



TASMANIAN GOVERNMENT GAZETTE

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Notices to Creditors

CARMEL MAXINE LOGAN late of Unit 2 44 Gordons Hill Road, Lindisfarne in Tasmania, Retired Secretary, Divorced, Deceased: Creditors, next of kin and others having claims in respect of the property or estate of the deceased, CARMEL MAXINE LOGAN who died on sixth day of May 2018 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 eighteenth day of August 2018, after which date the Executor may distribute the assets, having regard only to the claims of which it then has notice.

Dated this eighteenth day of July 2018

KYLIE WILLIAMS, TRUST ADMINISTRATOR

BRUCE LYELL ALLEN late of Masonic Peace Haven 185 Penquite Road, 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, BRUCE LYELL ALLEN who died on nineteenth day of May 2018 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 eighteenth day of August 2018, after which date the Executor may distribute the assets, having regard only to the claims of which it then has notice.

Dated this eighteenth day of July 2018

FIONA BAKER, TRUST ADMINISTRATOR

JOLANDA ANNA KULAKAUSKAS late of 335 West Kentish Road, Sheffield in Tasmania, Retired Teacher/Cleaner, Widowed, Deceased: Creditors, next of kin and others having claims in respect of the property or estate of the deceased, JOLANDA ANNA KULAKAUSKAS who died on twentieth day of April 2018 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 eighteenth day of August 2018, after which date the Executor may distribute the assets, having regard only to the claims of which it then has notice.

Dated this eighteenth day of July 2018

KAY PHILPOTT, TRUST ADMINISTRATION ASSISTANT

Tasmanian Government Gazette

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LYLE EDWARD WEEKS late of Mt St Vincent Nursing Home 75 South Road, West Ulverstone in Tasmania, Retired Works Overseer, Married, Deceased: Creditors, next of kin and others having claims in respect of the property or estate of the deceased, LYLE EDWARD WEEKS who died on third day of May 2018 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 eighteenth day of August 2018, after which date the Executor may distribute the assets, having regard only to the claims of which it then has notice.

Dated this eighteenth day of July 2018

FIONA BAKER, TRUST ADMINISTRATOR

MARGARET JUNE ROWSTHORN late of 24 Beaufort Street, Somerset in Tasmania, Retired, Widowed, Deceased: Creditors, next of kin and others having claims in respect of the property or estate of the deceased, MARGARET JUNE ROWSTHORN who died on sixteenth day of May 2018 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 eighteenth day of August 2018, after which date the Executor may distribute the assets, having regard only to the claims of which it then has notice.

Dated this eighteenth day of July 2018

NATASHA ARNOLD, TRUST ADMINISTRATOR

ANNE ELIZABETH SMITH late of 22 Goldie Street, Smithton in Tasmania, Widow, Deceased.

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 16 July 2016, are required by the Executors, MELANIE ANNE TOMAN, CRISTY VERA LESLIE and BOBBY JOHN LESLIE-SMITH to send particulars to the Executors C/- Bartletts Barristers and Solicitors, PO Box 62, Burnie in Tasmania by one (1) month from the date of publication of this notice, after which date the Executors may distribute the assets, having regard only to the claims of which the Executors have notice.

Dated this twelfth day of July 2018.

BARTLETTS BARRISTERS AND SOLICITORS, Solicitors
on behalf of the Executors

EEF VAN ENGEN (also known as EVE VAN ENGEN and EKE VAN ENGEN) late of Bishop Davies Court, Kingston, TAS 7050, died on 23 December 2017, Widowed /Home duties. Creditors, next of kin and others having claims in respect of the property of the abovenamed deceased, are required by the Executor GREGORY JOHN FAULDS, to send particulars to McMullen Lawyers of Suite 2, 7 Bayfield St Rosny Park TAS 7018 or the Registrar of the Supreme Court of Tasmania by the 24th day of August, 2018 after which date the Executor may distribute the assets, having regard only to the claims that he then has notice.

Dated this eighteenth day of July 2018

MCMULLEN LAWYERS, Solicitors for the Executor

KEVIN JOHN PICKERING, Office Worker/Single Man, deceased, who died on 21 April 2018, late of Barossa Park Lodge, 17A Clydesdale Avenue, Glenorchy in Tasmania.

PETER ROYSTON WORRALL, Lawyer /Married Man, care of Worrall Moss Martin Lawyers, 133 Macquarie Street, Hobart in Tasmania, as Legal Personal Representative of KEVIN JOHN PICKERING, requires 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 Representative is at liberty to pay and distribute the assets of the estate, dealing then only with the claims that he has notice.

Dated this eighteenth day of July 2018

WORRALL MOSS MARTIN LAWYERS, Lawyers acting on
behalf of the Legal Personal Representative of the Estate

MARTINA JOHANNA LARCOMBE formerly of Mount St Vincent Nursing Home, 75 South Road, West Ulverstone in Tasmania who died on 09/04/2018. Creditors, next of kin and others having claims in respect of the property of the abovenamed deceased are required by the Executors, ROELOF COMPAGNE and JOHN CHARLES COMPAGNE, C/- Friend & Edwards Lawyers, 28a 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 in Tasmania on or before 24/08/2018 after which date the Executors may distribute the assets having regard only to the claims of which the Executors then have notice.

Dated this eighteenth day of July 2018

FRIEND & EDWARDS Lawyers, Solicitors to the Estate

LESLIE WILLIAM PHILLIP COSTELLO (also known as LESLIE WILLIAM COSTELLO) formerly of 21 Rouse Place, Shorewell Park in Tasmania who died on 19/03/2018. Creditors, next of kin and others having claims in respect of the property of the abovenamed deceased are required by the Executors, LYNETTE AILEEN KEYGAN and ANDREW GORDON COSTELLO, C/- Friend & Edwards Lawyers, 28a 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 in Tasmania on or before 24/08/2018 after which date the Executors may distribute the assets having regard only to the claims of which the Executors then have notice.

Dated this eighteenth day of July 2018

FRIEND & EDWARDS Lawyers, Solicitors to the Estate

PENG KONG CHAN late of 44 Fisher Avenue, Sandy Bay in Tasmania who died on the 28th February 2018.

Creditors, next of kin and others having claims in respect of the property of the abovenamed deceased are required by the Executors, LUKE NICHOLAS GOLDING and REBECCA SANDRA REID, c/- Murdoch Clarke of 10 Victoria Street, Hobart in Tasmania to send particulars to the said Executors and to the Registrar of the Supreme Court of Tasmania on or before the 17th day of August, 2018 after which date the Executors may distribute the assets, having regard only to the claims of which the Executors then have notice.

Dated this eighteenth day of July 2018.

MURDOCH CLARKE, Solicitors to the Estate

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

HENRY CHARLES BELL late of Mt St Vincent Home 75 South Road Ulverstone in Tasmania Retired Fisherman/ Divorced Man deceased Intestate

TAMMY MAY WATSON late of Unit 2 372 Park Street New Town in Tasmania Home Duties/Never Married Woman deceased Intestate

Dated this eighteenth day of July 2018.

DAVID BENBOW, Chief Executive Officer, Public Trustee
tpt@publictrustee.tas.gov.au

Administration and Probate

ADMINISTRATION AND PROBATE ACT 1935

Notice of Application to Reseal Probate

NOTICE is hereby given that, after the expiration of 14 days from the publication hereof, OWEN JAMES BREUSCH of 16 Windrest Avenue, Aspley in Queensland and LUCY ELIZABETH HEWITT BREUSCH of Unit 6, 43 Vera Street, Greenslopes in Queensland, the executors of the will SUSAN MARY BREUSCH, late of 16 Windrest Avenue, Aspley in Queensland, deceased, to whom probate of the said will was granted by the Court of Queensland (Supreme Court of Queensland) on the 7th February 2018, will apply to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that the seal of the Said Supreme Court of Tasmania may be affixed to the said probate pursuant to Part VI of the *Administration and Probate Act 1935*.

Dated this eighteenth day of July 2018.

Signed REBECCA REID, MURDOCH CLARKE -Australian legal practitioner acting on their behalf signature

Historic Cultural Heritage



Tasmanian Heritage Council

NOTICE OF PROVISIONAL ENTRY OF A PLACE OR PLACES IN THE TASMANIAN HERITAGE REGISTER

In accordance with section 18(3)(b) of the *Historic Cultural Heritage Act 1995* ("the Act") the Tasmanian Heritage Council gives notice that it has provisionally entered the following place on the Tasmanian Heritage Register:

Place(s):

THR#: 5662, Former Zeehan Police Station and Court House, 114 – 116 Main Road, Zeehan

Members of the public are hereby invited under section 20 of the Act to provide a written submission relating to that intention. Further, under section 19 of the Act, any person has a right to object to the entry(s).

