concerning the siting of toilets and urinals on building sites.

Penalty: Fine not exceeding 2 penalty units.

PART 4 – CONTROL OF INCINERATORS AND OPEN AIR BURNING**12. Interpretation of Part 4**

In this Part 4 –

‘**barbecue**’ means any device, structure or equipment used or adapted for use for the cooking of food for human consumption in the open air;

‘**incinerator**’ includes any fireplace, fire pot, construction or container not housed inside a building, which is used for the purpose of burning any flammable material and which is not licensed under the provisions of the *Environmental Management and Pollution Control Act 1994* (Tas), but does not include a barbecue being used for any *bona fide* purpose in connection with the cooking of food for human consumption;

‘**Building Code of Australia**’ means the code produced by the Australian Building Code Board relating to the design and construction of buildings; and

‘**open-air fire**’ means any fire that is conducted outside a building, including a fire conducted in a garden, yard, alley, field, park, industrial site, construction site, building lot, parking lot, street or other open place.

13. Fire Services Act 1979 (Tas)

For the avoidance of doubt, the provisions of Part 4 of this By-law are in addition to, and not in derogation of, the provisions of the *Fire Service Act 1979* (Tas) and all regulations thereto.

14. Incinerator construction

A person must not operate an incinerator unless the incinerator:

- (a) is constructed of a suitable non-combustible material, including but not limited to brick, concrete, metal, or any combination of same;
- (b) is fitted with a lid or other form of spark arrestor which must be in active use during the burning of materials; and
- (c) is in a state of repair which, in the opinion of an Authorised Officer, is suitable for the safe burning of materials.

Penalty: Fine not exceeding 12 penalty units.

15. Location of incinerator and open-air fire

A person must not operate an incinerator or light an open-air fire:

- (a) within two (2) metres of any neighbouring property boundary; or
- (b) within ten (10) metres of the external wall of any structure, including but not limited to a dwelling or outbuilding; or
- (c) in any location where vegetation overhangs or is otherwise situated above the incinerator or the open-air fire.

Penalty: Fine not exceeding 12 penalty units.

16. Supervision of fires

A person must not, on land with an area which is less than two thousand (2000) square metres, leave unattended an active incinerator or an open-air fire unless it has been completely extinguished.

Penalty: Fine not exceeding 12 penalty units.

17. Capacity to extinguish fire

A person must not:

- (a) operate an incinerator or light an open-air fire; or
- (b) allow an incinerator to be operated or an open-air fire to be lit on that person's land,

unless a suitable means of extinguishing the relevant fire is available, including but not limited to a hose which is connected to a water supply and capable of reaching the relevant fire.

Penalty: Fine not exceeding 12 penalty units.

18. Burning of green vegetation

A person must not, on land with an area which is less than two thousand (2000) square metres, in an incinerator or in an open-air fire, burn green vegetation.

Penalty: Fine not exceeding 12 penalty units.

19. Time restrictions

Notwithstanding any other provisions of this By-Law to the contrary, a person must not light or allow to be lit or to remain alight any incinerator or open-air fire on land with an area which is less than two thousand (2000) square metres

on any day or time other than Monday, Wednesday or Saturday between the hours of 10 a.m and 4 p.m.

Penalty: Fine not exceeding 12 penalty units.

20. Extinguishing fires

- (a) Any person who is burning any material in contravention of this By-Law must not fail to extinguish the relevant fire where directed to do so by an Authorised Officer.

Penalty: Fine not exceeding 12 penalty units.

- (b) An Authorised Officer may undertake or coordinate the extinguishing of any fire which is the subject of a direction given under clause 20(a) of this By-Law where the relevant direction is not complied with within a reasonable time.
- (c) The Council may recover all costs incurred by it as a result of any action taken pursuant to clause 20(b) from the person who failed to comply with the relevant direction given pursuant to clause 20(a).

PART 5 – ANIMAL CONTROL

21. Interpretation of Part 5

In this Part 5 –

‘animal’ includes any live companion animal, domestic animal, farm animal, fowls, poultry or native animal;

‘cattle’ means a bull, cow, ox, steer, heifer, or calf;

‘companion animal’ means an animal kept by a person as a companion pet;

‘domestic animal’ includes an animal or bird that is:

- (a) kept by an owner or some other person who has charge of the animal; and
(b) reliant upon human contact to satisfy its welfare requirements;

‘effective control’ means:

- (a) confined by a cage or enclosure, or fence and closed gates; or
(b) on a leash; or
(c) under the direct supervision of a competent person; or
(d) confined by such other appropriate method that prevents uncontrolled animal activity;

‘farm animal’ means a horse, stock or any other animal that is commonly being farmed or grazed;

‘feral animal’ means any animal which is not native to Australia and which is living in a wild state and substantially independent of human contact;

‘fowl’ means a domestic hen, but does not include a rooster;

‘horse’ includes a stallion, mare, gelding, pony, filly, colt, foal, ass, donkey, mule, or any other animal used for burden, draught or for carrying people, irrespective of size;

‘native animal’ means any animal native to Australia;

‘nuisance’ has the same meaning as ‘nuisance’ under s.199 of the *Local Government Act 1993* and includes anything relating to an animal that –

- (a) causes, or is likely to cause, danger or harm to the health, safety or welfare of any person; or
- (b) causes, or is likely to cause, a risk to public health; or
- (c) gives rise to unreasonable or excessive levels of noise or pollution;

‘pest animal’ means a feral animal, vermin or vectors;

‘poultry’ includes ducks, fowl, geese, guinea fowl, peacocks, pheasants and pigeons, or any other birds kept in an aviary;

‘prepared food’ includes:

- (a) a product manufactured altered or modified for the purpose of consumption by animals; or
- (b) commercial products or household scraps used for the purpose of animal consumption,

but does not include hay or straw of any type;

‘property’ means any land, dwelling, flat or unit in separate occupation;

‘public land’ means land owned, vested in or managed by Council or any Government department, agency or instrumentality;

‘stock’ includes cattle, goats, deer, sheep, pigs, or a combination of two or more of them;

‘stray animal’ includes any animal not in the current care and control of any person but excludes a feral animal;

‘vermin’ means rats, mice, flies, fleas, lice, or any other animal or insect pest; and

‘welfare’ means the basic health, protection, care and comfort of any animal.

22. **Prohibition on keeping certain animals in the Residential Zone**

Subject to clause 23 of this By-Law, a person must not have or keep, on a temporary or permanent basis, any of the following in a Residential Zone:

- (a) horses, cattle, other farm animals or stock, including:
 - i. sheep,
 - ii. goats,
 - iii. pigs,
 - iv. roosters.
- (b) bees;
- (c) poultry, excluding fowls;

or any other animal of a non-domestic nature which the General Manager considers ought not be kept in a Residential Zone.

Penalty: Fine not exceeding 12 penalty units.

23. Permission to keep animals in Residential Zone

(a) Clause 22 of this By-Law does not apply where:

- i. a person has sought and obtained the written permission of the General Manager to keep the relevant animal; and
- ii. the portion of the premises or land to which the relevant animal has access is effectively fenced so that the animal cannot approach within:
 - A. fifteen (15) metres of any dwelling, schoolroom, hospital, child health centre, workroom or food premises; and
 - B. two (2) metres of a street boundary, or any adjoining property; and
- iii. boundary fencing suitable for the containment of the relevant animal is installed and maintained in good condition.

(b) In determining whether or not to grant the permission referred to in sub clause 23(a)(i), the General Manager must take into account whether or not the relevant animals will unreasonably interfere with the health or amenity of the relevant neighbourhood.

24. Effective control of animals

(a) Subject to sub-clause 24(b), the owner of any animal must ensure that their animal does not:

- i. enter or remain on any private property without the consent of the owner or occupier of such property; or
- ii. enter any public land unless there is a sign displayed on that land authorising the entry of that kind of animal.

Penalty: Fine not exceeding 12 penalty units.

(b) Sub-clause 24(a) of this By-Law does not apply to

- i. domestic cats or domestic dogs; or
- ii. a situation where farm animals or stock are on a public road and are under the effective control of a competent person.

25. Keeping of fowls

(a) A person must not keep more than a total of six (6) fowls on a property within a Residential Zone.

