



TASMANIAN GOVERNMENT GAZETTE

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Notices to Creditors

PAUL WILLIAM GREEN late of 43 Raymond Avenue, Devonport in Tasmania, Retired Electrical Engineer, Married, Deceased: Creditors, next of kin and others having claims in respect of the property or estate of the deceased, PAUL WILLIAM GREEN who died between the 9th day of May 2017 and the twelfth day of May 2017 are required by the Executor, TASMANIAN PERPETUAL TRUSTEES LIMITED of Level 2 137 Harrington Street, Hobart in Tasmania, to send particulars to the said Company by the twenty third day of September 2017, after which date the Executor may distribute the assets, having regard only to the claims of which it then has notice.

Dated this twenty third day of August 2017.

KYLIE WILLIAMS, Trust Administrator.

MARGARET LEILA HILLS late of Meercroft Nursing Home, Clements Street, Devonport in Tasmania, Home Duties, Divorced, Deceased: Creditors, next of kin and others having claims in respect of the property or estate of the deceased, MARGARET LEILA HILLS who died on the twenty ninth day of May 2017 are required by the Executor, TASMANIAN PERPETUAL TRUSTEES LIMITED of Level 2 137 Harrington Street, Hobart in Tasmania, to send particulars to the said Company by the twenty third day of September 2017, after which date the Executor may distribute the assets, having regard only to the claims of which it then has notice.

Dated this twenty third day of August 2017.

SARAH JOYES, Trust Administrator.

VIOLET MADGE HARWOOD late of Masonic Peacehaven, Norwood in Tasmania, Retired Teacher, Widowed, Deceased: Creditors, next of kin and others having claims in respect of the property or estate of the deceased, VIOLET MADGE HARWOOD who died on the second day of June 2017 are required by the Executor, TASMANIAN PERPETUAL TRUSTEES LIMITED of Level 2 137 Harrington Street, Hobart in Tasmania, to send particulars to the said Company by the twenty third day of September 2017 after which date the Executor may distribute the assets, having regard only to the claims of which it then has notice.

Dated this twenty third day of August 2017.

REBECCA SMITH, Trust Administrator.

Tasmanian Government Gazette

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MARY SHIRLEY WALTERS late of 16 Caroline Street, Dynnryne in Tasmania, Retired Politician, Widowed, Deceased: Creditors, next of kin and others having claims in respect of the property or estate of the deceased, MARY SHIRLEY WALTERS who died on the eighteenth day of June 2017 are required by the Executor, TASMANIAN PERPETUAL TRUSTEES LIMITED of Level 2 137 Harrington Street, Hobart in Tasmania, to send particulars to the said Company by the twenty third day of September 2017, after which date the Executor may distribute the assets, having regard only to the claims of which it then has notice.

Dated this twenty third day of August 2017.

KYLIE WILLIAMS, Trust Administrator.

ANN MARGARET WALTER late of 16 Pindari Street, Howrah in Tasmania, Retired Nursing Sister/Home Duties, Widowed, Deceased: Creditors, next of kin and others having claims in respect of the property or estate of the deceased, ANN MARGARET WALTER who died on the ninth day of June 2017 are required by the Executor, TASMANIAN PERPETUAL TRUSTEES LIMITED of Level 2 137 Harrington Street, Hobart in Tasmania, to send particulars to the said Company by the twenty third day of September 2017, after which date the Executor may distribute the assets, having regard only to the claims of which it then has notice.

Dated this twenty third day of August 2017.

MEGAN MCCONNON, Trust Administrator.

The Estate of GERTRUDE JOYCE WILLIAMS of 2/21 Knopwood Lane, Huonville, Tasmania

GRAEME BRUCE GORDON BRADFIELD as personal representative of the Estate of GERTRUDE JOYCE WILLIAMS, gives notice in accordance with section 25A of the *Trustee Act 1898*:

- He intends to distribute the property subject to the Estate among the persons entitled to the Estate.
- He requires any person interested in that Estate to send to GRAEME BRUCE GORDON BRADFIELD, care of Tierney Law, 8 / 16 Main Street Huonville, on or before 24 September 2017, particulars of the claim in respect of that Estate.
- He may, at any time after that date, distribute the Estate, having regard only to the claims of persons of which he then has notice and without being liable for the Estate so distributed, to any person of whose claim he had no notice at the time of the distribution.

Dated this twenty third day of August 2017.

GRAEME BRUCE GORDON BRADFIELD as Personal Representative of the Estate

SCOTT PETER SHAW late of 1 Marsh Street, Opossum Bay in Tasmania, single who died between 13 October 2016 and 15 October 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, RODNEY STEPHEN SHAW of 5 Taber Place Isaacs in Australian Capital Territory to send particulars of their claim to the Registrar of the Supreme Court of Tasmania in writing on or before 21st September 2017 after which date the Executor may distribute the assets, having regard only to the claims of which the Executor then has notice.

Dated this twenty third day of August 2017.

OGILVIE JENNINGS LAWYERS, Solicitors for the Executors

NOTICE is hereby given that the Public Trustee has filed in the office of the Registrar of the Supreme Court at Hobart an election to administer the estate(s) of

BEVERLEY ANN RICHARDSON late of Cosgrove Park
20/25 Waveney Street Launceston in Tasmania Home
Duties/Widow deceased

Dated this twenty third day of August 2017.