A submission, or objection, must be made in writing and lodged with the Tasmanian Heritage Council within 60 days of the date of this notice.

An objection will be sufficiently lodged if it is sent to Chair, Tasmanian Heritage Council by post to: GPO Box 618 Hobart 7001, or by email to: enquiries@heritage.tas.gov.au.

NOTICE OF REVISED ENTRY OF A PLACE OR PLACES IN THE TASMANIAN HERITAGE REGISTER

In accordance with section 18(3)(b) of the *Historic Cultural Heritage Act 1995* ("the Act") the Tasmanian Heritage Council gives notice that it has provisionally entered the following place or places on the Tasmanian Heritage Register, updating its information:

Place(s):

THR#: 1529, Saltworks, Saltworks Road, Little Swanport

THR#: 1522, Three Arch Bridge, 11830 Tasman Highway, Little Swanport

THR#: 8215, Ida Bay Railway, 328 Lune River Road, Ida Bay

THR#: 5413, Campania Mill, 53 Reeve Street, Campania

Members of the public are hereby invited under section 20 of the Act to provide a written submission relating to that intention. Further, under section 19 of the Act, any person has a right to object to the entry(s).

A submission, or objection, must be made in writing and lodged with the Tasmanian Heritage Council within 60 days of the date of this notice.

An objection will be sufficiently lodged if it is sent to Chair, Tasmanian Heritage Council by post to: GPO Box 618 Hobart 7001, or by email to: enquiries@heritage.tas.gov.au.

NOTICE OF INTENTION TO REMOVE AN ENTRY OR ENTRIES FROM THE TASMANIAN HERITAGE REGISTER

In accordance with section 22(5) (b) of the *Historic Cultural Heritage Act 1995* ("the Act") the Tasmanian Heritage Council gives notice that it intends to remove the following entry or entries from the Tasmanian Heritage Register:

Place(s): THR#: 4775, 34 West Barrack Street, Deloraine

Members of the public are hereby invited under section 24 of the Act to provide a written submission relating to that intention.

Further, under section 23 of the Act, any person has a right to object to the removal(s).

A submission, or objection, must be made in writing and lodged with the Tasmanian Heritage Council within 30 days of the date of this notice.

An objection will be sufficiently lodged if it is sent to Chair, Tasmanian Heritage Council by post to: GPO Box 618 Hobart 7001, or by email to: enquiries@heritage.tas.gov.au

Ms Brett Torossi

Chair

Tasmanian Heritage Council

18 July 2018

Heavy Vehicle National Law

HEAVY VEHICLE NATIONAL LAW (TASMANIA) ACT 2013

NOTICE OF PUBLICATION OF REGULATION

Notice is given under s8(1) of the *Heavy Vehicle National Law (Tasmania) Act 2013* that the *Heavy Vehicle National Legislation Amendment Regulation 2018* and the *Heavy Vehicle (Registration) National Regulation 2018* made under the *Heavy Vehicle National Law Act (Queensland) 2012* on 21 June 2018, with a commencement date of 1 July 2018, were published on the New South Wales legislation website on 22 June 2018. A copy of the regulation is obtainable by visiting <http://legislation.nsw.gov.au/maintop/epub>.

Regulation:

Heavy Vehicle National Legislation Amendment Regulation 2018

Heavy Vehicle (Registration) National Regulation 2018

Authorising Law:

Heavy Vehicle National Law Act (Queensland) 2012

JEREMY PAGE ROCKLIFF,
Minister for Infrastructure.

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Cities Councils

HOBART CITY COUNCIL

INFRASTRUCTURE BY-LAW

BY-LAW No. 1 of 2018

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HOBART CITY COUNCIL

INFRASTRUCTURE BY-LAW

BY-LAW No. 1 of 2018

PART 1 – PRELIMINARY

1. This by-law is made pursuant to section 145 of the Act for the purpose of regulating and controlling matters relating to highways and watercourses in the municipal area.
2. This by-law may be cited as the Infrastructure By-law.
3. The Highways By-law No. 3 of 2008 and the Hydraulic Services By-law No. 4 of 2008 are repealed.
4. This by-law applies to the Hobart municipal area.
5. In this by-law:
 - Act** means the *Local Government Act 1993*;
 - authorised officer** means an employee of the Council authorised by the General Manager for the purposes of this by-law;
 - building materials** means concrete, lime concrete, asphaltic concrete, cement, cement mortar, lime mortar, tar, soil, sand, stone, firewood, steel or bricks;
 - Council** means Hobart City Council;
 - crossover** means any vehicle or pedestrian access within a highway (including, where applicable, the gutter, footpath, kerb, culvert or nature strip, and grated pits, drains or trenches that form part of the crossover)

which services a property, including any supporting structure;

footpath means that part of the highway reservation so constructed as to facilitate the movement of pedestrians;

General Manager means the General Manager of the Council appointed pursuant to section 61 of the Act;

highway means any highway or road shown on the map maintained by Council pursuant to section 208 of the Act;

Highways Act means the *Local Government (Highways) Act 1982*;

LUPAA means the *Land Use Planning and Approvals Act 1993*;

nature strip means all that part of a highway reservation not constructed for the movement of vehicles or pedestrians;

occupy includes:

- (a) to use cranes, concrete pumps or any other special vehicle used for building work;
- (b) to fence or divide any part of a highway to exclude members of the public;
- (c) the placement of temporary traffic management infrastructure (including traffic signs, barriers, bollards and traffic cones) on a highway; and
- (d) the placement of an industrial waste container;

permit means:

- (a) a current permit or other written approval (including a booking confirmation provided by electronic means) granted pursuant to this by-law; or
- (b) any permit, licence or written approval granted pursuant to another by-law or legislation including a by-law or legislation which has been repealed;

providing that:

- (c) if the permit, licence or written approval was issued for a certain time

period, that time period has not expired; or

- (d) if the permit, licence or written approval was issued for a certain event, that event has not yet taken place;

person means an individual, corporation or any other legal entity (other than the Crown);

riparian zone means the land on either side of a watercourse which is:

- (a) 10 metres from the top of the watercourse embankment; or
- (b) the area marked as "Maximum 1% Annual Exceedance Probability Flood Extent Limit" in the 2014 Hobart Rivulet Flood Map, the 2013 Sandy Bay Rivulet Flood Map or the 2017 New Town Rivulet Flood Map which have been prepared by the Council;

whichever is the greatest;

riparian works means:

- (a) carry out any earthworks;
- (b) removal any vegetation or topsoil; or
- (c) allow any livestock to graze and/or remain;

vehicle has the same meaning as in the *Road Rules* 2009;

watercourse means a river, rivulet, creek or other natural stream of water (whether modified or not) flowing in a defined channel, or between banks, notwithstanding that the flow may be intermittent or seasonal or the banks not clearly or sharply defined;

watercourse works means:

- (a) any activity which may alter the bed, banks or flood plains of a watercourse; or
- (b) the construction of any structure;

works in Part 2 of this by-law means any change to the natural or existing condition of a highway or the land which supports the highway, and includes:

- (a) the matters described in sections 30, 46 and 67 of the Highways Act;

- (b) any interference with the land below the highway, whether or not the surface of the highway is disturbed;
- (c) installing, removing or altering street furniture, lighting and similar features; and
- (d) any change to the location or condition of a footpath or nature strip.

PART 2 – HIGHWAYS

Division 1 – Prohibitions on a highway

Wheels of vehicles to be cleaned

6. A person must not drive any vehicle or permit any vehicle to be driven into, over or on any highway unless the wheels of that vehicle are first cleaned of any material adhering to those wheels prior to driving on a highway.

Penalty: 2 penalty units

Material on highways

7. 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 unless the person has first obtained a permit.

Penalty: 2 penalty units and 2 penalty units for every week the breach continues

Vehicle carrying material

8. A person must not drive a vehicle or permit a vehicle to be driven on a highway if the vehicle is carrying any material unless the vehicle is constructed and equipped so that the material will not drop onto the

highway.

Penalty: 2 penalty units

Placing of objects or mixing of substances on the highway

9. A person must not use any part of a highway (including the footpath or nature strip) for placing or mixing any building materials or other material except in accordance with a permit.