Penalty: Fine not exceeding 12 penalty units.

(b) A person must not, in any area, keep any fowl or fowls within twelve (12) metres of any dwelling house or two (2) metres of a property boundary or allow the fowl or fowls to have access to any area which is within twelve (12) metres of a dwelling house.

Penalty: Fine not exceeding 12 penalty units.

26. Maintenance of premises used by animals

- (a) The occupier of any premises must:
- i. keep any structures, buildings, enclosures or areas to which animals have access in a clean and sanitary condition;
 - ii. keep any bedding or floor coverings used by animals, or to which animals have access, in a clean and sanitary condition;
 - iii. regularly empty any container used for the keeping of animal waste, animal food or manure and keep such container in a clean and sanitary condition; and
 - iv. not use or include any part of an adjoining property fence as part of an animal enclosure.

Penalty: Fine not exceeding 12 penalty units.

- (b) A person must not discharge, deposit, or allow or permit to be discharged or deposited, any animal waste including but not limited to faeces:
- i. on to any property excepting the property on which the relevant waste is produced; or
 - ii. into any water course or drain,

Penalty: Fine not exceeding 12 penalty units.

27. Pest animals

- (a) An Authorised Officer may direct an owner or occupier of land where pest animals are present to take steps to remove or eradicate the relevant pest animals.
- (b) A person must not fail to comply with a direction given by an Authorised Officer pursuant to clause 27(a).

Penalty: Fine not exceeding 12 penalty units.

28. Storage of animal food for consumption

A person must not keep, store or allow to be kept or stored on any land, prepared food unless it is stored in a sealed receptacle constructed of a material that is resistant to access by pest animals.

Penalty: Fine not exceeding 12 penalty units.

PART 6 – OFFENCES AGAINST AUTHORISED OFFICERS**29. Obstruction, threats and intimidation**

- (a) A person must not obstruct or hinder an Authorised Officer engaged in the exercise of the powers conferred by this By-Law.

Penalty: Fine not exceeding 12 penalty units.

- (b) A person must not intimidate, threaten or abuse an Authorised Officer.

Penalty: Fine not exceeding 12 penalty units.

30. Failure to provide information

A person must not:

- (a) refuse; or
- (b) fail to the best of the persons' knowledge, information and belief,

to answer any question that may be put to them by an Authorised Officer where such question concerns the investigation of a potential breach of this By-Law and/or the exercise of the Authorised Officer's powers under this By-Law.

Penalty: Fine not exceeding 12 penalty units.

PART 7 - INFRINGEMENT NOTICES AND ENFORCEMENT**31. Entry onto land**

For the purposes of this By-Law, an Authorised Officer may:-

- (a) enter and remain on land for any reasonable purpose connected with the administration or enforcement of the By-Law; and
- (b) take photographs, audio, video or other recordings as reasonably required in connection with the administration of the By-Law.

32. Infringement notices

- (a) In this clause 32 '**specified offence**' means an offence against the clause specified in Column 1 of Schedule 2 of this By-Law.
- (b) 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 2 is the penalty payable under the infringement notice for that offence.
- (c) The General Manager or an Authorised Officer may –
 - i. issue an infringement notice to a person who the General Manager or authorised officer has reason to believe is guilty of a specified offence; and
 - ii. issue one infringement notice in respect of more than one specified offence.
- (d) 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.
- (e) Payment of an infringement notice issued must be made to the General Manager within 28 days of the issue of the infringement notice to avoid the infringement notice being referred to the Director, Monetary Penalties Enforcement Service.
- (f) The Monetary Penalties Enforcement Act 2005 applies to an infringement notice issued under this by-law.

33. Monies payable to council recoverable as a debt

All monies payable to the Council or General Manager in respect of an infringement notice are a debt due to the Council and recoverable at law.

SCHEDULE 1: CARAVAN LICENCE APPLICATION FORM



Brighton Council

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 Berth:

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

SCHEDULE 2 - INFRINGEMENT NOTICE OFFENCES

Column 1 CLAUSE	Column 2 OFFENCE	Column 3 PENALTY (Penalty Units)
7 (a) & (b)	Licence necessary to occupy a caravan	3
8	Storage of caravans	3
11	Location of toilets and urinals	1
14	Incinerator construction	3
15	Location of incinerator and open-air fire	3
16	Supervision of fires	3
17	Capacity to extinguishing fire	3
18	Burning of green vegetation	3
19	Time restrictions	3
20	Extinguishing fires	3
22	Prohibition on keeping certain animals in the Residential Zone	3
24(a)	Effective Control of animals	3
25 (a) & (b)	Keeping of poultry	3
26 (a) & (b)	Maintenance of premises used by animals or poultry	3
27	Pest animals	3
28	Storage of animal food for consumption	3
29	Obstruction, threats and intimidation	3
30	Failure to provide information	3

Certified as being in accordance with the law by:



John Kirkwood, Abetz Curtis, Qualified Legal Practitioner.

Dated this 22nd day of July 2016, at Hobart.

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

Ronald Victor Sanderson, General Manager



Dated this 26th day of July 2016, at Hobart.

The Common Seal of the Brighton Council has been hereunto affixed this 26th day of July 2016 pursuant to a resolution of the Council passed on the 29th day of July 2016 in the presence of:



Ronald Victor Sanderson, General Manager



HIGHWAY, PUBLIC RESERVES, PARKING AREAS AND STORMWATER BY-LAW

BY-LAW 1 OF 2016

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**WARATAH-WYNYARD COUNCIL
HIGHWAY, PUBLIC RESERVES, PARKING AREAS
AND STORMWATER BY-LAW
BY-LAW 1 OF 2016**

By-Law made under Section 145 of the *Local Government Act 1993* for the purpose of regulating conduct and activities on highways, within public reserves and parking areas and relating to stormwater management in the Waratah-Wynyard municipal area.

PART I - PRELIMINARY

Short Title

1. This By-law may be cited as the Highway, Public Reserves, Parking Areas and Stormwater By-Law 2016.

Application

- 2 (1) This By-law applies to the municipal area of the Waratah-Wynyard Council.
- (2) This By-law does not apply to a councillor or an employee of the Council or a contractor or agent of the Council where such person is carrying out activities on a highway or within a public reserve or within a parking area in the course of their duties for and on behalf of the Council.

Interpretation

- 3 in this By-law:-

"**Act**" means the *Local Government Act 1993*;

"**authorised officer**" means an employee of the Council authorised by the Council or the General Manager for the purposes of this By-law or a police officer of the Tasmania Police Service;

"**bank**" means the sides of a watercourse from the adjacent land surface to the bed;

"**boat ramp**" means a ramp or other device or structure used or capable of use or intended for use for the purpose of launching and retrieving trailable vessels;

"**camp**" means to occupy overnight a tent or similar structure, a caravan, a motorhome or a similar vehicle;

"**caravan**" means a vehicle other than a motorhome equipped with living space and amenities;

"**children's playground**" means any area in which children's play equipment is installed and extends for a distance of 5 metres in all directions from the play equipment;

"**Council**" means the Waratah-Wynyard Council;

"**crossing**" means that part of a highway constructed in or over a footpath, kerb, gutter, drain, culvert, pavement or nature strip that is designed for or used as a means of access by vehicles or bicycles from the highway to land;

"**event**" means an assembly of people and includes a parade, performance, spectacle, entertainment, exhibition, rally, march, demonstration or other event which causes or is likely to cause people to assemble on

a highway or parking area or part of a highway or parking area or for any purpose which excludes the public's normal use of that highway or parking area;

"**furniture**" includes chairs, tables, barriers, panels and umbrellas, plus other chattels used in the preparation or service or consumption of food and drink;

"**General Manager**" means the General Manager appointed by the Council;

"**highway**" means a local highway within the meaning of section 4 of the *Local Government (Highways) Act 1982*;

"**manager**" means the General Manager or a person appointed by the General Manager to perform the functions required by this by-law of that person;

"**marina**" means a waterside facility that has docks, moorings, supplies or other facilities for vessels;

"**material**" includes stones, clay, earth, cement, concrete, glass, filth, dust, ashes, oil, liquid and animal droppings or other offensive or noxious substances;

"**motorhome**" means a motor vehicle equipped with living space and amenities.