DAVID BENBOW, Chief Executive Officer, Public Trustee

BESSIE JEAN KABLE late of Bupa Aged Care, 14 Gore Street, South Hobart in Tasmania, retired accounts clerk/widow who died on the 25th day of May 2017

Creditors, next of kin and others having claims in respect of the property or estate of the abovenamed deceased are required by the Executors JAMES BENSON WALKER, NICOLETTE STEWART MCKIBBEN and SANDRA LOVELL 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 23rd day of September 2017 after which date the Executors may distribute the assets, having regard only to the claims of which the Executors then have notice.

Dated this twenty third day of August 2017.

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 fourteen (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 JULIE ANNE O'BRIEN late of 5 Giblin Street Lenah Valley in Tasmania, retired casino inspector/married, intestate, be granted to GENE WELDON CRENSHAW of 5 Giblin Street Lenah Valley in Tasmania, retired IT Consultant/widower the husband of the said deceased.

Dated this twenty third day of August 2017.

BUTLER McINTYRE & BUTLER, Solicitors for the Estate

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 ROBERT BRUCE STUDLEY, late of 15 Inkerman Street, Triabunna in Tasmania, Truck Driver/Married, deceased, intestate, may be granted to JENNIFER ANNE CAIN, of 1 Rigel Place, Giralang in Australian Capital Territory, Australian Public Servant/Married, the daughter of the deceased.

Dated this twenty third day of August 2017.

TREMAYNE FAY RHEINBERGER, Solicitors for the Applicant

Water Management

WATER MANAGEMENT ACT 1999

REVIEW OF THE REPORT OF THE SECRETARY OF THE DEPARTMENT
OF PRIMARY INDUSTRIES, WATER AND ENVIRONMENT AND
REPRESENTATIONS

DRAFT AMENDED RIVER CLYDE CATCHMENT WATER MANAGEMENT PLAN 2017

The Tasmanian Planning Commission hereby gives notice that a report on the review of representations received in relation to the Draft Amended River Clyde Catchment Water Management Plan 2017 and the Report of the Secretary of the Department of Primary Industries, Parks, Water and Environment regarding the draft amended plan, has been provided to the Minister for Primary Industries and Water in accordance with section 27A of the *Water Management Act 1999*.

Copies of the report are available on: www.iplan.tas.gov.au.

Enquiries can be directed to the Commission by phone: 6165 6828 or email: tpc@planning.tas.gov.au

Dated this twenty third day of August 2017

Greg Alomes, Executive Commissioner

Mental Health

MENTAL HEALTH ACT 2013

Notice is hereby given that in accordance with section 138 of the *Mental Health Act 2013*, the undermentioned person has been approved as a medical practitioner for provisions of the *Mental Health Act 2013* within the Chief Civil Psychiatrist and Chief Forensic Psychiatrist's jurisdictions for a period of five years commencing on the 17th day of August 2017.

DR TIMOTHY CHRISTOPHER LAFFERTY

Dated this seventeenth day of August, 2017.

PROFESSOR KENNETH CLIFFORD KIRKBY,
Acting Chief Civil Psychiatrist/Chief Forensic Psychiatrist

MENTAL HEALTH ACT 2013

Notice is hereby given that in accordance with section 138 of the *Mental Health Act 2013*, the undermentioned person has been approved as a medical practitioner for provisions of the *Mental Health Act 2013* within the Chief Civil Psychiatrist and Chief Forensic Psychiatrist's jurisdictions for a period of five years commencing on the 17th day of August 2017

DR CONOR PADRAIC O'LUANAIGH

Dated this seventeenth day of August, 2017.

PROFESSOR KENNETH CLIFFORD KIRKBY,
Acting Chief Civil Psychiatrist/Chief Forensic Psychiatrist

MENTAL HEALTH ACT 2013

Notice is hereby given that in accordance with section 138 of the *Mental Health Act 2013*, the undermentioned person has been approved as a medical practitioner for provisions of the *Mental Health Act 2013* within the Chief Civil Psychiatrist and Chief Forensic Psychiatrist's jurisdictions for a period of five years commencing on the 17th day of August 2017

DR CHARLES FRANCIS PASSMORE

Dated this seventeenth day of August, 2017.

PROFESSOR KENNETH CLIFFORD KIRKBY,
Acting Chief Civil Psychiatrist/Chief Forensic Psychiatrist

Anti-Discrimination

ANTI-DISCRIMINATION ACT 1998

EQUAL OPPORTUNITY TASMANIA
EXEMPTION/S GRANTED

The following application for exemption from the provisions of the *Anti-Discrimination Act 1998* (Tas) (the Act) has been granted:

1. Migrant Resource Centre (Southern Tas) Inc – 17/07/005 – Application for an exemption granted under section 57 of the Act for a period of three years.

This exemption has been granted to permit the Migrant Resource Centre (Southern Tas) Inc to advertise, recruit and employ people based on their cultural background and language on the basis that:

- a) This is to support specific communities in accessing services, information and support that the Migrant Resource Centre (Southern Tas) Inc is funded to supply; and
- b) By employing a member of a specific community, it will increase the quality of communication, learning and relationships with the Migrant Resource Centre (Southern Tas) Inc for other members of that particular community; and
- c) The specific positions this exemption applies to are Projects Bicultural Workers; Traineeships (Administration, Community Services); Community Guides; and Interpreters.

Granted on the 18th day of August 2017.