Penalty: 2 penalty units

Damage to a highway

10. A person must not damage a highway.

Penalty: 3 penalty units

11. If a person damages a highway, the General Manager may, at any time, require any works to be carried out (including to make safe or rectify the damage) within 28 days or as otherwise specified.

12. A person is required to comply with any direction issued by the General Manager pursuant to clause 11.

Penalty: 3 penalty units

Driving vehicle over footpaths, nature strips, kerbs or gutters

13. A person must not drive a vehicle or permit a vehicle to be driven over any footpath, nature strip, kerb or gutter of any highway to or from any site or premises unless the owner of the premises is the holder of a permit for this

purpose.

Penalty: 2 penalty units

Crossing footpaths, nature strips, kerbs or gutters without protection

14. A person must not cross any footpath, nature strip, kerb or gutter unless the footpath, nature strip, kerb or gutter has been protected in accordance with the conditions contained in the permit referred to in clause 13.

Penalty: 2 penalty units

Division 2 – Works within a highway

Permit required to carry out works within a highway

15. A person must not carry out any works in a highway unless:
- (a) they have been issued a permit to do so;
 - (b) they have been granted a permit pursuant to LUPAA which relates to those works; or
 - (c) they are entitled to do so pursuant to any Tasmanian or Commonwealth legislation.

Penalty: 3 penalty units

Application for permit to carry out works within a highway

16. A person must apply for a permit to carry out works within a highway, including:
- (a) the works specified in section 46(1) of the Highways Act; and
 - (b) the construction of a crossover.

An application for a permit to carry out works within a highway must be

accompanied by plans for the proposed works.

Works within a highway must comply with permit

17. If a permit is granted to carry out works within a highway, the works must be undertaken in accordance with the conditions of the permit.

Penalty: 5 penalty units

Directions by General Manager

18. If any works are carried out without a permit or contrary to clause 17, the General Manager may, at any time, require further works to be carried out to remedy that breach within 28 days or as otherwise specified.
19. A person is required to comply with any direction issued by the General Manager pursuant to clause 18.

Penalty: 3 penalty units

Division 3 – Method of works within a highway

Provision of documents regarding method of works within a highway

20. All works within a highway (whether pursuant to a permit issued under this by-law or other legislation) must be carried out in accordance with the documents addressing the matters listed below, which must be provided to the General Manager at least 14 days prior to the commencement of the works and which must be to the satisfaction of the General Manager:
- (a) health and safety;
 - (b) traffic management; and
 - (c) public liability insurance.

Penalty: 5 penalty units

Division 4 – Crossovers

Requirement to construct a crossover over a footpath or nature strip

21. The owner of any property which abuts any highway is to construct a crossover if directed to do so by the General Manager. The crossover is to be of such materials, dimensions and strength as the General Manager considers necessary to protect the gutter, footpath, kerb, culvert or nature strip from damage.

22. A person must comply with a direction under clause 21.

Penalty: 3 penalty units

Maintenance of crossovers

23. The owner of any property which accesses a highway via a crossover is to keep the crossover in good repair and maintain it to the satisfaction of the General Manager.

Direction to remove or repair a crossover

24. The General Manager may direct the owner of any premises that a crossover to that premises be removed or repaired.

25. A person must comply with a direction under clause 24.

Penalty: 3 penalty units

Division 5 – Miscellaneous

Power to remove vehicle

26. Where the Council intends to carry out any works pursuant to the Highways Act or to engage a contractor to carry out any such works, an authorised officer may remove or order the removal by towing of a vehicle parked on the closed area of highway where:
- (a) unless an emergency exists, notice has been given by the Council, either by publication in a local newspaper or by letter drop, of the proposed works;
 - (b) appropriate “no parking” or other traffic signs erected pursuant to sections 49 and 59 of the *Traffic Act 1925* are placed on the highway for the purpose of identifying the part of the highway which is required in order for the works to be carried out;
 - (c) the owner of the vehicle cannot be located; and
 - (d) removal of the vehicle is necessary for Council to carry out the works.

Occupation of highways

27. A person must not occupy a highway unless they have been issued a permit to do so.

Penalty: 10 penalty units and 1 penalty unit for every day the breach continues.

PART 3 – WATERCOURSES

28. This Part does not apply to:
- (a) a watercourse which is part of a public stormwater system as defined in the *Urban Drainage Act 2013*;

- (b) any use or development which does not require a permit pursuant to LUPAA and the applicable planning scheme; or
- (c) any work (as defined in the *Building Act 2016*) which does not require a permit pursuant to that Act.

Watercourse works

29. A person must not carry out any watercourse works in a watercourse except in accordance with:
- (a) a permit granted pursuant to this by-law;
 - (b) a permit pursuant to LUPAA which relates to those watercourse works; or
 - (c) they are entitled to do so pursuant to any Tasmanian or Commonwealth legislation.

Penalty: 20 penalty units

Riparian works

30. A person must not carry out any riparian works within a riparian zone or on the bank of a watercourse except in accordance with:
- (a) a permit granted pursuant to this by-law;
 - (b) a permit pursuant to LUPAA which relates to those riparian works; or
 - (c) they are entitled to do so pursuant to any Tasmanian or Commonwealth legislation.

Penalty: 10 penalty units

Powers in relation to watercourses

31. The Council may, on land which is owned by it or under its control:
- (a) carry out any watercourse works or riparian works;

- (b) maintain, improve or divert a watercourse;
 - (c) widen, divert or improve any watercourse;
 - (d) cleanse the bed or channel of a watercourse;
 - (e) remove all obstructions from a watercourse;
 - (f) repair and maintain the banks or walls of a watercourse;
 - (g) construct any buildings, structures or works on, in or over any part of the watercourse;
 - (h) enter into an agreement with any person for the carrying out or construction of any building, structures or works; or
 - (i) grant any right or interest in or over that part of those watercourses or those buildings, structures or watercourse works or riparian works.
32. The Council may carry out the activities listed in clause 31 on land which is privately owned with the consent of the land owner or pursuant to the terms of any easement registered on the title to that land which allows Council to carry out those activities.

Directions by General Manager

33. The General Manager may direct the owner of a property which abuts a watercourse to remove any material which, in the General Manager's opinion, is unstable and poses a risk of collapse into the watercourse.
34. A person is required to comply with any direction issued by the General Manager pursuant to clause 33.

Penalty: 3 penalty units

PART 4 – PERMITS

Granting permits

35. A permit may be granted for any purpose under this by-law by:
- (a) the General Manager; or
 - (b) any electronic method authorised by the General Manager, including via Council's website or an application operated by or on behalf of Council.
36. No provision of this by-law is to be construed as preventing the General Manager from referring any application for a permit to the Council.

Applications

37. Any application for a permit pursuant to this by-law is to be:
- (a) in accordance with any form approved by the General Manager;
 - (b) accompanied by the fee specified by the General Manager, if any; and
 - (c) where applicable, must be accompanied by the following:
 - (i) a statement in writing of the type of activity proposed to be undertaken by the applicant and the period in which it is proposed to be carried out;
 - (ii) a scaled drawing showing the location and extent of the proposed activity;
 - (iii) approvals from relevant authorities;
 - (iv) evidence of current public liability insurance or other relevant insurance; and
 - (v) such other information that the General Manager may reasonably require.

38. In deciding whether or not to grant a permit pursuant to this by-law the General Manager may have regard to the following and any other relevant matters:
- (a) the type of activity proposed;
 - (b) the location of that activity;
 - (c) the impact of the proposed activity on public safety, the environment and amenity; and
 - (d) any comments made by any employee of the Council or by a police officer in relation to the application.

Permits

39. A permit granted under this by-law must be in writing and may be granted under such terms and conditions as the General Manager considers appropriate. Those conditions may include:
- (a) a restriction on the type of activity;
 - (b) a restriction on the period in which the activity may be carried out;
 - (c) the precautions to be observed while the activity is being carried out;
 - (d) the requirement for supervision or control of the activity;
 - (e) the record to be kept or notification to be given in relation to the any activity carried out pursuant to the permit;
 - (f) the payment of a bond to cover any damage to Council property or any cleaning required, or the provision of an indemnity to Council for any other loss or damage; or
 - (g) the acceptance of responsibility for any damage to or loss of Council property as a result of the activity.
40. The holder of a permit granted pursuant to this by-law must comply with the terms and conditions of the permit.

Penalty (unless otherwise specified): 10 penalty units

Production of a permit

41. A permit holder is to produce the permit immediately when requested to do so by a police officer or an officer of the Council, and the holder of the permit must answer all questions which are reasonably necessary to establish that the person holds a permit in good faith.