"**motor vehicle**" means a vehicle (other than a motorised scooter) that is built to be propelled by a motor that forms part of the vehicle;

"**municipal area**" means the area of land under the control of the Council and defined in section 16 of the Act;

"**nature strip**" means that part of a highway reservation between the kerb and gutter (or the edge of the constructed carriageway) and the front boundary of, or footpath in front of, the adjoining property;

"**occupy**" includes to place on a highway, footpath or nature strip any wares, goods, chattels, items, tables and chairs, or structure to enable the service and/or sale of food or beverages or for any other purpose or to fence off or obstruct any part of the highway to exclude members of the public;

"**outside dining**" means the consumption of food and or beverages by customers seated in a public reserve external to a business providing and selling the food or beverages;

"**park**" in relation to a vehicle, means to stop the vehicle or allow it to remain in a place where the driver or person in charge of the vehicle intends it to remain stationary, otherwise than:-

- (a) because the stopping of traffic prevents movement; or
(b) for so long only as is required to set down or take up passengers or goods without waiting;

"**Parking area**" means any area, other than a highway, that is owned by the Council or under the delegated control of the Council and designated for the parking of vehicles and all buildings, equipment, signs, access ways, land, fences, chattels and structures used or connected in any way with the parking area;

"**parking space**" means a space within a parking area indicated by lines or other marks on the ground or indicated by any other method, of sufficient clear space to accommodate a vehicle within that space;

"**parking voucher**" or "**voucher**" means a document issued by a voucher machine;

"**pavement**" means a hard smooth surface within a highway, a parking area or a public reserve that will bear travel

"**penalty unit**" means a sum provided for under the provisions of the *Penalty Units and Other Penalties Act 1987*;

"**permit**" means a permit granted under Part 6 of this By-law;

"**permit holder**" means a person who has obtained a permit from the Council for any purpose under this By-law;

"**public building**" means a building owned or under the control of the Waratah-Wynyard Council and includes both buildings and land on which they are situated;

"**public reserve**" means:

- (a) any reserve, beach, coastal or river foreshore, wharf, marina, boat ramp, rockery, area of bushland, natural area, planted embankment, median strip, plantation, sports ground, recreation ground, swimming pool, park or garden; and
- (b) any public building or area;

under the control or management of the Council and includes any structure or building erected on these areas;

"**reserved parking area**" means an area designated by the Council for long term parking;

"**reserved parking space**" means a parking space designated by the Council for parking exclusive to a person or long term parking;

"**roadside vendor**" means any person who, in the course of a business, profession, trade or calling, sets up a stall in or on any highway to sell wares to the public;

"**sale**" includes to sell, agree to sell, offer or expose for sale, or keep in possession for sale;

"**shared installation**" means a stormwater installation to more than one property on separate land titles and which is owned by the owners of the land the subject of the connection;

"**sign**" means any board, sign, plaque or banner which in any way makes an announcement or is an advertisement which is not permanently attached to any building or other structure;

"**skip bin**" means a receptacle not owned by the Council or supplied by the Council to residents of the municipal area, used for depositing waste, garden and green refuse and material associated with building work;

"**specified offence**" means an offence against a clause specified in Column 1 of Schedule 1 of this By-law;

"**stormwater branch**" means that portion of a stormwater system owned and maintained by Council and connecting a stormwater installation to a stormwater main;

"**stormwater installation**" means an installation owned and maintained by the property owner comprising of discharge pipes, drains, fixtures, appliances and associated components used to convey stormwater from a property to a stormwater branch or other approved disposal system;

"**stormwater main**" means any pipe or open channel owned or managed by the Council which is used or designated for the purpose of conveying stormwater from

properties in the area;

"**stormwater system**" means the stormwater installations, stormwater mains and stormwater branches that together make up a system for the disposal of stormwater;

"**street dining**" means the consumption of food and or beverages by customers seated in an area of a highway in close proximity to a business providing and selling the food or beverages;

"**street rubbish bins**" means rubbish bins installed by Council on the footpath or nature strip;

"**terms**" includes conditions, whether imposed pursuant to this By-law, a permit issued under this By-law, or by virtue of a provision of any Act;

"**trailable vessel**" means a vessel capable of being transported overland by trailer and launched or recovered on or by the use of a ramp or sloping surface leading into a waterway;

"**vehicle**" means a vehicle as defined in section 3(1) of the *Vehicle and Traffic Act 1999*;

"**vessel**" means a craft, especially one larger than a rowboat, designed to navigate on water;

"**voucher machine**" is a device installed by or for Council that, on the insertion of a coin or coins of the name or value shown on the device or on a notice in the vicinity of the machine, issues a document or documents:

- (a) bearing, with or without other words, words indicating that the holder is entitled to park a vehicle in a place specified on the voucher and the name of the corporation for which the document or documents is or are issued; and
- (b) bearing an imprint indicating the date and time of issue;

"**water course**" means a natural channel into or through which water flows, whether permanently or intermittently; and

"**wharf**" means a structure built on the shore of or projecting into a harbor or stream, etc, so that vessels may be moored alongside to load or unload or to lie at rest.

PART 2- HIGHWAYS

DIVISION 1 – USE OF HIGHWAYS

Occupation of Highway

- 4 (1) A person must not for any purpose hold or conduct an event on, place any obstruction on or enclose or occupy a highway or part of a highway except in accordance with a permit to do so.
Penalty: Fine not exceeding 5 penalty units
- (2) A person may apply to the Council at any time under Part 6 of this By-law for a permit to occupy a portion of a highway.
- (3) A permit authorising occupation of a highway may include occupation by landscaping or vegetating a nature strip where it is issued to a person who owns or occupies land that is contiguous to the nature strip.

Sales on highways

- 5 A person must not park a vehicle or leave any other

article on a highway for the purpose of advertising it for sale except in accordance with a permit to do so.

Penalty: Fine not exceeding 5 penalty units

Placing of objects or mixing substances on a highway

6 (1) A person must not use any highway for placing or mixing any concrete, cement, cement mortar, lime mortar, tar, soil, sand, stone, firewood, or other material except in accordance with a permit to do so. This clause does not apply to trucks discharging pre-mixed concrete.

Penalty: Fine not exceeding 5 penalty units

(2) A person must not place any object or fence on any highway for the purposes of preventing or inhibiting parking except in accordance with a permit to do so. This sub-clause does not apply to parking spaces.

Penalty: Fine not exceeding 5 penalty units

(3) An authorised officer may give a notice or direction to a person who has contravened this clause requiring that person to clean up or remove any material, object or fence.

(4) If a person who has received a notice or direction under sub-clause (3) fails to comply with the notice or direction within a reasonable time, or any time provided in the notice or direction, the Council may clean up or remove the material, object or fence and recover the cost of doing so as a debt payable to it from the person who has contravened this clause.

Dismantling or repair of vehicles

7 Unless authorised by a permit to do so, a person must not dismantle, paint or repair any vehicle on a highway, unless it is necessary in order to enable the vehicle to be removed from the highway.

Penalty: Fine not exceeding 5 penalty units

Parking on footpaths and nature strips

8 (1) A person must not park a vehicle wholly or partly on a footpath, kerb, gutter or nature strip except in accordance with a permit to do so.

Penalty: Fine not exceeding 3 penalty units

(2) Notwithstanding sub-clause (1), a person is permitted to stop or park a vehicle on that part of a nature strip that is contiguous to land containing a private residence owned or occupied by that person where the vehicle does not damage the nature strip and when stopped does not unreasonably obstruct other highway users.

(3) An authorised officer may give a notice or direction to a person who has contravened this clause requiring that person to remove the vehicle from the footpath, kerb, gutter or nature strip.

(4) If a person who has received a notice or direction under sub-clause (3) fails to comply with the notice or direction within a reasonable time, or any time provided in the notice or direction, the Council may remove the vehicle and recover the cost of doing so as a debt payable to it from the person who has contravened this clause.

Placing of skip bins on highways

9 (1) A person must not place a skip bin on a highway except in accordance with a permit to do so.