The exemption is for the period of three (3) years subject to the fulfilment of the conditions that the Migrant Resource Centre (Southern Tas) Inc:

- a) report on or before 18 February 2018 to the Anti-Discrimination Commissioner on any actions taken in reliance on this exemption; and
- b) on at least one occasion in the 12 months immediately after this order is made, organise and promote community education for its staff and Board members of the Migrant Resource Centre (Southern Tas) Inc through Equal Opportunity Tasmania's community education program to increase awareness of rights and obligations under the *Anti-Discrimination Act 1998* (Tas).

A person may apply to the Anti-Discrimination Tribunal for a review of the Commissioner's decision **within 28 days from the date of this notice being published.**

SARAH BOLT, Anti-Discrimination Commissioner

Forest Practices

Forest Practices Authority
14th August, 2017

Forest Practices Act 1985

NOTIFICATION

In accordance with the provision of Section 14 of the *Forest Practices Act 1985*, and on the recommendation of the Forest Practices Authority, Her Excellency, the Governor-in-Council has declared the lands listed in the following schedule previously declared a Private Timber Reserve shall cease to be a Private Timber Reserve.

SCHEDULE REVOCATION OF PART OF PRIVATE TIMBER RESERVE

Application No.	OWNER	LAND TITLE REFERENCE	LOCATION	MUNICIPAL AREA
0253R	Rabe, NL & KE	C/T Vol 134202 Fol 1 C/T Vol 134202 Fol 2	West Pine	Burnie City Council
1179BR	S & D Arnold Pty Ltd	C/T Vol 171971 Fol 4	North Lilydale	Launceston City Council
1443R	Smith, OA & SC	C/T Vol 137453 Fol 1	Legerwood	Dorset Council

Given under my hand at Hobart in Tasmania on 14th August, 2017.

By Her Excellency's Command,

C. WARNER, Governor

GUY BARNETT, Minister for Resources

Dangerous Goods (Road and Rail Transport)

DANGEROUS GOODS (ROAD AND RAIL TRANSPORT) ACT 2010

I, GUY BARNETT, Minister for Building and Construction, appoint MARK ANDREW COCKER to be a Competent Authority pursuant to Part 3, Division 1, section 11 of the *Dangerous Goods (Road and Rail Transport) Act 2010*.

This appointment commences from the date of gazettal.

Dated this twenty third day of August 2017.

GUY BARNETT MP, Minister for Building & Construction

Living Marine Resources

LIVING MARINE RESOURCES MANAGEMENT ACT 1995

Section 44

PUBLIC NOTICE – PUBLIC EXHIBITION OF DRAFT MANAGEMENT PLAN REGARDING THE ABALONE FISHERY

Pursuant to the powers under the *Living Marine Resources Management Act 1995* ("the Act") that were delegated to the Director (Marine Resources) on 20 January 2016 by the Secretary acting pursuant to section 20(2) of the Act, I hereby give notice that:

- a) A draft management plan has been prepared in the form of the *Fisheries (Abalone) Rules 2017*.
- b) The draft management plan relates to the Tasmanian abalone fishery.
- c) A person may submit written representations in relation to the draft management plan.

- d) The period during which representations may be made is from 23 August 2017 to 23 October 2017 inclusive.
- e) The addresses to which representations may be sent are:

The Secretary
Attention: Matt Bradshaw
Department of Primary Industries, Parks, Water and Environment
GPO Box 44
HOBART TAS 7001

E-mail: Matt.Bradshaw@dpipwe.tas.gov.au

- f) The place at which a copy of the draft management plan may be obtained is at the Licensing and Fisheries Monitoring Section of the Department of Primary Industries, Parks, Water and Environment (DPIPWE), located on the first floor, 1 Franklin Wharf, Hobart.
- g) The draft management plan may be obtained at no cost.
- h) The draft management plan is exhibited on the DPIPWE website at www.dpipwe.tas.gov.au
- i) The period during which the draft management plan is exhibited is from 23 August 2017 to 23 October 2017 inclusive.

Dated this 18th day of August 2017

Robert Gott
DIRECTOR (MARINE RESOURCES)

Information:

The draft management plan relates to remaking the *Fisheries (Abalone) Rules 2009*. These draft rules require consequential amendments to the *Fisheries (General and Fees) Regulations 2016* which are included in this public exhibition. Changes proposed have regard, among other things, to boundaries and size limits in the north-west area of the commercial fishery, to over-catch provisions and to the definition of public notice.

For further information please telephone Wild Fisheries Management Branch on (03) 6165 3033.

Cities Councils



GLENORCHY CITY
Where ideas happen.

Glenorchy City Council

Environmental Amenity By-Law 2017

By-Law No. 1 of 2017
Version 1
Adopted by Council on

Glenorchy City Council Environmental Amenity By-Law 2017

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Glenorchy City Council Environmental Amenity By-Law 2017

Part 1 Preliminary

1 Repeal

The Environment and Health Services By-law No. 1 of 2010 is repealed.

2 Short title

This By-law may be cited as the *Environmental Amenity By-Law 2017*.

3 Object

The object of this By-law is to regulate and control matters of environment, health and amenity within the Glenorchy municipality.

Part 2 Interpretation

4 Dictionary

In this By-law—

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

Council means the Glenorchy City Council established under the *Local Government Act 1993*.

Environmental Health Officer means an Environmental Health Officer, as appointed by the Council.

General Manager means the General Manager of the Council or delegate, and includes a person lawfully acting as the General Manager from time to time.

municipal area means the municipal area of the Glenorchy City Council.

occupier includes any person having the care, control or management of any land or premises.