Variation of permit conditions

42. The General Manager may vary the conditions of any permit if he or she considers it is appropriate to do so.
43. If the conditions of any permit are varied pursuant to clause 42, the General Manager must serve a notice in writing on the permit holder stating:
- (a) the conditions of the permit are varied; and
 - (b) the reason or reasons for the variation of the permit conditions.
44. The conditions of a permit will be varied from the date of service of the notice of the variation.

Cancellation of permits

45. The Council, the General Manager may cancel any permit if satisfied that:
- (a) a permit holder has breached any of Council's by-laws; or
 - (b) a permit holder has breached a term or condition of the permit.
46. If a permit is cancelled pursuant to clause 45, the General Manager must serve a notice in writing on the permit holder stating:
- (a) the permit is cancelled; and

(b) the reason or reasons for the cancellation.

47. Cancellation of any permit is effective from the date of service of the notice of the cancellation.

48. Nothing in this by-law is to be construed as preventing or prohibiting the Council from cancelling any permit if this is required due to the exercise or intended exercise of any local government functions, powers, rights or duties by the Council.

Notices

49. For the purposes of clauses 43 and 46, a notice may be served in any of the following ways:

- (a) on the holder of the permit personally;
- (b) by ordinary post to the last known address of the permit holder; or
- (c) by notice being given in the public notice section of a newspaper circulating in the Hobart City Council municipal area.

50. The date of service of a notice will be:

- (a) if the holder of the permit was served by ordinary post, 3 business days from the date the notice was posted; or
- (b) if the notice was given in a newspaper, the date of the publication of that newspaper.

PART 5 – RECOVERY OF COSTS

Expenses incurred

51. The Council may rectify a breach of this by-law, including any damage to Council property, without ordering the offending person to undertake the

rectification works.

52. Any expense or damages incurred by the Council as a result of the breach of any of the by-laws, will be paid by the person committing the breach and is recoverable by the Council as a debt due to it.

PART 6 – INFRINGEMENT NOTICES

53. In this Part:
specified offence means an offence against the clause specified in Column 1 of the Schedule to this by-law.
54. An authorised officer may issue an infringement notice to a person in respect of a specified offence and the monetary penalty payable under the infringement notice for that offence is the applicable sum specified adjacent to the offence in of the Schedule to this by-law.
55. Different sums may be specified in an infringement notice according to the nature of the offence and whether payment is made within a specified time.
56. An authorised officer may:
- (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
 - (b) issue one infringement notice in respect of more than one specified offence.
57. The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.

58. 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.
59. A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:
- (a) pay the monetary penalty in full to the General Manager;
 - (b) apply to the General Manager for withdrawal of the infringement notice;
 - (c) apply to the General Manager for a variation of payment conditions;
or
 - (d) lodge with the General Manager a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.
60. If a person who has been served with an infringement notice fails to take one or more of the actions required by clause 59 within the prescribed time, the infringement may be referred to the Director, Monetary Penalties.

PART 7 – ENFORCEMENT

Hindering or resisting authorised officers

61. A person must not obstruct, hinder, abuse, or resist any authorised officer on any highway in the discharge of the authorised officer's duty.

Penalty: 3 penalty units

Directions by authorised officers

62. An authorised officer may give reasonable directions to any person in relation to their use or treatment of, or presence on or near any highway.
63. If an authorised officer believes that any of clauses 6, 7 or 8 has been breached, the authorised officer may, by notice in writing to:
- (a) any person who drives any such vehicle;
 - (b) any person who permits any vehicle to be driven; or
 - (c) any person who is the owner or occupier of any land on which the authorised officer believes a vehicle driven;
- direct that person to remove any material which came from the vehicle and onto the highway.
64. A person must not fail to comply with a reasonable direction from an authorised officer given under this by-law.

Penalty: 3 penalty units.

Removal from highways

65. Any authorised officer may:
- (a) remove any person from a highway whom the authorised officer reasonably believes has committed or who is committing an offence under this by-law; and
 - (b) remove any thing which is on a highway without the approval of the Council.

Assistance of police officers

66. A police officer is authorised to:
- (a) assist an authorised officer to carry out any action under clause 65;

- (b) remove any person from a highway whom the police officer reasonably believes has committed or who is committing an offence under this by-law;
- (c) remove anything which is on a highway without the approval of the Council; and
- (d) arrest any person who is on a highway whom the police officer reasonably believes has committed or who is committing an offence under this by-law.

Removal and sale of vehicles

67. If a vehicle is removed pursuant to clause 26, the authorised officer must
- (a) remove the vehicle to a place of safety and keep it there until the following has been paid to Council:
 - (i) any penalty required to be paid pursuant to this by-law; and
 - (ii) any fee required by Council to be paid for the removal and detention of a vehicle; and
 - (b) if the vehicle has not been collected pursuant to clause 67(a) for a period of 7 days, the vehicle may be sold or destroyed by Council or at its direction.
68. If a vehicle is sold pursuant to clause 67(b), Council may retain the following from the sale proceeds:
- (a) any amounts outstanding pursuant to clause 67(a);
 - (b) any expenses associated with the sale of the vehicle, including any auctioneer's fees.
69. If a vehicle is destroyed pursuant to clause 67(b) or if the sale proceeds are less than the total of the amounts specified in clause 68(a) and (b), the balance must be paid by the owner of the vehicle and are recoverable by

the Council as a debt due to it.

SCHEDULE
INFRINGEMENT NOTICE OFFENCES

1: CLAUSE	2: DESCRIPTION	3: PENALTY (penalty units)
PART 2 – HIGHWAYS		
6	Wheels of vehicles to be cleaned	0.5
7	Material on highways	0.5
8	Vehicle carrying material	0.5
9	Placing of objects or mixing of substances on the highway	0.5
10	Damage to a highway	0.75
12	Directions by General Manager	0.75
13	Driving vehicle over footpaths, nature strips, kerbs or gutters	0.5
14	Crossing footpaths, nature strips, kerbs or gutters without protection	0.5
15	Permit required to carry out works within a highway	0.75
17	Works within a highway must comply with permit	1.25
19	Directions by General Manager	0.75
20	Provision of documents regarding method of works within a highway	1.25
22	Requirements to construct a crossover over a footpath or nature strip	0.75

1: CLAUSE	2: DESCRIPTION	3: PENALTY (penalty units)
25	Directions by General Manager to remove or repair crossover	0.75
27	Occupation of highways	2.5
PART 3 - WATERCOURSES		
29	Watercourse works	5
30	Riparian works	2.5
34	Directions by General Manager	0.75
PART 4 – PERMITS		
40	Failure to comply with permit	2.5
PART 7 – ENFORCEMENT		
61	Hindering or resisting authorised officers	0.75
64	Directions by authorised officers	0.75

Certified that the provisions of this by-law are in accordance with the law by:

K.M. Abey

K.M. Abey

Solicitor

Dated *10/7/18*

At Hobart

Certified that this by-law is made in accordance with the *Local Government Act 1993* by:

N.D. Heath

N.D. HEATH

General Manager

Dated *10/7/18*

At Hobart

The common seal of the Hobart City Council was affixed on in the presence of

H.J. Salisbury

H.J. SALISBURY

Deputy General Manager

Dated: *10/7/2018*

P.A. Jackson

P.A. JACKSON

Manager Legal & Governance

Dated: *10/7/18*



HOBART CITY COUNCIL

ENVIRONMENTAL HEALTH BY-LAW

BY-LAW No. 2 of 2018

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HOBART CITY COUNCIL

ENVIRONMENTAL HEALTH BY-LAW

BY-LAW 2 of 2017

PART 1 – PRELIMINARY

1. This by-law is made pursuant to section 145 of the Act for the purpose of regulating and controlling matters of environmental health.
2. This by-law may be cited as the Environmental Health By-law.
3. The Health and Environment Services By-law No. 1 of 2008 is repealed.
4. This by-law applies to the Hobart municipal area.