Penalty: Fine not exceeding 5 penalty units

(2) Approval may be given for a skip bin to be placed on a highway temporarily where adequate measures are taken to make the skip bin readily visible to highway users. Where a skip bin remains on a highway overnight flashing lights and reflectors or reflectorised tape are to be fitted or applied to the bin.

(3) An authorised officer may give a notice or direction to a person who has contravened this clause requiring that person to remove the skip bin from the highway.

(4) If a person who has received a notice or direction under sub-clause (3) fails to comply with the notice or direction within a reasonable time, or any time provided in the notice or direction, the Council may remove the skip bin and recover the cost of doing so as a debt payable to it from the person who has contravened this clause.

DIVISION 2— DAMAGE TO HIGHWAYS

Dropping materials on highways

10 A person must not deposit or drop any material or allow any material to flow, fall, be dropped or in any other way be deposited on any highway except in accordance with a permit to do so.

Penalty: Fine not exceeding 5 penalty units

Wheels of vehicles to be cleaned

11 A person must not drive any vehicle or permit any vehicle to be driven into, over or on any highway when the wheels of that vehicle hold material that is likely to be dropped or deposited on the highway.

Penalty: Fine not exceeding 3 penalty units

Removal of vegetation

12 A person must not willfully destroy, cut, pluck, remove or injure any tree, shrub, flower or other vegetation growing on a highway except in accordance with a permit to do so.

Penalty: Fine not exceeding 5 penalty units

DIVISION 3 — FOOTPATHS, GUTTERS AND KERBS

Driving vehicle over footpaths, kerbs and gutters

13 (1) A person must not cause or allow to be caused any damage to a footpath, kerb, gutter or nature strip of a highway.

Penalty: Fine not exceeding 5 penalty units

(2) A person must not drive a vehicle or allow a vehicle to be driven over a footpath, kerb, gutter or nature strip of any highway to or from any land other than over a designated crossing except in accordance with a permit to do so.

Penalty: Fine not exceeding 5 penalty units

(3) The Council may repair the footpath, gutter or kerb and recover the cost of the repairs from the person who damaged the footpath, gutter or kerb as a debt to it.

(4) The General Manager may give notice to a person who has contravened this clause requiring that person to repair any damage occasioned to a highway.

(5) The Council may recover the costs incurred in

repairing any damage occasioned as a result of a breach of this clause from the person committing the breach as a debt due to it.

DIVISION 4 – SIGNS

Signs on highways and footpaths

14 A person must not place, erect, construct or display or cause to be placed, erected, constructed or displayed a sign on a highway or footpath except in accordance with a permit to do so.

Penalty: Fine not exceeding 5 penalty units

DIVISION 5 – STREET DINING

Permit for street dining

15 (1) The proprietor or manager of a business may apply to the Council for a permit to provide street dining on a highway.

(2) The Council may grant to a person referred to in sub-clause (1) a permit to provide a street dining service.

(3) A permit may only authorise street dining on an area of a highway in close proximity to land owned or occupied or managed by the person to whom the permit is granted.

(4) The Council may cancel a permit immediately if a permit holder breaches Clause 17(3) of this By-law.

Street dining without a permit

16 (1) A person must not cause or permit any furniture to be placed on a highway for street dining except in accordance with a permit to do so.

Penalty: Fine not exceeding 5 penalty units

(2) An authorised officer may remove furniture that is placed on a highway in contravention of sub-clause (1) and store it in a safe location until any penalty or fine that may be payable under this Division has been paid to the Council.

(3) An authorised officer intending to remove any furniture pursuant to this clause must give at least two (2) days written notice of the intention to remove the furniture.

(4) Any costs incurred by the Council due to the removal and/or storage of furniture pursuant to sub-clause (2) are recoverable from the person who caused or permitted the furniture to be placed on the highway as a debt due to the Council.

Conditions for street dining

17 (1) A permit holder must:

- (a) ensure that the street dining area and the area immediately adjacent to it is clean, tidy and in a sanitary condition at all times;
- (b) regularly empty waste bins in the area that is subject to the permit;
- (c) wash the pavement within the area that is subject to the permit every day on which the street dining area is used; and
- (d) as soon as a table is vacated, clean the table and the area around it.

Penalty: Fine not exceeding 3 penalty units

(2) A permit holder must not use street rubbish bins for the disposal of table waste.

Penalty: Fine not exceeding 3 penalty units

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

(4) A permit holder must produce a Certificate of Currency of the insurance referred to in sub-clause (3) if requested by an authorised officer.

(5) The Council may terminate a permit immediately if a permit holder has refused to allow an authorised officer to view a relevant certificate of insurance or if the insurance cover lapses during the term of the permit.

PART 3 – PUBLIC RESERVES

DIVISION 1 – USE OF RESERVES

Closure of Public Reserve

18 (1) The manager may close a public reserve or any part of a public reserve to members of the public.

(2) A person must not enter or remain in a public reserve if it is closed to the public or any section of a public reserve if it is closed to the public except when authorised by written permission from the manager.

Penalty: Fine not exceeding 5 penalty units.

Hire of Public Reserve

19 (1) The manager may permit a public reserve or part of a public reserve including a berthing space at a wharf or marina to be hired or let to any person or other entity.

(2) The manager may impose terms and conditions in an agreement to hire a public reserve or a berthing space at a wharf or marina.

Mooring a vessel to a wharf or marina

20 A person must not moor or make fast a vessel to a wharf or marina in a public reserve for a period in excess of three hours otherwise than in accordance with the terms and conditions in an agreement to hire or let under clause 19 or written permission from the manager.

Penalty: Fine not exceeding 5 penalty units.

Peaceable Use of Public Reserve

21 A person must not in a public reserve do any act or thing which unreasonably interferes or is likely to interfere with the peaceable use by the public of any public reserve or the use of any nearby land.

Penalty: Fine not exceeding 10 penalty units.

Functions

22 (1) A person must not conduct or arrange a function, party or reception in a public reserve at which more than 50 people are present except in accordance with written permission from the manager.

Penalty: Fine not exceeding 5 penalty units.

(2) A police officer may arrest a person who commits an offence under this clause.

Creation of entrances to Public Reserves

23 (1) A person may not create an entrance to a public

reserve from adjoining privately owned land except in accordance with written consent from the General Manager.

Penalty: Fine not exceeding 10 penalty units.

- (2) The General Manager may consent to the creation of an entrance with or without conditions.
- (3) The General Manager may by written notice direct an owner or occupier of land adjoining a public reserve to close an entrance created in contravention of sub-clause (1) and specify a method for doing so.
- (4) An owner or occupier who receives a notice pursuant to sub-clause (3) must within a period specified in the notice being a period of not less than 14 days from the date of issue of the notice close the entrance by the method specified therein.
Penalty: Fine not exceeding 10 penalty units.
- (5) The Council may execute any work necessary to close an entrance if an owner or occupier fails to comply with a notice issued under this clause within the time specified in the notice.
- (6) The Council may recover the reasonable cost of any work it performs pursuant to sub-clause (5) from the owner or occupier as a debt due to it.

