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WEST TAMAR COUNCIL

MARINE FACILITIES BY-LAW

BY-LAW 2 OF 2021

This By-law of the West Tamar Council is made under Section 145 of the *Local Government Act 1993* to regulate conduct on marine facilities owned or under the control of the West Tamar Council.

PART 1 – PRELIMINARY

1 Short Title

- (1) This By-law may be cited as the "West Tamar Council Marine Facilities By-law 2021".

2 Application

- (1) This By-law applies to the municipal area of the Council.
- (2) This By-law does not apply to a councillor or an employee of the Council or a contractor or agent of the Council where such person is carrying out activities on the marine facility in the course of their duties for and on behalf of the Council.
- (3) This By-law applies to marine facilities which have signs displayed indicating the marine facility is under the ownership and management of the Council.
- (4) This By-law does not apply to any marine facility which is the subject of a lease from the Council to a person under Division 1 of Part 12 of the *Local Government Act 1993*.

3 Interpretation

- (1) In this By-law:

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

"**article**" means any vehicle, item, or thing, removed by an authorised officer or the Council under this By-law;

"**authorised officer**" means:

- (a) a person who, under Clause 52, is authorised to be an authorised officer; or
- (b) the General Manager.

"**berth**" means:

- (a) to lie alongside a marine facility;
- (b) to be connected or tied to a vessel lying alongside a marine facility; or
- (c) to be connected to a marine facility.

"**commercial use permit**" means a permit granted under Part 4 of this By-law;

"**Council**" means the West Tamar Council;



“environmental harm” has the definition given to it in the *Environmental Management and Pollution Control Act 1994*;

“Fee Unit” means the sum as prescribed under the provisions of the *Fee Unit Act 1997*;

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

“land” means all land within the municipal area and includes a marine facility;

“marine facility” includes any facility, structure or equipment owned by or under the management and control of the Council that is designed for, or used for or in relation to, the launching, mooring or berthing of vessels and any associated landing stage, slipway, boat launching ramp, jetty, wharf or breakwater and any curtilage to that facility, structure or equipment and includes any road;

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

“owner” includes:

- (a) in the case of a vehicle:
 - (i) a joint owner or part owner; or
 - (ii) a person who has the use of the vehicle under a hiring or a hire purchase agreement; or
 - (iii) a person in whose name as owner the vehicle is registered under the *Vehicle and Traffic Act 1999* or any corresponding enactment of a State or Territory of the Commonwealth; or
 - (iv) a person who is in charge of the vehicle at the time at which there is alleged to have been a contravention of this By-law involving the vehicle; and
- (b) in the case of a vessel:
 - (i) a joint owner or part owner; or
 - (ii) a person who has the use of the vessel under a hiring or a hire purchase agreement; or
 - (iii) a person who is in charge of the vessel at the time at which there is alleged to have been a contravention of this By-law involving the vessel;

“penalty unit” means the amount of money set under the provisions of the *Penalty Units and Other Penalties Act 1987*;

“permit” means a permit granted under Part 3 and includes a commercial use permit granted under Part 4 of this By-law;

“permit holder” means a person who has obtained a permit from the Council under this By-law;

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

“road” includes a road with a constructed surface suitable for the use of vehicles and an area set aside by the Council as a parking place for vehicles that is directly associated with and forms part of the marine facility;

“user agreement” means an agreement entered into for the hire, lease or use of any marine facility under clause 36 of this By-law;



“vehicle” has the same meaning as the *Road Rules* 2009; and

“vessel” includes a boat, ship, craft, hovercraft, aircraft, or platform, that is capable of use in or on water, whether floating or partly submersible, however propelled or moved, and any trailer used to transport it.

PART 2 – USE OF MARINE FACILITIES

DIVISION 1 – UNIMPEDED PUBLIC ACCESS

4 Use of a Marine Facility

- (1) A person can only use a marine facility:
- (a) subject to the provisions of this By-law;
 - (b) in accordance with any notices displayed on or adjacent to the marine facility;
 - (c) in accordance with the reasonable direction made by an authorised officer in relation to the marine facility; and
 - (d) with a vessel which is lawfully registered or exempt from registration in Tasmania.

Penalty: Fine not exceeding 5 penalty units

5 Obstruction of a Marine Facility

- (1) A person must not moor or leave a vessel at a marine facility:
- (a) in a manner that obstructs another vessel coming alongside, using, or leaving the marine facility; or
 - (b) in a manner which constitutes a nuisance as defined in section 199 of the *Local Government Act 1993*; or
 - (c) for a period in excess of any time limit specified on a Council-authorised sign; or
 - (d) other than for so long only as is required to set down or take up passengers or goods without waiting.

Penalty: Fine not exceeding 5 penalty units and in the case of a continuing offence, a further daily penalty of 1 penalty unit.

- (2) A vessel that is the subject of a commercial use permit will be given priority in mooring at any marine facility over vessels that are not the subject of a commercial use permit.
- (3) Mooring arrangements for vessels referred to in sub-clause (2) that are the subject of a commercial use permit may be displayed on a Council authorised sign or notice located at or alongside the marine facility.



- (4) A permit holder of a commercial use permit must comply with the requirements of a Council authorised sign or notice located at or alongside the marine facility.