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

person includes any body of persons, corporate or unincorporate, other than the Crown.

Part 3 Licences

5 Applications

An application for a licence pursuant to this By-law is to be made to the General Manager in writing in a form approved by the General Manager and, where applicable, be accompanied by the following:

- (a) a statement in writing of the type of activity proposed to be undertaken by the applicant;
- (b) a scaled drawing showing the location and extent of the proposed occupation or activity;
- (c) such other information that the General Manager may reasonably require; and
- (d) payment of the fee or charge imposed by the Council pursuant to section 205 of the *Local Government Act 1993* for an application under this By-law.

6 Factors to be considered when granting a licence

In deciding whether or not to grant a licence pursuant to this Part, the General Manager may have regard to the following and any other relevant matters:

- (a) public amenity and safety;
- (b) the maintenance of public order in the area;
- (c) the movement of traffic in the area;
- (d) the effect on premises or land in the area; and
- (e) representations made by a police officer.

7 Conditions of a licence

- (1) The General Manager may issue a licence or refuse to issue a licence on an application made under clause 5.
- (2) A licence is subject to such terms and conditions as the General Manager may determine.
- (3) A licence holder must comply with the terms and conditions of a licence.

Penalty: Fine not exceeding 10 penalty units.

8 Licences generally

Licences are to:

- (a) be in writing and in a form approved by the General Manager;
- (b) bear the date on which they were issued;
- (c) include such terms and conditions as the General Manager may consider necessary;
- (d) remain in force for the period for which they were issued, unless they are cancelled or surrendered; and
- (e) be surrendered to the General Manager if they are cancelled or when they are due for renewal.

9 Cancellation of licences

- (1) The General Manager may cancel a licence if a licence holder commits any breach of this By-law or any condition of a licence.
- (2) The General Manager may cancel a licence if the licence holder is convicted of any offence involving:
 - (a) dishonesty; or
 - (b) a breach of public order.
- (3) If the General Manager cancels a licence, the General Manager is to serve a notice in writing on a licence holder stating that the licence is cancelled and the reason for that cancellation.
- (4) Cancellation of any licence is effective from the day the notice has been served on the licence 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 General Manager from cancelling a licence 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 General Manager may cancel a licence by any communication conveyed to the licence holder by any means including but not limited to by telephone, email, notice by radio or television in emergency situations or in a situation considered appropriate by the General Manager.
- (7) Despite anything else in this By-law, the General Manager may, in their absolute discretion, reverse the cancellation of a licence upon receiving and considering written submissions in relation to the cancellation from the holder of the cancelled licence.

10 Assignment of licence

A licence is not assignable to any person except with the written consent of the General Manager.

Part 4 Infringement Notices

11 Infringement notices

- (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 1 is the penalty payable under the infringement notice for that offence.
- (3) Payment of the monetary penalty set out in an infringement notice must be made to the Council.
- (4) The monetary penalty set out in an infringement notice must be paid within 28 days of the service of the infringement notice, after which time the infringement notice may be referred to the Director, Monetary Penalties Enforcement Service.
- (5) An authorised officer may issue –
 - (a) an infringement notice to a person who the authorised officer has reason to believe has committed a specified offence; and
 - (b) one infringement notice in respect of more than one specified offence.
- (6) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.
- (7) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.

Part 5 Enforcement

12 Recovery of expenses

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

13 Continuing offences

- (1) Where a person:
 - (a) commits an offence under this By-law;
 - (b) is given notice of the offence;
 - (c) continues to carry out the act or omission that constituted the offence after being given notice of the offence; and
 - (d) is subsequently convicted of the offence, the person is liable to a further penalty of 2 penalty units for each day during which the act or omission continues after the person was given notice of the offence.
- (2) The penalty in sub-clause (1) does not displace the penalty specifically prescribed elsewhere for the offence and is to be imposed in addition to the penalty for the offence.
- (3) In this clause:
 - (a) **notice** means an infringement notice and a notice under clause 15(1); and
 - (b) **convicted** includes a deemed conviction as a result of a person paying a fine under an infringement notice.

14 Supply of name and address

- (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 requirement under sub-clause (1) or who states a name or address that is false, is guilty of an offence.

Penalty: Fine not exceeding 10 penalty units.
- (3) A police officer making a requirement under sub-clause (1) may arrest a person who the police officer reasonably believes has committed an offence under sub-clause (2).

Part 6 Notices and Directions

15 Notices and directions generally

- (1) Where in the opinion of the General Manager or an authorised officer, a person is in breach of any provision of this By-law the General Manager or authorised officer may serve a notice on that person requiring them to discontinue and/or rectify the breach.

- (2) A notice served under this By-law is to be given in writing, in a form approved by the General Manager, and is to be given in accordance with section 29AB(1)(a) of the *Acts Interpretation Act 1931*.
- (3) A direction given under this By-law may be given verbally or in writing in a form approved by the General Manager.
- (4) A notice or direction given under this By-law may be subject to such conditions and requirements and allow such time period as the General Manager or authorised officer, where applicable, may determine.
- (5) 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.
- (6) 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 to be done only by a person with the appropriate qualification or experience.

16 Non compliance with notice

- (1) A person to whom a notice or direction has been given under this By-law must comply with that notice or direction and any conditions of that notice or direction and within the time period specified in the notice or direction.

Penalty: Fine not exceeding 20 penalty units.