DIVISION 2 – DISALLOWED AND CONTROLLED ACTIVITIES

Permit for outside dining

- 24 (1) A person must not cause or permit any furniture to be placed in a public reserve for use for outside dining except in accordance with a permit issued for outside dining.
Penalty: Fine not exceeding 10 penalty units and for a continuing offence, a further daily fine not exceeding 1 penalty unit.
- (2) The proprietor or manager of a business may apply to the Council for a permit to provide outside dining within a public reserve.
- (3) The Council may grant to a person referred to in sub-clause (1) a permit to provide an outside dining service.
- (4) In lieu of issuing an infringement notice the Council may cancel a permit immediately if a permit holder breaches sub-clause (5).
- (5) The permit holder must:
 - (a) ensure that the outdoor dining area and the area immediately adjacent to it is clean, tidy and in a sanitary condition at all times;
 - (b) regularly empty waste bins in the area that is subject to the permit;
 - (c) wash the pavement of the area that is subject to the permit every day on which the outside dining area is used; and
 - (d) as soon as a table is vacated, clean the table and the area around it.
Penalty: Fine not exceeding 3 penalty units
- (6) A permit holder must not use rubbish bins in a public reserve for the disposal of table waste.
Penalty: Fine not exceeding 3 penalty units

- (7) An applicant for a permit for outside dining must have public liability insurance and product liability insurance that covers the area designated for outside dining before the applicant may be issued with a permit. The insurance cover is to be for a minimum sum of \$10 million and be in a form that is acceptable to Council.
- (8) A permit holder must produce a Certificate of Currency of the insurance referred to in sub-clause (7) if requested by an authorised officer.
- (9) The Council may terminate a permit immediately if a permit holder fails or refuses to allow an authorised officer to view a relevant certificate of insurance or if the insurance cover lapses during the term of the permit.
- (10) An authorised officer may remove furniture that is placed in a public reserve in contravention of sub-clause (1) and store it in a safe location until any penalty or fine that may be payable under this Division has been paid to the Council.
- (11) An authorised officer intending to remove any furniture pursuant to this clause must give at least two (2) days written notice of the intention to remove the furniture.
- (12) Any costs incurred by the Council due to the removal and/or storage of furniture pursuant to sub-clause (10) are recoverable from the person who caused or permitted the furniture to be placed in the public reserve as a debt due to the Council.

Sale of Item

- 25 A person must not sell or offer for sale goods, merchandise, food or drink in a public reserve except in accordance with the terms of written permission from the manager.
Penalty: Fine not exceeding 5 penalty units.
A police officer may arrest a person who commits an offence under this clause.

Organised Sport

- 26 A person must not conduct or participate in any organised sport, contest or game in a public reserve except in an area set aside for the purpose or in accordance with written approval of the manager.
Penalty: Fine not exceeding 10 penalty units.

Commercial Activity

- 27 A person must not carry on the supply of goods or services for profit in a public reserve except in accordance with a permit to do so.
Penalty: Fine not exceeding 5 penalty units.

Damage to Children's Playground

- 28 A person must not in any place set apart in a public reserve by signs or notice boards as a children's playground misuse or damage any playground equipment.
Penalty: Fine not exceeding 5 penalty units.

Camping

- 29 A person must not in a public reserve or part of a public reserve camp or station and occupy a caravan, motorhome or other motor vehicle except in accordance with signage erected in that public reserve or part of a public reserve.
Penalty: Fine not exceeding 5 penalty units.

Projectiles

30 A person must not in a public reserve discharge a firearm or use a slingshot, catapult, bow and arrow or a similar device except in accordance with written permission from the manager.

Penalty: Fine not exceeding 5 penalty units

A police officer may arrest a person who commits an offence under this clause.

Disorderly, Threatening and Offensive Conduct

31 A person must not in a public reserve:-

- (a) use threatening or offensive language; or
- (b) act in a disorderly manner.

Penalty: Fine not exceeding 5 penalty units.

A police officer may arrest a person who commits an offence under this clause.

Damage to Council Property

32 A person must not in a public reserve remove or damage Council property.

Penalty: Fine not exceeding 10 penalty units.

A police officer may arrest a person who commits an offence under this clause.

Protection of Wildlife

33 A person must not in a public reserve:-

- (a) take or have in their possession any wildlife; or
- (b) use or have in their possession any hunting equipment; or
- (c) lay or set any trap or snare or deposit any poisonous or chemical substance; or
- (d) interfere with the nest, breeding place or habitation of any wildlife; or
- (e) intentionally rouse or disturb any wildlife except in accordance with written permission from the manager.

Penalty: Fine not exceeding 20 penalty units.

A police officer may arrest a person who commits an offence under this clause.

PART 4- PARKING AREAS**Entry and exit of parking areas**

34 A person driving a vehicle must not enter or leave a parking area except by an access point designated by a Council sign.

Penalty: Fine not exceeding 3 penalty units

Driving of vehicles in a parking area

35 A person must not drive a vehicle in a parking area at a speed exceeding that depicted on signs erected in the parking area or at an unsafe speed.

Penalty: Fine not exceeding 4 penalty units

Parking of vehicles

36 (1) A person must not in a parking area park a vehicle otherwise than wholly within a single parking space.

Penalty: Fine not exceeding 3 penalty units

(2) A person must not in a parking area park a vehicle in a position that obstructs the entry or exit of a vehicle to a parking space.

Penalty: Fine not exceeding 3 penalty units

(3) A person must not allow a vehicle to remain parked in a parking area or a public reserve in a position that obstructs public use of a boat ramp.

Penalty: Fine not exceeding 3 penalty units

Payment of parking fee

37 A person must not park a vehicle in a parking area without payment of the fee required by the conditions of entry to that parking area, which conditions are indicated by signs displayed in the parking area.

Penalty: Fine not exceeding 3 penalty units

Parking vouchers

38 A person must not park a vehicle in a parking area controlled by a voucher machine unless that person has clearly displayed on the driver's side of the vehicle's dashboard an unexpired voucher.

Penalty: Fine not exceeding 3 penalty units.

Parking longer than the maximum period

39 A person must not allow a vehicle to remain parked in a parking area for a longer period than is allowed by the conditions of entry to that parking area, which conditions are indicated by signs displayed in the parking area.

Penalty: Fine not exceeding 3 penalty units

Reserved spaces

40 (1) The General Manager may create reserved parking areas and spaces on land owned by or under the control of Council.

(2) A person must not park or leave a vehicle in a parking space or parking area which is designated "Reserved" unless authorised to do so.

Penalty: Fine not exceeding 3 penalty units

Damage to Council property

41 (1) A person must not remove or damage Council property within a parking area.

Penalty: Fine not exceeding 5 penalty units

(2) A person must not mark, write on or in any other way deface Council property within any parking area.

Penalty: Fine not exceeding 5 penalty units

Unauthorised removal of infringement notice

42 A person other than the registered owner or person in charge of a vehicle in a parking area must not remove or cause to be removed any infringement notice affixed to that vehicle.

Penalty: Fine not exceeding 5 penalty units

Washing, dismantling or repair of vehicles

43 A person must not dismantle, paint, wash or repair any vehicle in a parking area without the consent of the General Manager except where necessary to enable the vehicle to be removed from the parking area.

Penalty: Fine not exceeding 5 penalty units

Use of skates and cycles

44 A person is not to ride a wheeled recreational device or toy, which includes a bicycle, skateboard, motorized scooter, scooter, in-line skates and roller skates in a public reserve or in a parking area except in accordance with signs erected in the public reserve or parking area.

Penalty: Fine not exceeding 2 penalty units

Obstruction

45 A person must not cause any obstruction to vehicular or pedestrian traffic in a parking area.

Penalty: Fine not exceeding 5 penalty units

Offensive and prohibited conduct

46 (1) An authorised officer may direct a person to leave land owned by, or under the control of Council when

they reasonably believe such person is offending against this By-law. A police officer may arrest a person who refuses a direction of an authorised officer.

- (2) A person who does not obey the directions of an authorised officer is guilty of an offence.
Penalty: Fine not exceeding 5 penalty units

Use of parking area for other purposes

47 The council may grant a permit for a parking area to be used for any purpose.

PART 5- STORMWATER MANAGEMENT

DIVISION 1– PROTECTION OF HYDRAULIC SYSTEMS

Opening of ground

48 (1) A person must not open any ground so that a stormwater main or stormwater branch is exposed unless the person has applied to the Council for a permit at least 2 working days prior to the commencement of work and has received a permit to carry out the work.
Penalty: Fine not exceeding 10 penalty units

- (2) A person must not open the surface of any highway so that a stormwater main or stormwater branch is exposed except in accordance with a permit to do so.
Penalty: Fine not exceeding 10 penalty units

Interfering with pipes

49 A person must not alter or interfere with a stormwater main or stormwater branch except in accordance with a permit to do so.
Penalty: Fine not exceeding 10 penalty units

Structures over Council's services

50 (1) A person must not construct any structure, fence, or carry out other works that alters or interferes with a stormwater main except in accordance with a permit to do so.
Penalty: Fine not exceeding 10 penalty units

- (2) The Council may direct any person contravening this clause to remove the structure, fence, or other works.
- (3) If a person who has received a direction under sub-clause (2) fails to comply with the direction within a reasonable time, or any time provided in the direction, the Council may remove the structure or fence or carry out diversion works and recover the cost of doing so as a debt payable to it from the person who has contravened this clause.