5. In this by-law:

Act means the *Local Government Act 1993*;

animal means an animal referred to in section 3 of the *Animal Welfare Act 1993*;

authorised officer means an employee of the Council authorised by the General Manager for the purposes of this by-law;

bee hive means a modular framed housing for a honey bee colony, which normally contains either a nucleus colony or a standard size colony;

Council means the Hobart City Council;

General Manager means the General Manager of the Council appointed pursuant to section 61 of the Act;

highway means any highway or road shown on the map maintained by

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Council pursuant to section 208 of the Act;

livestock has the same meaning as section 1 to Schedule 5 of the *Road Rules 2009*;

LUPAA means the *Land Use Planning and Approvals Act 1993*;

occupier includes a resident or owner of premises;

occupy includes reside or live in or use any caravan for entertainment, sleeping, resting, cooking, eating, commercial or retail activities or for any similar use;

owner includes the occupier or other person having the control and management of any land or premises;

permit means:

- (a) a current permit or other written approval (including a booking confirmation provided by electronic means) granted pursuant to this by-law; or
- (b) any permit, licence or written approval granted pursuant to another by-law or legislation including a by-law or legislation which has been repealed;

providing that:

- (c) if the permit, licence or written approval was issued for a certain time period, that time period has not expired; or
- (d) if the permit, licence or written approval was issued for a certain event, that event has not yet taken place;

person means an individual, corporation or any other legal entity (other than the Crown);

poultry includes ducks, fowl, geese, guinea fowl, peacocks, pheasants pigeons and domestic birds including caged birds;

vehicle has the same meaning as in the *Road Rules 2009*.

PART 2 – CONTROL OF ANIMALS

Division 1 – Keeping Animals

Maintenance of premises used by animals

6. The occupier of any premises where an animal, including livestock and poultry, is kept must:
- (a) keep any structures, buildings, enclosures or areas which the animal has access to clean and sanitary;
 - (b) dispose of bedding or floor covering, and waste food, or store until disposed, in a waterproof and tightly covered container;
 - (c) keep manure in a waterproof and tightly covered container when requested to do so by an authorised officer;
 - (d) not allow any build-up of manure such that there is any nuisance or run-off into rivers, drains or stormwater;
 - (e) empty any container used for keeping used bedding or floor covering, waste food, or manure regularly and keep the container hygienic;
 - (f) not allow the animal to cause any nuisance through smell, noise, rodents, flies or drainage;
 - (g) take all necessary steps to abate any nuisance that may arise as a result of keeping of the animal; and
 - (h) maintain fencing or other structures, buildings or enclosures housing the animal to an adequate standard, as may be determined by an authorised officer, so as to prevent the escape of the animal onto a highway or another person's property.

Penalty: 2 penalty units

Keeping of horses, pigs or other livestock

7. A person must not keep any horse, pig or other livestock in a stable, sty, lot, paddock or secure premises without first obtaining a permit.

Penalty: 2 penalty units

Horse manure in public places

8. A person who is in charge of a horse must immediately remove and dispose of any manure left by the horse where the manure is left by the horse in any public place.

Penalty: 5 penalty units

Keeping of domestic poultry

9. Subject to clause 10 a person must not keep any poultry within 6 metres of any dwelling-house or within 1 metre of any fence line or boundary, or allow any poultry to have access to any area within 6 metres of a dwelling-house except if the sale of live poultry is part of the usual business of any shop and the poultry is in properly maintained cages.

Penalty: 2 penalty units

Keeping of roosters

10. A person must not keep a rooster within 300 metres of a neighbouring dwelling without the written approval of the occupants of that neighbouring dwelling.

Penalty: 2 penalty units

Maximum number of bee hives

11. A person may keep a maximum number of bee hives specified in column 2 on land of size specified in column 1:

Column 1	Column 2
Land Size (m²)	Maximum Number of Bee Hives
Less than 400	0
400 to 1,000	2
1,000 to 2,000	5
2,000 to 4,000	10

12. A person must not keep more than the maximum number of bee hives specified in clause 11 without a permit to do so.

Penalty: 2 penalty units

Keeping of bee hives

13. A person keeping bee hives must ensure:
- (a) the provision of a good and sufficient water supply on the land which is readily accessible by the bees on the land; and
 - (b) each bee hive is located near a screen or other barrier so as to prevent the bees flying over a thoroughfare, public place or adjoining land.

Penalty: 2 penalty units

Location of bee hives

14. A person must not keep bee hives within 3 metres of a property boundary without a permit to do so.

Penalty: 2 penalty units

Division 2 – Seizure, Detention and Impounding of Animals

Seizure, detention and impounding animals

15. An authorised officer may seize, detain and impound an animal where the authorised officer believes an offence has been committed under this by-law.

Notice of impounding

16. Subject to clause 20, an owner may claim an impounded animal if:
- (a) the person who asserts that they are the owner of the impounded animal has provided proof of ownership of the animal to the satisfaction of an authorised officer; and
 - (b) an authorised officer is satisfied that the offence committed under this by-law will not be repeated.
17. If an animal has not been claimed by its owner or a person on behalf of the owner within 48 hours of it being impounded, the General Manager is to give notice to the owner of the animal in accordance with section 195 of the Act.
18. If the owner of an impounded animal cannot be ascertained or found, the General Manager is to publish notice of the impounding of the animal in accordance with section 195 of the Act.
19. The owner of an impounded animal must pay any fees, costs and charges incurred by Council in respect of the impounding, maintenance and treatment of the animal, as notified by the General Manager, within 30 days of the notice provided by the General Manger unless otherwise agreed.

Penalty: 5 penalty units

20. The General Manager may detain an impounded animal until any fees, costs and charges specified in a notice are paid.

Sale or destruction of animals

21. The General Manager may:

- (a) sell, give away free of charge or destroy any animal impounded pursuant to this by-law, in accordance with section 197 of the Act, if:
 - (i) no one has claimed the animal within 14 days of impounding;
or
 - (ii) any fees, costs and charges specified by notice have not been paid within the time specified in that notice; and
- (b) arrange for an animal impounded pursuant to this by-law to be destroyed, in accordance with section 198 of the Act, if, in the opinion of a qualified veterinary surgeon, the animal is:
 - (i) seriously diseased; or
 - (ii) so injured or disabled as to be apparently in continual pain.

Interference with animals in pounds

22. A person must not:

- (a) remove or interfere with any animal seized under this Division; or
- (b) destroy or damage any structure, enclosure or pound in which animals seized under this Division are detained.

Penalty: 10 penalty units

23. An authorised officer may:
- (a) retrieve by seizure an animal that is illegally removed; and
 - (b) detain the animal until the fees and costs arising from its detention and retrieval are paid.

PART 3 – CARAVANS

Application

24. This Part does not apply to a caravan that is:
- (a) situated in a caravan park which is operating in accordance with LUPAA;
 - (b) used by a travelling show person in the ordinary course of their business;
 - (c) used by work gangs or contractors involve in construction work that is authorised by the Council;
 - (d) situated at a person's principal residence and used solely for the purpose of storage on site; or
 - (e) used by family members of the owner or occupier of the premises for up to 14 days within a calendar year.

Structures included as caravans

25. For the purposes of this Part, a "caravan":
- (a) is any object or structure which has the general characteristics of a caravan, house on wheels, a covered van or trailer and any vehicle used or adapted for occupation;
 - (b) includes any structure, awning, verandah, lean-to, tent, car-port or any other enclosed or partly enclosed area used or capable of being used attached or with 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.

Allow use of land for caravan

- 26. A person who is the owner or occupier of any land must not use or allow the land to be used to set up a caravan which is to be used for human habitation or occupation without first obtaining a permit.

Penalty: 5 penalty units

- 27. A permit granted for land to be used to set up a caravan will be valid for up to 2 years, unless an extension of time is granted by the General Manager.

Application for permit

- 28. Any owner of land intending to allow that land to be used to set up a caravan for human habitation must apply for a permit to do so, unless a permit has been obtained pursuant to LUPAA in relation to the caravan.

Refusal of permit

- 29. A permit 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 amenities of the neighbourhood in which the caravan is to be set up; or
 - (b) the caravan does not have sufficient facilities for the supply of water or disposal of sewerage available to the occupants; or
 - (c) the occupation of the caravan is likely to cause a health hazard.

Occupation of caravans

- 30. A person must not occupy a caravan unless the owner or occupier of the

land on which the caravan is set up is the holder of a valid permit issued pursuant to this by-law or a permit issued pursuant to LUPAA in relation to the caravan.

Penalty: 2 penalty units

PART 4 – PERMITS

Granting permits

31. A permit may be granted for any purpose under this by-law by:
- (a) the General Manager; or
 - (b) any electronic method authorised by the General Manager, including via Council's website or an application operated by or on behalf of Council.
32. No provision of this by-law is to be construed as preventing the General Manager from referring any application for a permit to the Council.