- (2) The General Manager may undertake the work required 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.
- (3) Any expense incurred by Council as a result of a person's contravention or failure to comply with a provision of this By-law is a debt payable to Council by the person failing to comply or contravening, and recoverable in a court of competent jurisdiction, in addition to any penalty imposed under sub-clause (1) and this By-law.

Part 7 Caravans

17 Interpretation

In this part –

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;

- (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;
- (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 park has the same meaning as 'camping and caravan park' as defined in the current planning scheme in force in the municipal area, or any other defined term which relates to the use of caravans on land.

licence means a licence to occupy a caravan in a form approved by the General Manager.

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

18 Application

This Part does not apply to a caravan that is:

- (a) situated on a caravan park;
- (b) used by a travelling show person in the ordinary course of their business;
- (c) used by work gangs or contractors involved in construction work that is authorised by the Council within the municipality; or
- (d) situated at a person's principal residence and used solely for the purpose of storage on site.

19 Application for caravan licences

- (1) A person may apply in writing in a form approved by the General Manager for a licence to occupy a caravan by making an application to the Council together with the required fee.
- (2) On receipt of an application, the General Manager may grant or refuse to grant a licence. An application may be refused if in the opinion of the General Manager -
 - (a) the use of the caravan will adversely affect or is likely to adversely affect the amenity of the neighbourhood in which the caravan is to be set up;
 - (b) the caravan does not have sufficient facilities for the supply of water or disposal of sewerage available to the occupants; or
 - (c) the occupation of the caravan is likely to cause a health hazard.

- (3) The General Manager may grant a licence subject to terms and conditions.
- (4) A licence to occupy a caravan is not to be granted unless –
 - (a) an Environmental Health Officer has approved the proposed method for the disposal of garbage, and on-site wastewater; and
 - (b) if the person occupying the caravan is not the owner of the land on which the caravan is to be situated, the written consent of the owner of the land has been provided to the General Manager.
- (5) The General Manager may cancel the licence of a person who is in breach of this Part or who breaches a condition imposed under the licence, with immediate effect.

20 Licence necessary to occupy a caravan

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

Penalty: Fine not exceeding 20 penalty units.
- (2) The owner or occupier of any land (other than Crown land) within the municipal area must not allow any person to occupy a caravan upon that land without a licence.

Penalty: Fine not exceeding 20 penalty units.
- (3) It is a defence to subclause (2) for the owner or occupier of the relevant land to prove that –
 - (a) they were not aware of the unlawful occupation of the relevant land; or
 - (b) they made reasonable attempts to have the person remove the caravan from the relevant land.

21 Term of licence

The General Manager must not grant a licence under this part for a period exceeding twenty-six weeks.

22 Cessation of occupation

If the holder of a licence issued by the General Manager ceases to occupy a caravan before the expiry date of the licence, the holder of the licence is to inform the General Manager within ten calendar days of the cessation of occupation.

Part 8 Waste Management

23 Interpretation

In this part –

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

commercial waste means waste products arising from or incidental to the carrying on of any profession, trade, business or manufacture but does not include trade waste as defined in the *Water and Sewage Industry Act 2008*.

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

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

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

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

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

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

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

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

recycling authorised receptacle means an authorised receptacle used for the storage and collection of recyclables.

recycling centre means an area designated by the Council for receiving recyclables.

refuse includes, without limitation, domestic refuse, controlled waste, commercial waste, hard waste, reusable materials, green waste, recyclables and any other garbage, rubbish, debris, litter or similar matter.

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

resource recovery facility means an area designated by the Council for receiving reusable materials.

reusable materials means materials that may be reused without further treatment or processing.

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

24 Compliance with notices

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

Penalty: Fine not exceeding 20 penalty units.

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

25 Storage and collection of domestic refuse and recyclables

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

Penalty: Fine not exceeding 5 penalty units.

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

Penalty: Fine not exceeding 10 penalty units.

- (5) In addition to any penalty imposed under sub-clause (4), the Council may recover from any person who fails to comply with sub-clause (4) the cost of repairing a damaged authorised receptacle or for supplying a new authorised receptacle.
- (6) Any person receiving a Council kerbside waste collection service must:
- (a) place authorised receptacles on the kerbside adjacent to the street entrance to the property or such other position approved by an authorised officer, at such times specified by notice;
 - (b) not place in any Council recycling authorised receptacle any matter except recyclables;
 - (c) not load an authorised receptacle so that domestic refuse or recyclables protrude over the top rim of the bin and prevent complete closing of the lid;
 - (d) not load an authorised receptacle in such a manner as to prevent complete emptying of the bin during normal operations of the collection vehicle;
 - (e) not place out domestic refuse or recyclables for collection in any receptacle or container other than an authorised receptacle;
 - (f) ensure that authorised receptacles and the areas in which they are stored and the area from which they are collected, are maintained in a clean and hygienic condition;
 - (g) comply with the direction of an authorised officer who may determine the location for storage of authorised receptacles;
 - (h) not place authorised receptacles on the kerbside more than 24 hours prior to collection and remove authorised receptacles from the kerbside as soon as practicable after collection and no longer than 48 hours after collection; and
 - (i) not place any refuse or recyclables in any authorised receptacle other than the authorised receptacle allocated to that property.

Penalty: Fine not exceeding 10 penalty units.

- (7) For the purposes of the Council waste collection service a person who is the occupier of domestic premises or the occupier of commercial premises using the Council waste collection service, is to -
- (a) place an authorised receptacle in a location as close as possible to the street entrance of those premises so as not to obstruct or hinder the

movement of pedestrians or traffic, or at a location approved by an authorised officer; and

- (b) be responsible for the clean-up of any waste spilt prior to collection by the Council waste collection service.