Defective work or maintenance

- 51 (1) On receipt of a notice in writing from the General Manager, the owner or occupier of any land is to replace, clean out or repair any leakage, blockage, or breakage in any stormwater installation or part thereof which in the opinion of the General Manager is, or has become defective.
- (2) An owner or occupier must comply with the notice within the time specified in the notice.
Penalty: Fine not exceeding 5 penalty units
- (3) The Council may undertake the work required in a notice issued under sub-clause (1) if the owner or

occupier fails to comply with the notice within the time specified in the notice.

- (4) The Council may recover its expenses in undertaking work under sub-clause (3) from the person who fails to comply with a notice under sub-clause (1) as a debt due to it in addition to any penalty imposed under sub-clause (2).

Altering surface

52 An owner or occupier of any land on which any stormwater system is constructed must not alter the ground level in the immediate vicinity of any Council service or main by the addition or removal of fill, top soil or other materials except in accordance with a permit to do so.
Penalty: Fine not exceeding 5 penalty units

DIVISION 2— STORMWATER AND LAND DRAINAGE

Connection to Council's stormwater system

53 A person is not to connect any drain or pipe to make any entry into, remove part of, or otherwise interfere with a stormwater system including any drain, pipe, fitting, or fixture connected to the system except in accordance with a permit to do so.
Penalty: Fine not exceeding 5 penalty units

Land connected to a shared house connection

54 The owner of any land to which a stormwater installation is connected by a shared installation, must within 30 days of service of a notice from the General Manager, or such other time as the General Manager may approve, disconnect from the shared installation and connect to the Council's stormwater branch as indicated in the notice.
Penalty: Fine not exceeding 5 penalty units

Provision of a stormwater branch

55 A person must not construct more than one stormwater branch connection within a single land title boundary unless in accordance with a permit to do otherwise.
Penalty: Fine not exceeding 5 penalty units

Discharge of appropriate stormwater

56 A person who occupies land connected to a stormwater system must not discharge any matter which may be legally discharged into the stormwater system in accordance with the *Urban Drainage Act 2013* and the *Plumbing Regulations 2014* otherwise than into the stormwater system.
Penalty: Fine not exceeding 5 penalty units

Works in watercourses

57 A person must not alter the bed, banks, or flood plains of a water course except in accordance with a permit to do so.
Penalty: Fine not exceeding 20 penalty units

PART 6-PERMITS

Applications

- 58 Any application for a permit pursuant to this By-law is, where applicable, to be made to the Council and be accompanied by the following:
- a statement in writing of the type and nature of the activity proposed to be undertaken by the applicant;
 - a scaled drawing showing the location and extent of the proposed occupation or activity;
 - a safety management plan or a description of any necessary safety measures that are appropriate for

- the proposed activity; and
- (d) such other information as the Council may reasonably require.

Factors to be considered when granting a permit

- 59 (1) In deciding whether or not to grant a permit pursuant to this Part the Council may have regard to the following:
- the potential for damage to Council infrastructure
 - public amenity and safety;
 - public access in the area;
 - the maintenance of public order in the area;
 - the movement of traffic in the area;
 - the manner of any proposed advertising;
 - the nature, size, shape, extent and location of any proposed highway furniture;
 - the availability of suitable parking for motor vehicles in the area;
 - representations made by a commissioned police officer; and
 - any other relevant matters.
- (2) In considering an application for a permit under clause 14, the Council may have regard to the following:
- the dimensions and construction of the sign;
 - whether the sign is to be placed on the area of the footpath which is contiguous to the boundary of the land owned or occupied by the person seeking to place the sign;
 - whether more than one sign is appropriate where the land owned or occupied by the person seeking to place the sign is a corner site;
 - whether the sign is located as close as practicable to the boundary of the land owned or occupied by the person seeking to place the sign, or whether some other location is more appropriate;
 - whether the sign is to be removed during hours of darkness or when any business operating on the land is not open to the public; and
 - whether the sign is secured to the satisfaction of the Council.
- (3) In considering an application for a permit under clause 27 the Council may have regard to the following:
- the impact on priority uses and users of public reserves, including informal social gatherings and celebrations, formal events and celebrations, quiet reflection, passive recreational activities, residents and tourists, community groups and local amenity.
 - the impact of noise and other pollution
 - visual impacts
 - the impact on flora and fauna
 - the impact on access, vehicle parking and public safety
 - the impact on local population and growth
 - the location's ability to support varied activities,
 - the community's desire and tolerance of proposed activity.

Conditions of permit or approval

- 60 A permit or approval issued under this By-law may be subject to such conditions as the Council considers appropriate.

Permits generally

- 61 Every permit granted pursuant to this By-law is to:
- be in writing and may be in the form of a letter;
 - bear the date on which it was issued;
 - include such terms and conditions as the Council may consider necessary;
 - remain in force for the period for which it was issued, unless it is cancelled or surrendered;
 - be carried by the permit holder or displayed in the area subject to the permit at all times when the activity approved under the permit occurs; and
 - be surrendered to the Council if it is cancelled or when it is due for renewal.

Cancellation and suspension of permits

- 62 (1) The Council may cancel a permit if a permit holder fails to comply with or offends against this By-law or any condition of a permit.
- (2) The Council may cancel a permit if the permit holder is:
- convicted of any offence involving dishonesty; or
 - convicted of any offence involving a breach of public order.
- (3) To cancel or suspend a permit, the Council is to serve a notice on the permit holder stating that the permit is cancelled or suspended and the reason for that cancellation or suspension.
- (4) Cancellation or suspension of any permit is effective from the day the notice is served on the permit holder or the date specified in the notice whichever is the later.
- (5) Nothing in this clause is to be construed as preventing or prohibiting the Council from cancelling a permit if this is required due to the exercise or intended exercise of any local government functions, powers, rights or duties by the Council.
- (6) Notwithstanding, sub-clauses (3) and (4), the Council may cancel or suspend a permit by any communication conveyed to the permit holder by any means including in emergency situations notice by radio or television.

Production of the permit

- 63 A permit holder must produce the permit immediately when requested to do so by an authorised officer.
Penalty: Fine not exceeding 5 penalty units

Assignment of permit

- 64 A permit must not be assigned to any person except with the written consent of the Council.

PART 7-ENFORCEMENT

Supply of name and address

- 65 (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 By-law.
- (2) A person who fails or refuses to comply with a request to give his or her name and/or address is guilty of an offence.
Penalty: Fine not exceeding 5 penalty units.
- (3) A police officer may arrest a person if an authorised officer finds the person offending against this

clause.

Abuse or obstruction of an authorised officer

66 A person must not:

- (a) threaten, intimidate or use abusive language to an authorised officer in or on land owned by or under the control of the Council while the officer is acting in the course of his or her duties; or
 - (b) assault, resist or obstruct an authorised officer in the execution of his or her duty.
- Penalty: Fine not exceeding 10 penalty units.

Enforcement and removal of articles

67 (1) An authorised officer may:

- (a) refuse to admit a person to any land owned by, or under the control of the Council whom the authorised officer reasonably believes is offending against this By-law.
 - (b) direct any person to leave any land owned by, or under the control of the Council whom the authorised officer reasonably believes is offending against this By-law.
 - (c) remove anything which is on land owned by, or under the control of the Council without the approval of the Council; and
 - (d) enlist the assistance of a police officer to remove any person from any land owned by, or under the control of the Council whom the authorised officer reasonably believes is offending against this By-law.
- (2) (a) A person who fails to comply with a direction under (1)(b) is guilty of an offence.
Penalty: Fine not exceeding 5 penalty units.
 - (b) A police officer may arrest a person whom the police officer reasonably believes is offending against this clause.

Removed articles

68 (1) If an article is not claimed by the owner or person on behalf of the owner within 48 hours following its removal under clause 67, the General Manager is to give notice to the owner of the article in accordance with sub-clause (2).