Applications

33. Any application for a permit pursuant to this by-law is to be:
- (a) in accordance with any form approved by the General Manager;
 - (b) accompanied by the fee specified by the General Manager, if any; and
 - (c) where applicable, must be accompanied by the following:
 - (i) a statement in writing of the type of activity proposed to be undertaken by the applicant and the period in which it is proposed to be carried out;
 - (ii) a scaled drawing showing the location and extent of the proposed activity;
 - (iii) evidence of current public liability insurance or other relevant

insurance; and

- (iv) such other information that the General Manager may reasonably require.

34. In deciding whether or not to grant a permit pursuant to this by-law, the General Manager may have regard to the following and any other relevant matters:

- (a) the type of activity proposed;
- (b) the location of that activity;
- (c) the impact of the proposed activity on public safety, the environment and amenity; and
- (d) any comments made by any employee of the Council or by a police officer in relation to the application.

Permits

35. A permit granted under this by-law must be in writing and may be granted under such terms and conditions as the General Manager considers appropriate. Those conditions may include:

- (a) a restriction on the type of activity;
- (b) a restriction on the period in which the activity may be carried out;
- (c) the precautions to be observed while the activity is being carried out;
- (d) the requirement for supervision or control of the activity;
- (e) the record to be kept or notification to be given in relation to the any activity carried out pursuant to the permit;
- (f) the payment of a bond to cover any damage to Council property or any cleaning required, or the provision of an indemnity to Council for any other loss or damage; or
- (g) the acceptance of responsibility for any damage to or loss of Council property as a result of the activity.

36. The holder of a permit granted pursuant to this by-law must comply with the terms and conditions of the permit.

Penalty (unless otherwise specified): 1 penalty unit

Production of a permit

37. A permit holder is to produce the permit immediately when requested to do so by a police officer or an officer of the Council, and the holder of the permit must answer all questions which are reasonably necessary to establish that the person holds a permit in good faith.

Variation of permit conditions

38. The General Manager may vary the conditions of any permit if he or she considers it is appropriate to do so.
39. If the conditions of any permit are varied pursuant to clause 38, the General Manager must serve a notice in writing on the permit holder stating:
- (a) the conditions of the permit are varied; and
 - (b) the reason or reasons for the variation of the permit conditions.
40. The conditions of a permit will be varied from the date of service of the notice of the variation.

Cancellation of permits

41. The Council or the General Manager may cancel any permit if satisfied that:
- (a) a permit holder has breached any of Council's by-laws; or
 - (b) a permit holder has breached a term or condition of the permit.

42. If a permit is cancelled pursuant to clause 41, the General Manager must serve a notice in writing on the permit holder stating:
- (a) the permit is cancelled; and
 - (b) the reason or reasons for the cancellation.
43. Cancellation of any permit is effective from the date of service of the notice of the cancellation.
44. Nothing in this by-law is to be construed as preventing or prohibiting the Council from cancelling any permit if this is required due to the exercise or intended exercise of any local government functions, powers, rights or duties by the Council.

Notices

45. For the purposes of clauses 39 and 42, a notice may be served in any of the following ways:
- (a) on the holder of the permit personally;
 - (b) by ordinary post to the last known address of the permit holder; or
 - (c) by notice being given in the public notice section of a newspaper circulating in the Hobart City Council municipal area.
46. The date of service of a notice will be:
- (a) if the holder of the permit was served by ordinary post, 3 business days from the date the notice was posted; or
 - (b) if the notice was given in a newspaper, the date of the publication of that newspaper.

PART 5 – RECOVERY OF COSTS

Expenses incurred

47. The Council may rectify a breach of this by-law, including any damage to Council property, without ordering the offending person to undertake the rectification works.
48. Any expense or damages incurred by the Council as a result of the breach of any of the by-laws, including expense or damages, will be paid by the person committing the breach and is recoverable by the Council as a debt due to it.

PART 6 – INFRINGEMENT NOTICES

49. In this Part:
specified offence means an offence against the clause specified in Column 1 of the Schedule to this by-law.
50. An authorised officer may issue an infringement notice to a person in respect of a specified offence and the penalty payable under the infringement notice for that offence is the penalty specified in Column 3 of the Schedule to this by-law.
51. An authorised officer may:
- (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
 - (b) issue one infringement notice in respect of more than one specified offence.

52. The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.
53. 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.
54. A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:
- (a) pay the monetary penalty in full to the General Manager;
 - (b) apply to the General Manager for withdrawal of the infringement notice;
 - (c) apply to the General Manager for a variation of payment conditions;
or
 - (d) lodge with the General Manager a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.
55. If a person who has been served with an infringement notice fails to take one or more of the actions required by clause 54 within the prescribed time, the infringement may be referred to the Director, Monetary Penalties.

PART 7 – ENFORCEMENT

Hindering or resisting authorised officers

56. A person must not obstruct, hinder, abuse, or resist any authorised officer in the discharge of the authorised officer's duty.

Penalty: 3 penalty units

Directions by authorised officers

57. An authorised officer may give reasonable directions to any person in relation to matters which are the subject of this by-law.
58. A person must not fail to comply with a reasonable direction from an authorised officer given under this by-law.

Penalty: 3 penalty units.

Production of animals and evidence of authorisation

59. An authorised officer may require the occupier of the premises to produce for inspection by the authorised officer:
- (a) all animals of which the occupier is the owner; and
 - (b) any other animals kept on those premises; and
 - (c) evidence of authorisation to keep those animals on those premises.

SCHEDULE
INFRINGEMENT NOTICE OFFENCES

1: CLAUSE	2: DESCRIPTION	3: PENALTY (penalty units)
PART 2 – CONTROL OF ANIMALS		
6	Maintenance of premises used by animals	2
7	Keeping of horses, pigs or other livestock	2
8	Horse manure in public places	5
9	Keeping of domestic poultry	2
10	Keeping of roosters	2
12	Maximum number of bee hives	2
13	Keeping of bee hives	2
14	Location of bee hives	2
19	Fees, costs and charges	5
22	Interference with animals in pounds	10
PART 3 – CARAVANS		
26	Allow use of land for caravan	5
30	Occupation of caravan	2
PART 4 – PERMITS		
36	Failure to comply with permit	1
PART 7 – ENFORCEMENT		
56	Hindering or resisting authorised officers	3

1: CLAUSE	2: DESCRIPTION	3: PENALTY (penalty units)
58	Directions by authorised officers	3

Certified that the provisions of this by-law are in accordance with the law by:

K.M. Abey

K.M. Abey

Solicitor

Dated *10/7/18*

At Hobart

Certified that this by-law is made in accordance with the *Local Government Act* 1993 by:

N.D. Heath

N.D. HEATH

General Manager

Dated *10/7/18*

At Hobart

The common seal of the Hobart City Council was affixed on in the presence of:

H.J. Salisbury

H.J. SALISBURY

Deputy General Manager

Dated: *10/7/2018*

P.A. Jackson

P.A. JACKSON

Manager Legal & Governance

Dated: *10/7/18*



HOBART CITY COUNCIL

WASTE MANAGEMENT BY-LAW

BY-LAW No. 3 of 2018

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HOBART CITY COUNCIL

WASTE MANAGEMENT BY-LAW

BY-LAW 3 of 2017

PART 1 – PRELIMINARY

1. This by-law is made pursuant to section 145 of the Act for the purpose of regulating and controlling matters of waste and recycling.
2. This by-law may be cited as the Waste Management By-law.
3. This by-law applies to the Hobart municipal area.
4. In this by-law:
 - Act** means the *Local Government Act 1993*;
 - approved container** means any rigid walled receptacle in compliance with AS 4031-1992 designed for clinical and related wastes (or other wastes) to be deposited into it;
 - authorised officer** means an employee of the Council authorised by the General Manager for the purposes of this by-law;
 - clinical and related wastes** means that waste which has the potential to cause sharps injury, infection or offence, and includes sharps, human tissue waste, laboratory waste, animal waste resulting from medical, dental or veterinary research, or treatment that has the potential to cause disease. Related wastes means wastes within the waste stream, which constitute, or are contaminated with cytotoxic drugs, chemicals, pharmaceuticals;

commercial premises means a property which is used to sell any item by wholesale or retail, or to provide any service;

commercial waste means component of the waste stream generated from a commercial premises;

controlled waste has the same meaning as section 3(1) of the *Environmental Management and Pollution Control Act 1994* and includes a tyre;

Council means the Hobart City Council;

Council collection service means the service provided by Council for the collection of one or more of the following:

- (a) domestic waste;
- (b) commercial waste;
- (c) recyclable;
- (d) green waste; and
- (e) any other matter as notified by Council,

upon such terms and conditions determined by Council;

domestic waste means component of the waste stream arising from households;