Penalty: Fine not exceeding 10 penalty units.

- (8) For the purposes of the Council waste collection service, a person who is the occupier of domestic premises or the occupier of commercial premises using the Council waste collection service must -

- (a) place out no more than the number of authorised receptacles as determined by an authorised officer; and
- (b) ensure all waste is properly secured within the authorised receptacle and not capable of being scattered by the wind or by other means such as animals during or prior to collection by the Council waste collection service.

Penalty: Fine not exceeding 10 penalty units.

- (9) A person must not -

- (a) place in any authorised receptacle any hot or burning material, liquid in excess of 2 litres in volume, controlled waste, commercial waste, commercial food waste, sharps, or materials which are excluded from the domestic refuse collection service because of their potential to damage the authorised receptacle or the lifting or compaction equipment on the collection vehicle, or any materials that are determined by an authorised officer as being likely to cause damage to an authorised receptacle or the lifting or compaction equipment on the collection vehicle; or
- (b) cause or allow an authorised receptacle to be removed from the tenement to which it was supplied.

Penalty: Fine not exceeding 20 penalty units.

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

Penalty: Fine not exceeding 20 penalty units.

26 Conveyance of refuse or recyclables

A person must not convey in any vehicle or container any refuse or recyclables unless the material is in a closed container or carried in such a manner as to prevent -

- (a) the escape of any of the contents from the vehicle or container;
- (b) the emission of any offensive odours; and
- (c) the creation of any nuisance.

Penalty: Fine not exceeding 20 penalty units.

27 Directions for the disposal of refuse

Any person depositing refuse at a disposal site, recycling centre, or resource recovery facility must -

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

Penalty: Fine not exceeding 20 penalty units

28 Disposal of refuse at a disposal site

(1) A person must not -

- (a) deposit refuse at a disposal site without the permission of an authorised officer except on the days and at the times fixed by Council notice;
- (b) deposit any refuse outside the boundaries of a disposal site;
- (c) allow any animal to be at large on a disposal site without the written consent of the Council;
- (d) deposit any material capable of becoming air borne, without first securing it from being scattered by the wind; or
- (e) deposit sharps at a disposal site except at such times and under such conditions approved by an authorised officer or fixed by Council notice.

Penalty: Fine not exceeding 20 penalty units.

(2) A person must not at a disposal site:

- (a) light any fire or feed or extend any fire which is already burning unless in an approved heater under the supervision of an authorised officer;
- (b) dump any hot wastes likely to self-combust or to ignite when in proximity with other refuse;
- (c) deposit any controlled waste at a disposal site except at such times and under such conditions approved by an authorised officer or fixed by Council notice; or

- (d) enter a disposal site when the site is closed without the permission of an authorised officer.

Penalty: Fine not exceeding 20 penalty units.

29 Prohibitions in the disposal site

- (1) An authorised officer may impose a ban on a person using or entering the disposal site where that person has contravened a provision of clauses 27 or 28 on more than one occasion.
- (2) A ban imposed under sub-clause (1) may be for a maximum of 12 months duration.

30 Refusal to accept refuse at a disposal site

An authorised officer may refuse to accept any refuse at a disposal site which in the opinion of the authorised officer -

- (a) is likely to pose a substantive and unacceptable hazard to Council employees, the public, or the environment; or
- (b) may not be accepted under the Environment Protection Authority's permit conditions for the disposal site.

31 Resource recovery at a disposal site

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

Penalty: Fine not exceeding 20 penalty units.

Part 9 Graffiti Management

32 Interpretation

In this part –

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

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

graffiti means one or more letters, symbols, figures, designs, drawings, messages, slogans, etchings, scratches, inscriptions, stains or other marking that is written, marked, etched, scratched, sprayed, drawn, painted, engraved on or otherwise affixed to property and includes offensive graffiti. Graffiti does not include marks made accidentally or any of the following:

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

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

mark graffiti means mark, draw, write or otherwise deface property by any means so that the defacement is not readily removable by wiping with a dry cloth.

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

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

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

33 Application to interior space

This Part does not apply to the following:

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

34 Graffiti prohibited

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

Penalty: Fine not exceeding 10 penalty units.

35 Compliance

- (1) An authorised officer may direct a person whom they believe on reasonable grounds is marking or attempting to mark graffiti Council property to leave the property.
- (2) An authorised officer may remove any person from Council property if the authorised officer reasonably believes the person is marking or attempting to mark graffiti.
- (3) An authorised officer may issue a verbal direction to the owner or occupier of property containing graffiti setting out remedial action to be taken and the date and time by which the remedial action must be taken to remove any graffiti.
- (4) Where property is not maintained free of graffiti an authorised officer who reasonably believes that a contravention of this Part has occurred may give written notice to the owner or occupier of the property requiring compliance with this Part within the time period specified in the notice but no sooner than 7 calendar days after notice is given.
- (5) Where property is not maintained free of offensive graffiti, an authorised officer who reasonably believes that a contravention of this Part has occurred may give written notice to the owner or occupier of the property requiring compliance with this Part within the time period specified in the notice but no sooner than 3 calendar days after notice is given.

Part 10 Water

36 Interpretation

In this Part –

property includes:

- (a) buildings and other structures permanently fixed to the land; and
- (b) land covered with water, water covering land, and any estate, interest, easement, servitude, privilege or right in or over land.