- (2) A notice is to give the following details:
 - (a) a description of the article and any distinguishing features;
 - (b) the place from where it was removed;
 - (c) the date on which it was removed;
 - (d) the place from which the article may be claimed;
 - (e) the fees, costs and charges payable in respect of the removal, maintenance and storage of the article; and
 - (f) that if not claimed within 14 days that the article may be disposed of by the Council.
- (3) A notice is to be given in writing.
- (4) If the owner of the removed article cannot be ascertained or found, and if the General Manager is of the opinion that the value of the article warrants the cost of advertising, the General Manager is to publish on at least one occasion a notice containing the particulars specified in sub-clause (2) in a newspaper circulating in the municipal area.

Fees costs and charges

69 (1) The owner of any article is liable to pay:

- (a) any fees, costs and charges specified in a

notice under clause 68; and

- (b) any further fees incurred in the storage and further maintenance of an article removed under this Part.

(2) Any unpaid fees, costs and charges are a debt due to the Council and may be recovered by the Council in a court of competent jurisdiction.

(3) The Council may retain an article until any fees, costs and charges specified are paid.

Disposal of unclaimed articles

70 (1) The Council may dispose of an article if:

- (a) the article is not claimed within 14 days of notice being given under clause 68; and
- (b) any fees, costs and charges specified in a notice have not been paid within 14 days of that notice.

(2) An article may be disposed of under sub-clause (1):

- (a) by tender or public auction following notification in a local newspaper circulating in the municipal area; or
- (b) in a manner as the General Manager determines if:

- (i) the General Manager is of the opinion that the article has a value that does not warrant the costs of a tender or a public auction; or
- (ii) no tender is received or no bid is made at a public auction.

(3) If an article is disposed of under this clause the General Manager must notify the owner of the article as soon as possible if the owner can be ascertained or found by reasonable enquiries.

(4) If the owner of the article so requests, then the proceeds obtained from the disposal or sale of the article must be paid to the owner, less any fees that are due to the Council, advertising costs, and any other costs incurred by the Council in the removal and disposal of the article.

Article required for prosecution

71 (1) Where an article is required by the Council for the prosecution of an offence under this By-law, the article is to be released to the owner following the completion of the prosecution proceedings and on payment of any relevant fees, costs and charges unless otherwise directed by a court.

(2) The Council may, under clause 70, dispose of an article required under sub-clause (1) which is not claimed by the owner or in relation to which fees, costs and charges have not been paid within 30 days of the completion of court proceedings.

Notices and directions generally

72 (1) A notice given under this By-law is to be given in writing, which may be in the form of a letter, and is to be given in accordance with section 29AB(1)(a) of the *Acts Interpretation Act 1931*.

(2) A direction given under this By-law may be given verbally or in writing and may be in the form of a letter.

(3) A notice or direction given under this By-law may be subject to such conditions and requirements and

allow such period for action as the General Manager or authorised officer may determine.

- (4) Unless otherwise specified in a notice or direction, a person to whom a notice or direction is given is to comply with the notice or direction at the cost of that person.
- (5) A notice or direction given under this By-law requiring a person to carry out or undertake action or work may direct that the action or work be in or of such materials, carried out within the periods, and carried out in the manner the Council or an authorised officer directs, or be done only by a person with a specified appropriate qualification.
- (6) The Council may require the person carrying out the work to pay the Council, or enter into a bond for payment to the Council of an amount it thinks fit to provide security against costs which it may incur as a result of the execution of the work.

Non-compliance with notice or direction

- 73 (1) A person to whom a notice or direction has been given under this By-law must comply with that notice or direction within the time period specified in the notice or direction.
Penalty: Fine not exceeding 10 penalty units
- (2) The Council may undertake any work required to be carried out in a notice or direction given pursuant to this By-law if the person to whom a notice or direction is given fails to comply with the notice or the direction within the time specified in the notice or direction.

PART 8 - INFRINGEMENT NOTICES

Infringement Notices

- 74 (1) In this clause:
'specified offence' means an offence against a clause specified in Column 1 of Schedule 1.
- (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 I 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) The General Manager or an authorised officer may:
 - (a) issue an infringement notice to a person who the General Manager or authorised officer believes on reasonable grounds has committed a specified offence; and
 - (b) issue a single 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.

Debt due

75 All monies payable to the Council under this By-law are a debt due to the Council and recoverable at law.

Offences

76 A person who contravenes or fails to comply with a provision of this By-law is guilty of an offence and is liable on conviction to a penalty as specified in this By-law in respect of such an offence.

Failure to comply

77 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 of contravention is recoverable by the Council as a debt payable by the person so failing to comply or contravening.

**SCHEDULE I
INFRINGEMENT NOTICE OFFENCES**

Column 1 CLAUSE	Column 2 OFFENCE GENERAL DESCRIPTION OF OFFENCE	Column 3 PENALTY Units	Column 4 Reduced Penalty if paid to Council within 14 days of date of service of Infringe- ment Notice (Penalty Units)	Column 5 Reduced Penalty if paid to Council after 14 days but within 28 days of date of service of Infringe- ment Notice (Penalty Units)
4(1)	Occupy highway without permit	1		
5	Park a vehicle or place object on highway to promote sale without permit.	1		
6(1)	Place objects on highway	1		
6(2)	Place objects on highway to inhibit parking	1		
7	Dismantle and repair vehicle on a highway	1		
8(1)	Park on footpaths and nature strips	1		
9(1)	Place skip bin on highway without permit	1		
10	Drop materials on a highway	1		
11	Wheels of vehicles to be clean	1		
12	Remove vegetation without permit	1		
13(1)	Damage footpaths, kerbs and gutters	1		

Column 1 CLAUSE	Column 2 OFFENCE GENERAL DESCRIPTION OF OFFENCE	Column 3 PENALTY Penalty Units	Column 4 Reduced Penalty if paid to Council within 14 days of date of service of Infringe- ment Notice (Penalty Units)	Column 5 Reduced Penalty if paid to Council after 14 days but within 28 days of date of service of Infringe- ment Notice (Penalty Units)	Column 1 CLAUSE	Column 2 OFFENCE GENERAL DESCRIPTION OF OFFENCE	Column 3 PENALTY Penalty Units	Column 4 Reduced Penalty if paid to Council within 14 days of date of service of Infringe- ment Notice (Penalty Units)	Column 5 Reduced Penalty if paid to Council after 14 days but within 28 days of date of service of Infringe- ment Notice (Penalty Units)
13(2)	Fail to use designated crossing	1			30	Discharge projectile in public reserve	1		
14	Signs on highways or footpaths	1			31	Disorderly, threatening or offensive conduct in public reserve	1		
16(1)	Street dining without a permit	1			32	Damage to Council property in public reserve	1		
17(1)	As permit holder fail to keep street dining area clean	1			33	Take or possess Wildlife in public reserve	1		
17(2)	As permit holder use street rubbish bins	1			34	Enter or leave parking area except by designated access	0.5		
18(2)	Enter closed public reserve	1			35	Speed in a parking area	0.5		
20	Moor vessel to wharf or marina without permit	1			36(1)	Park vehicle outside a parking space	0.5		
21	Peaceable use of public reserve	1			36(2)	Obstruct use of a parking space	0.5		
22(1)	Functions in public reserve without permit	1			36(3)	Obstruct use of a boat ramp	0.5		
23(1)	Create entrance to public reserve	1			37	Park in a parking area without paying fee	0.5	0.20	0.40
23(4)	Fail to comply with notice to close entrance	1			38	Park in a parking area without displaying current voucher	0.5	0.20	0.40
24(1)	Conduct outside dining without permit	1			39	Parking exceeding maximum time	0.5	0.20	0.40
24(5)	As permit holder fail to keep outdoor dining area clean	1			40(2)	Park in a reserved parking space	0.5	0.20	0.40
24(6)	Not using rubbish bins in public reserve	1			41(1)	Damage Council property in a parking area	1		
25	Conduct sale in public reserve	1			41(2)	Deface Council property	1		
26	Organised sport in public reserve	1			42	Unauthorised removal of infringement notice	1		
27	Commercial activity in public reserve	1			43	Wash, dismantle or repair vehicle in a parking area	1		
28	Damage children's playground	1			44	Use skates and/or bicycles where prohibited	0.5		
29	Camp in public reserve	1							