General Manager means the General Manager of the Council appointed pursuant to section 61 of the Act;

green waste means domestic garden waste including weeds, grass clippings, flowers, leaves, prunings, twigs and small branches (shorter than 30cm and less than 10cm in diameter) but does not include soil, large branches and logs, concrete/rocks/ceramics, animal droppings, food waste, plastic, plastic bags, metals, paper or cardboard, building materials, nappies or textiles;

hazardous waste means that component of the waste stream which by its characteristics poses a threat or risk to public health, safety or to the environment;

highway means any highway or road shown on the map maintained by Council pursuant to section 208 of the Act, and includes a highway reservation, footpath or mall;

nature strip means all that part of a highway not constructed for the movement of vehicles or pedestrians;

occupier includes a resident or owner of premises;

occupy includes reside or live in or use any caravan for entertainment, sleeping, resting, cooking, eating, commercial or retail activities or for any similar use;

owner includes the occupier or other person having the control and management of any land or premises;

permit means:

- (a) a current permit or other written approval (including a booking confirmation provided by electronic means) granted pursuant to this by-law; or
- (b) any permit, licence or written approval granted pursuant to another by-law or legislation including a by-law or legislation which has been repealed;

providing that:

- (c) if the permit, licence or written approval was issued for a certain time period, that time period has not expired; or
- (d) if the permit, licence or written approval was issued for a certain event, that event has not yet taken place;

person means an individual, corporation or any other legal entity (other than the Crown);

recyclable means able to be recovered, processed and used as a raw material for the manufacture of a useful new product through a commercial process;

sharps means objects or devices having sharp points or protuberances or

cutting edges capable of cutting or piercing the skin or having potential to become sharps;

waste has the same meaning as section 3(1) of the *Environmental Management and Pollution Control Act 1994*, and includes food;

waste management centre means the area set aside by or used by the Council as a waste disposal area or tip;

waste storage area means an area on either residential or commercial premises that is set aside for the storage of wheelie bins, recycling containers, or other waste containers or bins, but which is not a highway, or nature strip;

waste stream means the flow of materials from a point of generation to ultimate disposal;

wheelie bin means a mobile bin as approved and supplied by Council for the collection of one of the following:

- (a) domestic waste;
- (b) commercial waste;
- (c) recyclable;
- (d) green waste; or
- (e) any other matter as notified by Council.

PART 2 – DISPOSAL OF SHARPS FROM NON-COMMERCIAL PREMISES

Deposit of sharps from non-commercial premises

5. Any person depositing sharps at the waste management centre, other than sharps from a commercial premises, must:
 - (a) place any sharps in an approved container for burial;
 - (b) deposit sharps only after having informed the Council officer present;
 - (c) obey any reasonable direction given by any Council officer in the waste management centre; and

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- (d) obey any direction on any sign in the waste management centre.

Penalty: 10 penalty units

Collection of sharps from non-commercial sources

6. Any person providing sharps for collection by the Council collection service, other than sharps from a commercial premises, must:
- (a) place any sharps in an approved container; and
 - (b) obey any reasonable direction by the General Manager, an authorised officer or a Council officer in relation to the provision of sharps.

Penalty: 10 penalty units

PART 3 – WASTE MANAGEMENT***Division 1 – Wheelie bins*****Possession of wheelie bins**

7. A person must not take possession of a wheelie bin unless that wheelie bin has been provided by Council for use by the person or people who occupy the property which that person occupies.

Penalty: 5 penalty units

Use and possession of allocated number of wheelie bins

8. A person must not use, or have in their possession, a number of wheelie bins in excess of the number of wheelie bins allocated by Council to the

property occupier for use by that person.

Penalty: 5 penalty units

Use and possession of allocated size of wheelie bins

9. A person must not use or have in their possession a wheelie bin which is greater in size than the wheelie bin allocated by Council to the property occupier for use by that person.

Penalty: 5 penalty units

Placement of waste and recyclables in wheelie bins

10. A person must place any:

- (a) domestic waste;
- (b) commercial waste;
- (c) recyclable;
- (d) green waste; and
- (e) any other matter as notified by Council;

in a wheelie bin which has been approved by Council for the collection of that type of waste or recycling.

Penalty: 2 penalty units

Improper placement of waste and recyclables in wheelie bins

11. A person must not place any clinical and related wastes, controlled or hazardous waste or recyclables in a wheelie bin approved and provided by Council for other use.

Penalty: 20 penalty units

Maintenance of wheelie bins

12. A person who is the occupier of a domestic premises or the occupier of a commercial premises using the Council collection service, in relation to each wheelie bin which has been allocated by Council to that premises, must:

- (a) keep the wheelie bin in good repair and thoroughly clean and sanitary;
- (b) keep the lid of the wheelie bin closed except when waste or recycling is being placed in it;
- (c) clean and disinfect the wheelie bin if required to do so by the General Manager;
- (d) ensure that the contents of the wheelie bin do not exceed 70 kg;
- (e) use the wheelie bin only for a purpose approved by the Council; and
- (f) leave the wheelie bin at the premises when vacating that premises.

Penalty: 5 penalty units for a breach of clause 12(f);
2 penalty units for any other breach of clause 12.

Hazardous substances

13. A person must not place in any wheelie bin any thing or substance that:

- (a) is hot, or is likely to become hot;
- (b) may, or is likely to explode;
- (c) may interact with other substances in the wheelie bin and generate toxic or poisonous gases or fumes;
- (d) is noxious or corrosive;
- (e) is prejudicial to health; or
- (f) is in any other way hazardous.

Penalty: 5 penalty units

Division 2 – Waste storage areas

Storage of bins in waste storage area

14. A person who is the owner or occupier of domestic or commercial premises must:
- (a) equip the premises with a waste storage area in accordance with Council requirements provided that the area does not interfere with emergency service facilities; and
 - (b) store wheelie bins or any other waste container or bin in a waste storage area except as otherwise provided by this by-law.

Penalty: 5 penalty units

15. Clause 14 applies to commercial premises even if the Council collection service is not being used by the owner or occupier of that premises.

Division 3 – Council collection services

Waste collection from wheelie bins

16. For the purposes of the Council collection service, a person who is the occupier of domestic premises or the occupier of commercial premises using the Council collection service, is to:
- (a) place a wheelie bin out between 6 pm on the evening preceding collection and 5 am on the designated day of collection;
 - (b) place a wheelie bin in a location as close as possible to the street entrance of that premises so as not to obstruct or hinder the

movement of pedestrians or traffic, or at a location approved by the General Manager;

- (c) ensure all waste or recyclables are properly secured within the wheelie bin and are not capable of being scattered by the wind during the Council collection service;
- (d) be responsible for the clean up of any waste spilt prior to the Council collection service within 24 hours of collection; and
- (e) return the wheelie bin to the waste storage area within 24 hours of collection.

Penalty: 2 penalty units

Powers to not collect waste

17. Council may refuse to collect, transport or accept for disposal any waste which:
- (a) is illegal to possess or would cause the Council to be performing an illegal act;
 - (b) may legally be classified as hazardous waste, unless a permit has been obtained for the disposal of such waste; or
 - (c) is dangerous unless an authorised officer is notified of the danger and all reasonable steps have been taken to reduce that danger.

Division 4 – Commercial collection services

Commercial premises must use waste bins or containers

18. A person who is the occupier of commercial premises not using the Council collection service must not place any waste or recyclables on the highway or nature strip for the purposes of collection unless the waste or recyclables are contained within a bin or container, or unless they have

obtained a permit to do so.

Penalty: 5 penalty units

Use of waste bins or containers

19. A person who is the occupier of commercial premises not using the Council collection service, who places or permits to be placed a bin or container of waste on the highway or nature strip for the purposes of collection, must:

- (a) place the bin or container in a location as close as possible to the street entrance of that premises so as not to obstruct or hinder the movement of pedestrians or traffic, or at a location approved by the General Manager;
- (b) ensure all waste or recyclables are properly secured within the bin or container and are not capable of being scattered by the wind;
- (c) ensure that no waste is spilt on the highway or nature strip;
- (d) be responsible for the clean-up of any waste spilt, within 15 hours of the spillage or as otherwise directed by an authorised officer;
- (e) return the bin or container to the waste storage area as soon as practicable after waste collection; and
- (f) not leave, or allow to be left, the bin or container on the highway or nature strip between the hours of 6 am and 4 pm.