37 Water wastage

- (1) A person must only use water in a manner which does not cause run-off or seepage to neighbouring properties which in the opinion of an authorised officer is excessive.

Penalty: Fine not exceeding 20 penalty units

- (2) An authorised officer may direct, either verbally or by written notice, a person to stop using the appliance, hose or fitting causing the run off or seepage.

Schedule 1 Specified Offences

Column 1	Column 2	Column 3
Clause	General description of offence	Penalty units
7(3)	Fail to comply with the terms and conditions of a licence	2
14(2)	Fail to provide correct name and address	1
16(1)	Fail to comply with a notice or direction	2
20(1)	Occupy a caravan without licence	2
20(2)	Owner or occupier of land to allowing occupancy of a caravan without licence	2
24(2)	Fail to comply with directions from authorised officer	2
25(4)(a)	Fail to maintain domestic refuse or recycling receptacle in good repair	1
25(4)(b)	Remove authorised receptacle from property	1
25(6)	Fail to comply with general requirements of waste collection service	1
25(7)	Placement of authorised receptacle or failure to clean up spilt refuse	1
25(8)	Use more than one bin or allow waste to be scattered	1
25(9)	Place hazardous material in a wheelie bin or remove an authorised receptacle	2
25(10)	Take recyclable material placed for collection by Council	2
26	Allow material or odour to escape while being conveyed	1
27	Fail to comply with directions when depositing waste	2
28(1)	Fail to comply with requirements for disposal of refuse at disposal site	2
28(2)	Light fire at disposal site, dump hot waste or hazardous material or enter closed disposal site	2

Column 1	Column 2	Column 3
Clause	General description of offence	Penalty units
31(2)	Unauthorised removal of article or thing from disposal site	2
34	Fail to remove, paint over or otherwise permanently block graffiti from being viewed	1
37(1)	Causing run-off to neighbour or stormwater system	2

Certified as being in accordance with the law by:

K. Abey

K. ABEY
Registered Legal Practitioner

Dated this 8 day of August 2017

At Hobart

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

S.L. Smith

S.L. SMITH
Commissioner

A.P. McMullen

A.P. McMULLEN
Acting General Manager

Dated this 11th day of AUGUST 2017

At GLENORCHY



**BRIGHTON COUNCIL
ENVIRONMENTAL HEALTH BY-LAW**

By-Law No. 1 of 2017

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 2017.

2. Repeal

The Brighton Council – Environmental Health By-law, By-law No. 1 of 2016 made on the 26th July 2016 and notified in the Tasmanian Government Gazette on the 3rd August 2016 at page 1000 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 2017;

‘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 of an authorised officer**

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

Penalty: Fine not exceeding 12 penalty units.

30. Failure to provide name and address

A person must not:

- (a) fail or refuse to give his or her name and address; or
- (b) knowingly give a false name or address,

if so required by an Authorised Officer who reasonably believes the person is committing or has committed an offence against 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:

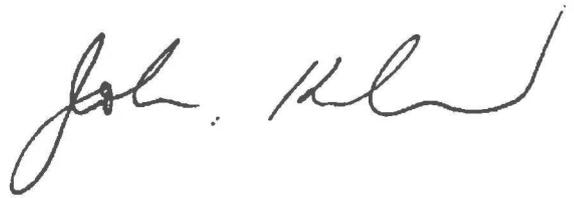
Date:

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 of an authorized officer	3
30	Failure to provide name and address	3

Certified as being in accordance with the law by:



John Kirkwood, Abetz Curtis, Qualified Legal Practitioner.

Dated this 1st day of June 2017, at Hobart.

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

Ronald Victor Sanderson, General Manager

Dated this 15th day of August 2017, at Old Beach.



The Common Seal of the Brighton Council has been hereunto affixed this 15th day of **August 2017** pursuant to a resolution of the Council passed on the 15th day of **August 2017** in the presence of:

Ronald Victor Sanderson, General Manager



Staff Movements

Permanent Appointments

Agency	Duties Assigned	Employee	Probation Period	Date of Effect
Tasmanian Health Service	Registered Nurse	E Foreman-Lake	6 Months	13/08/2017
Tasmanian Health Service	Registered Nurse	L Foreman-Lake	6 Months	13/08/2017
Tasmanian Health Service	Registered Nurse	M Kruger	6 Months	13/08/2017
Tasmanian Health Service	Registered Nurse	S McDermott	6 Months	13/08/2017
Tasmanian Health Service	Registered Nurse	J Oakford	6 Months	13/08/2017
Tasmanian Health Service	Registered Nurse	L Reynolds	6 Months	13/08/2017
Tasmanian Health Service	Registered Nurse	K Small	6 Months	13/08/2017
Tasmanian Health Service	Registered Nurse	I Taylor	6 Months	13/08/2017
Primary Industries, Parks, Water and Environment	Veterinary Pathologist	A Thompson	6 Months	14/08/2017
Tasmanian Health Service	Specialist Radiographer	K Squibb	6 Months	25/09/2017
Tasmanian Health Service	Physiotherapist	N Austin-Mantell	6 Months	21/08/2017
Tasmanian Health Service	Registered Nurse	I Haas	6 Months	20/08/2017
Tasmanian Health Service	Registered Nurse	C Williams	6 Months	13/08/2017
Tasmanian Health Service	Administrative Assistant - Mental Health	D Felmingham	6 Months	28/08/2017
Treasury and Finance	Information and Communication Technology Officer	A Mahareesh	Nil	15/08/2017
Premier and Cabinet	Communications Consultant	E Wade	6 Months	16/08/2017
Tasmanian Health Service	Registered Nurse	S Jones	6 Months	02/10/2017
Tasmanian Health Service	Oral Health Therapist / Dental Therapist	M Avellana	6 Months	21/08/2017
Justice	Probate Registry Administration Officer	S Bregonje	6 Months	21/08/2017
Justice	Performance and Compliance Manager	S Steffensen	6 Months	14/08/2017
Tasmanian Health Service	Registered Nurse	A Delanty	6 Months	20/08/2017
Tasmanian Health Service	Registered Nurse	S Clark	6 Months	20/08/2017
Primary Industries, Parks, Water and Environment	Field Officer	C West	3 Months	15/08/2017
Tasmanian Health Service	Return To Work Coordinator	M Pasalic	6 Months	02/10/2017
Health and Human Services	Dietitian	A Peters	6 Months	11/09/2017
Health and Human Services	Radiation Therapist	T Lobanova	Nil	21/08/2017
Tasmanian Health Service	Radiation Therapist	J Barnes	6 Months	21/08/2017
Tasmanian Health Service	Executive Assistant	M Innes	6 Months	21/08/2017
Port Arthur Historic Site Management Authority	Research Administration Officer	S James	6 Months	21/08/2017
Tasmanian Health Service	Pharmacy Technician	M Cuthbertson	6 Months	04/09/2017
Treasury and Finance	Technical Officer	B Menzie	6 Months	24/08/2017
Tasmanian Health Service	Communications Officer	M Robottom	6 Months	08/08/2017
Tasmanian Health Service	eHealth Systems Administrator	T Millen	6 Months	04/09/2017

Fixed-Term Appointments of greater than 12 Months

Agency	Duties Assigned	Employee	Term	Date of Effect
Primary Industries, Parks, Water and Environment	Senior Wildlife Officer	E Dewar	18 Months	04/09/2017
Police, Fire and Emergency Management	Senior Project Manager	K Prenter	3 Years	07/08/2017
Justice	Legal Practitioner	L Binns	24 Months	21/08/2017

Promotion of Permanent Employees

Agency	Duties Assigned	Employee	Date of Effect
State Growth	Manager Asset Management	A Hargrave	16/08/2017
Education	Advanced Skills Teacher	B Innis	14/08/2017
Primary Industries, Parks, Water and Environment	Ranger	F Garbe	12/08/2017
Primary Industries, Parks, Water and Environment	Visitor Services Officer	H Rayner	31/07/2017
Treasury and Finance	Senior Executive Officer	K Noonan	17/08/2017
Justice	Operations Manager	T Bell	17/08/2017
Tasmanian Health Service	Nurse Unit Manager	F Strange	04/09/2017
Primary Industries, Parks, Water and Environment	Wildlife Management Officer	J Archer	24/08/2017

Resignation of Permanent Employees

Agency	Duties Assigned	Employee	Date of Effect
Primary Industries, Parks, Water and Environment	Cave Guide	T Badrock	07/08/2017
Tasmanian Health Service	Staff Specialist Obstetrics & Gynaecology	G Blanchette	28/07/2017
Primary Industries, Parks, Water and Environment	Field Officer	G Woolley	23/08/2017
Health and Human Services	Communications and Medica Advisor	L Arnold	11/08/2017
Tasmanian Health Service	Registered Nurse	E Holmes	13/08/2017
Health and Human Services	Career Medical Officer - Emergency Medicine	W Heidegger	12/08/2017
Education	Clerk	A Gibson	08/08/2017

Retirement of Permanent Employees

Agency	Duties Assigned	Employee	Date of Effect
Health and Human Services	Manager - Office of the Director	W Smith	28/07/2017
Education	Education Facility Attendant	K Gunton	09/08/2017
Education	Teacher	K Hamilton	28/07/2017
Education	Teacher	L Bailey	04/08/2017
Education	Teacher	G Edmunds	15/08/2017
Education	Teacher	K Tubb	14/08/2017
Education	Principal	M Cashion	14/08/2017
Education	School Business Manager	J Stonehouse	08/08/2017
Education	Teacher Assistant	J Mills	07/08/2017
Education	Principal	T Cameron	14/08/2017
Education	Teacher	B Mogielnicki	04/08/2017
Education	Teacher	J Glover	07/08/2017
Education	Teacher Assistant	N Moore	01/08/2017
Education	Education Facility Attendant	L Butler	16/08/2017

Transfer of Permanent Employees

Agency	Duties Assigned	Employee	Transferred Agency	Date of Effect
Health and Human Services	Senior Investigation and Review Officer	M Cain	Justice	14/08/2017
Education	Child Safety Officer	M Tighe	Health and Human Services	21/08/2017

		
<p>EXPANDA - SILVERLINE</p>	<p>ARB CANOPIES</p>	<p>ALLOY TRAYS</p>
		
<p>Caravan Yard: Cnr Amy St & Main Rd, Moonah (03) 6232 2344 kingcaravans.jayco.com.au</p>	<p>ARB Hobart: 9 Florence Street, Moonah, TAS, 7009 Phone: (03) 6232 2333 · Fax: (03) 6278 1175 www.arbhobart.com.au</p>	<p>King Trailers: 5 – 9 Florence Street, Moonah (03) 6232 2322 kingtt.com.au</p>

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