Column 1 CLAUSE	Column 2 OFFENCE GENERAL DESCRIPTION OF OFFENCE	Column 3 PENALTY Penalty Units	Column 4 Reduced Penalty if paid to Council within 14 days of date of service of Infringe- ment Notice (Penalty Units)	Column 5 Reduced Penalty if paid to Council after 14 days but within 28 days of date of service of Infringe- ment Notice (Penalty Units)
45	Obstruct vehicles and foot traffic in parking area	1		
46(2)	Fail to obey directions of an authorised officer	1		
48(1)	Open ground to expose stormwater main	2		
48(2)	Open highway to expose stormwater main	2		
49	Interfere with pipes	2		
50(1)	Erect structure over stormwater mains	2		
51(2)	Defective work or maintenance	1		
52	Alter surface depth above stormwater main	1		
53	Connect to Council's stormwater system without permit	1		
54	Fail to disconnect shared house installation	1		
55	Multiple branch connections	1		
56	Discharge only appropriate waste to stormwater system	1		
57	Works in water courses	2		
63	Fail to produce permit	1		
65(2)	Fail to supply name and address	2		
66	Abuse or obstruct an authorised officer	2		
67(2)	Fail to comply with direction of authorised officer	1		
73(1)	Fail to comply with notice or direction	2		

Certified as being in accordance with the law by:



Geoffrey W. Tremayne, Qualified Legal Practitioner

Dated this 26 day of July 2016 at Hobart

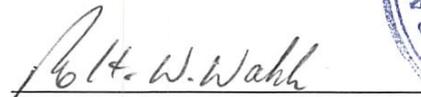
Certified as being made in accordance with the Local Government Act 1993:



Michael Stretton
General Manager

Dated this 14 day of July 2016 at Wynyard

The Common Seal of Waratah-Wynyard Council was hereunto affixed in the presence of:

Robert (Robby) Walsh
Mayor



Michael Stretton
General Manager

Staff Movements

Appointment of Officers

Agency	Duties Assigned	Employee	Duration	Date of Effect
Health and Human Services	Director Human Resources, Management and Strategy	R Anderson	5 years	25/07/2016
Treasury and Finance	Deputy Secretary, Corporate and Governance	J Beaumont	5 years	08/08/2016
Primary Industries, Parks, Water and Environment	Recorder of Titles	M Kawa	5 years	01/08/2016

Fixed-Term Appointments of greater than 12 Months

Agency	Duties Assigned	Employee	Term	Date of Effect
Primary Industries, Parks, Water and Environment	Computer Systems Officer	C Watson	2 years	28/07/2016
Justice	Assistant Planner	C Armstrong	3 years	01/08/2016

Permanent Appointments

Agency	Duties Assigned	Employee	Probation Period	Date of Effect
Tasmanian Health Service	Food Services Officer	R Brown	6 months	08/08/2016
Tasmanian Health Service	Manager - Medicines Supply	N Dalton	6 months	25/07/2016
Tasmanian Health Service	Stores Supervisor	M Bessell	6 months	15/08/2016
Health and Human Services	Senior Advisor Information Management	S McIlroy	6 months	26/07/2016
Tasmanian Health Service	Community Mental Health Nurse	L Terry-Blume	6 months	24/07/2016
Education	Teacher	V Tomkins	12 months	22/07/2016
Education	Education Facility Attendant	K Reardon	6 months	25/07/2016
Education	Education Facility Attendant	G Brown	6 months	25/07/2016
Education	Education Facility Attendant	L Moralez	6 months	25/07/2016
TasTAFE	Teacher	C Reeve	12 months	25/07/2016
Education	Teacher Assistant	T McCarthy	6 months	18/07/2016
Education	Teacher	J Reeve	12 months	10/10/2016
Education	School Administration Clerk	S Jones	6 months	18/07/2016
Education	School Administration Clerk	A Swain	6 months	18/07/2016
Education	Teacher	B Gaul	12 months	18/07/2016
Education	Teacher	K Muller	12 months	18/07/2016
Education	Teacher Assistant	J Churcher	6 months	18/07/2016
Education	Teacher Assistant	G Carroll	6 months	18/07/2016
Education	Education Facility Attendant	K Reynolds	6 months	18/07/2016
Education	Education Facility Attendant	E Sharman	6 months	18/07/2016
Education	Teacher Assistant	A Killengray	6 months	18/07/2016
Education	Teacher Assistant	C Dunn	6 months	18/07/2016
Education	Education Facility Attendant	C Hensley	6 months	18/07/2016
Education	School Administration Clerk	N Whitehouse	6 months	18/07/2016
Education	Teacher Assistant	T Jones	6 months	18/07/2016
TasTAFE	Administration Assistant	J McNab	6 months	26/07/2016
Education	Teacher	R Hardy	12 months	18/07/2016
Education	Teacher Assistant	T Maxfield	6 months	19/07/2016
Port Arthur Historic Site Management Authority	Senior Conservation Project Officer - Buildings	P Hubert	6 months	12/07/2016

Agency	Duties Assigned	Employee	Probation Period	Date of Effect
Education	Education Facility Attendant	L McIntosh	6 months	25/07/2016
Tasmanian Health Service	Registered Nurse	J Nicholson	6 months	28/07/2016
Tasmanian Health Service	Registered Nurse	R O'Keefe	6 months	28/07/2016
Education	Education Facility Attendant	J Ross	6 months	28/07/2016
Education	Education Facility Attendant	M Moorby	6 months	01/08/2016
Education	Education Facility Attendant	N Urbanczyk	6 months	10/10/2016
Tasmanian Health Service	Speech Pathologist	J Ebert	Nil	03/08/2016

Promotion of Permanent Employees

Agency	Duties Assigned	Employee	Date of Effect
TasTAFE	Executive Assistant	A Mullenger	04/07/2016
Education	Principal Smithton Primary School	L White	04/07/2016
Education	School Business Manager	R Van Der Neut	18/07/2016
Education	Principal Northern Support School	L Wright	01/08/2016
Education	Advanced Skills Teacher	M Bakes	18/07/2016
Justice	Legal Practitioner	S Kay	28/07/2016
Justice	Inspector	T Wilson	08/08/2016
Education	Advanced Skills Teacher	A Smith	26/07/2016
Education	Advanced Skills Teacher	D Kroon	10/10/2016
Education	Advanced Skills Teacher	S Ellaby	21/07/2016
Justice	Gas Safety Specialist - Supply, Reliability and Programs	B Newell	01/08/2016
Education	Principal	D Goodwin	18/07/2016
Education	Advanced Skills Teacher	L Waugh	18/07/2016
Tasmanian Health Service	Clinical Coordinator	D Ferguson	01/08/2016

Resignation of Officers

Agency	Duties Assigned	Employee	Date of Effect
Premier and Cabinet	General Manager TMD	P Peroni	01/08/2016

Resignation of Permanent Employees

Agency	Duties Assigned	Employee	Date of Effect
Health and Human Services	Administrative Assistant	C Campbell	20/07/2016
Justice	Correctional Officer	M Malano	20/07/2016
Tasmanian Health Service	IT Consultant	J Anderson	29/07/2016
Health and Human Services	Registered Nurse	A Walter	07/07/2016
Tasmanian Health Service	Ward Clerk	M Lourie	29/07/2016
Justice	Probation Officer	B Farquett	01/07/2016
Tasmanian Health Service	Radiation Therapist	A Nguyen	29/07/2016
Health and Human Services	Librarian	J North	24/07/2016
State Growth	Records Officer	F Oates	29/07/2016

Retirement of Permanent Employees

Agency	Duties Assigned	Employee	Date of Effect
Premier and Cabinet	Policy Analyst	A Koroma	01/08/2016
Port Arthur Historic Site Management Authority	Retail Manager	R Bradshaw	16/07/2016
Port Arthur Historic Site Management Authority	Visitor Transport Officer	P Bradshaw	12/06/2016
Tasmanian Health Service	ACAT Assessor	D Hansen	22/07/2016
Tasmanian Health Service	Enrolled Nurse	M Lee	30/07/2016
Tasmanian Health Service	Registered Nurse	J Scott	30/07/2016



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