Penalty: 5 penalty units

Division 5 – Waste management centre**Prohibitions in the waste management centre**

20. A person must not in the waste management centre:

- (a) light any fire or feed or extend any fire which is already burning;
- (b) remove any article or thing deposited at the waste management centre without the consent of an authorised officer;
- (c) deposit any paper, or material capable of becoming airborne, without securing it from being scattered by the wind;
- (d) deposit waste in the green waste area, white goods area or at any other location in the waste management centre not designated for waste disposal;
- (e) interfere with landfill gas, leachate management or other environmental control infrastructure;
- (f) dispose of controlled waste without the prior approval of the State Government and the General Manager;
- (g) deposit clinical and related waste;
- (h) enter the waste management centre other than during the operating hours without the approval of an authorised officer; or
- (i) fail to comply with reasonable directions given by an authorised officer or Council site operations personnel.

Penalty: 20 penalty units for a breach of clause 20(f) or (g);
5 penalty units for any other breach of clause 20.

21. The General Manager may impose a ban on a person or company from using or entering the waste management centre where that person or any representative of a company has contravened a provision of clause 20 on more than one occasion.

22. A ban imposed under clause 21 may be up to but not exceeding 12 months duration.

Request to leave waste management centre

23. An authorised officer or police officer may ask a person whom they reasonably believe is offending or has offended against this by-law to leave the waste management centre.
24. An authorised officer or police officer may remove any person from the waste management centre who is found offending against this clause.

PART 4 – PERMITS

Granting permits

25. A permit may be granted for any purpose under this by-law by:
- (a) the General Manager; or
 - (b) any electronic method authorised by the General Manager, including via Council's website or an application operated by or on behalf of Council.
26. No provision of this by-law is to be construed as preventing the General Manager from referring any application for a permit to the Council.

Applications

27. Any application for a permit pursuant to this by-law is to be:
- (a) in accordance with any form approved by the General Manager;
 - (b) accompanied by the fee specified by the General Manager, if any;
- and

- (c) where applicable, must be accompanied by the following:
 - (i) a statement in writing of the type of activity proposed to be undertaken by the applicant and the period in which it is proposed to be carried out;
 - (ii) a scaled drawing showing the location and extent of the proposed activity;
 - (iii) evidence of current public liability insurance or other relevant insurance; and
 - (iv) such other information that the General Manager may reasonably require.
28. In deciding whether or not to grant a permit pursuant to this by-law, the General Manager may have regard to the following and any other relevant matters:
- (a) the type of activity proposed;
 - (b) the location of that activity;
 - (c) the impact of the proposed activity on public safety, the environment and amenity; and
 - (d) any comments made by any employee of the Council or by a police officer in relation to the application.

Permits

29. A permit granted under this by-law must be in writing and may be granted under such terms and conditions as the General Manager considers appropriate. Those conditions may include:
- (a) a restriction on the type of activity;
 - (b) a restriction on the period in which the activity may be carried out;
 - (c) the precautions to be observed while the activity is being carried out;
 - (d) the requirement for supervision or control of the activity;

- (e) the record to be kept or notification to be given in relation to the any activity carried out pursuant to the permit;
- (f) the payment of a bond to cover any damage to Council property or any cleaning required, or the provision of an indemnity to Council for any other loss or damage; or
- (g) the acceptance of responsibility for any damage to or loss of Council property as a result of the activity.

30. The holder of a permit granted pursuant to this by-law must comply with the terms and conditions of the permit.

Penalty (unless otherwise specified): 1 penalty unit

Production of a permit

31. A permit holder is to produce the permit immediately when requested to do so by a police officer or an officer of the Council, and the holder of the permit must answer all questions which are reasonably necessary to establish that the person holds a permit in good faith.

Variation of permit conditions

32. The General Manager may vary the conditions of any permit if he or she considers it is appropriate to do so.

33. If the conditions of any permit are varied pursuant to clause 32, the General Manager must serve a notice in writing on the permit holder stating:

- (a) the conditions of the permit are varied; and
- (b) the reason or reasons for the variation of the permit conditions.

34. The conditions of a permit will be varied from the date of service of the notice of the variation.

Cancellation of permits

35. The Council or the General Manager may cancel any permit if satisfied that:
- (a) a permit holder has breached any of Council's by-laws; or
 - (b) a permit holder has breached a term or condition of the permit.
36. If a permit is cancelled pursuant to clause 35, the General Manager must serve a notice in writing on the permit holder stating:
- (a) the permit is cancelled; and
 - (b) the reason or reasons for the cancellation.
37. Cancellation of any permit is effective from the date of service of the notice of the cancellation.
38. Nothing in this by-law is to be construed as preventing or prohibiting the Council from cancelling any permit if this is required due to the exercise or intended exercise of any local government functions, powers, rights or duties by the Council.

Notices

39. For the purposes of clauses 33 and 36, a notice may be served in any of the following ways:
- (a) on the holder of the permit personally;
 - (b) by ordinary post to the last known address of the permit holder; or

- (c) by notice being given in the public notice section of a newspaper circulating in the Hobart City Council municipal area.
40. The date of service of a notice will be:
- (a) if the holder of the permit was served by ordinary post, 3 business days from the date the notice was posted; or
 - (b) if the notice was given in a newspaper, the date of the publication of that newspaper.

PART 5 – RECOVERY OF COSTS

Expenses incurred

41. The Council may rectify a breach of this by-law, including any damage to Council property, without ordering the offending person to undertake the rectification works.
42. Any expense or damages incurred by the Council as a result of the breach of any of the by-laws, including expense or damages, will be paid by the person committing the breach and is recoverable by the Council as a debt due to it.

PART 6 – INFRINGEMENT NOTICES

43. In this Part:
- specified offence** means an offence against the clause specified in Column 1 of the Schedule to this by-law.
44. An authorised officer may issue an infringement notice to a person in

respect of a specified offence and the penalty payable under the infringement notice for that offence is the penalty specified in Column 3 of the Schedule to this by-law.

45. An authorised officer may:
 - (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
 - (b) issue one infringement notice in respect of more than one specified offence.

46. The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.

47. 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.

48. A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:
 - (a) pay the monetary penalty in full to the General Manager;
 - (b) apply to the General Manager for withdrawal of the infringement notice;
 - (c) apply to the General Manager for a variation of payment conditions;
or
 - (d) lodge with the General Manager a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.

49. If a person who has been served with an infringement notice fails to take one or more of the actions required by clause 48 within the prescribed time, the infringement may be referred to the Director, Monetary Penalties.

PART 7 – ENFORCEMENT

Hindering or resisting authorised officers

50. A person must not obstruct, hinder, abuse, or resist any authorised officer in the discharge of the authorised officer's duty.

Penalty: 3 penalty units

Directions by authorised officers

51. An authorised officer may give reasonable directions to any person in relation to matters which are the subject of this by-law.
52. A person must not fail to comply with a reasonable direction from an authorised officer.

Penalty: 3 penalty units.

Production of wheelie bins and evidence of authorisation

53. An authorised officer may require the owner or occupier of a premises to produce for inspection by the authorised officer:
- (a) any wheelie bin; or
 - (b) evidence of allocation by Council of wheelie bins for use on the premises.

54. A person must comply with a reasonable direction by an authorised officer pursuant to clause 53.

Penalty: 5 penalty units

Seizure of wheelie bins

55. If an authorised officer forms the opinion that a person has in their possession a wheelie bin in breach of this by-law, the authorised officer may seize any such wheelie bin.

SCHEDULE
INFRINGEMENT NOTICE OFFENCES

1: CLAUSE	2: DESCRIPTION	3: PENALTY (penalty units)
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54	Production of wheelie bins and evidence of authorisation	5

Certified that the provisions of this by-law are in accordance with the law by:



K.M. Abey

Solicitor

Dated10/7/18.....

At Hobart

Certified that this by-law is made in accordance with the *Local Government Act* 1993 by:



N.D. HEATH

General Manager

Dated ..10/7/18.....

At Hobart

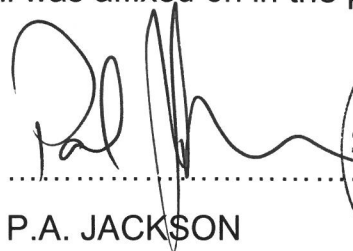
The common seal of the Hobart City Council was affixed on in the presence of



H.J. SALISBURY

Deputy General Manager

Dated: ..10/7/2018.....



P.A. JACKSON

Manager Legal & Governance

Dated: ..10/7/18.....





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