Penalty: Fine not exceeding 10 penalty units and in the case of a continuing offence, a further daily penalty of 2 penalty units.

6 Removal of Vessel

- (1) An authorised officer may, after giving notice as provided in sub-clause 7(1), move or cause to be moved a vessel that is moored to or using a marine facility if the authorised officer is of the opinion that the vessel is moored to or using the marine facility in contravention of clause 5.
- (2) Notwithstanding sub-clause (1), where a vessel constitutes a nuisance as defined in section 199 of the Act, notice need not be given before removing the vessel if the General Manager is of the opinion that urgent action is required.
- (3) A vessel moved under this clause may be stored or moved to a place of safe anchorage.
- (4) The General Manager may recover from the owner of the vessel the costs of any action taken under clause 6 and any costs incurred by the Council in moving and maintaining the vessel in the place of storage or safe anchorage as a debt due to it.

7 Notice before Removal

- (1) At least three (3) days prior to moving a vessel under clause 6(1), an authorised officer must give notice to the vessel's owner stating:
 - (a) that the vessel will be moved;
 - (b) the reason for the vessel being moved;
 - (c) the place to which it will be moved; and
 - (d) that the costs associated with the vessel being moved are payable by the owner.
- (2) Where a vessel is moved under clause 6(2) the authorised officer must, as soon as practicable after moving the vessel, notify the owner of the place to which the vessel has been moved.

8 Obstruction of Access on to or on a Marine Facility

- (1) A person must not obstruct the passage of persons, vehicles, or goods on or off a marine facility.

Penalty: a fine not exceeding 5 penalty units

9 Vehicles on a Marine Facility

- (1) Unless authorised by a permit to do so, a person must not park or leave any vehicle on a marine facility, or in any way obstruct a marine facility, other than to launch a vessel, to load or off-load materials or passengers, or for other similar purposes of short duration.



Penalty: a fine not exceeding 5 penalty units.

10 Cargo and Other Material on a Marine Facility

- (1) Unless authorised by a permit to do so, a person must not place or store cargo or other material on, or in such a way as to obstruct the use of, a marine facility unless and until a vessel is alongside to receive this cargo or other material.

Penalty: A fine not exceeding 5 penalty units.

- (2) A person must not unload cargo or other material onto, or in such a way as to obstruct, a marine facility from a vessel until a vehicle is there to receive it.

Penalty: a fine not exceeding 5 penalty units.

11 Repairing and Maintaining Vessels

- (1) A person must not carry out repairs or maintenance to a vessel while that vessel is on or adjacent to any marine facility without a permit.

Penalty: a fine not exceeding 5 penalty units.

- (2) Sub-clause (1) does not apply to repairs of an emergency nature that are necessary to allow the vessel to immediately depart from the marine facility.

12 Peaceable use of the Marine Facility

- (1) A person must not do any act or thing which unreasonably interferes, or is likely to interfere, with the peaceable use by the public of a marine facility.

Penalty: a fine not exceeding 5 penalty units.

13 Fishing and Swimming

- (1) A person must not swim or fish from or near any marine facility in such a manner as to obstruct or impede vessels or vehicular or pedestrian traffic on or adjacent to a marine facility.

Penalty: a fine not exceeding 5 penalty units.

DIVISION 2 – DAMAGE TO A MARINE FACILITY

14 Damage to Marine Facility

- (1) A person must not do any act or thing which causes, or is likely to cause, any damage or disfigurement to a marine facility.

Penalty: a fine not exceeding 10 penalty units.

- (2) An authorised officer may give a notice or direction to a person who has contravened sub-clause (1) requiring that person to undertake such works to repair any damage or disfigurement to the marine facility as the authorised officer considers necessary.

**15 Prohibition of Certain Vessels**

- (1) A person must not berth a vessel at a marine facility if that vessel exceeds the vessel tonnage or length limit displayed on a sign or notice located at or alongside the marine facility.

Penalty: a fine not exceeding 10 penalty units.

16 Unauthorised Alteration of Marine Facility

- (1) A person must not add to or alter any structure, building or part of a marine facility without a permit.

Penalty: a fine not exceeding 10 penalty units.

- (2) A person must not install a crane, fuel dispensing equipment, water lines, gas lines, electric power outlets or any other service facility on a marine facility without a permit.

Penalty: a fine not exceeding 5 penalty units.

- (3) An authorised officer may give a notice or direction to a person who has contravened sub-clause (1) or (2) requiring that person to undertake such works as the authorised officer considers necessary to remove or repair anything added, altered, or installed in contravention of this clause.

17 Signs and Advertising Material

- (1) A person must not erect, exhibit, or display a notice, sign, bill, poster or advertisement on any marine facility without a permit.

Penalty: a fine not exceeding 5 penalty units.

DIVISION 3 - GENERAL AND MISCELLANEOUS PROVISIONS**18 Closure of Marine Facility**

- (1) A marine facility or any part thereof may be closed if the General Manager considers it to be necessary for public safety or convenience or for the protection of the marine facility.

19 Entry onto Marine Facility when Closed

- (1) A person must not enter or use a marine facility or any part of any marine facility that is closed without a permit.

Penalty: A fine not exceeding 5 penalty units.

20 Sale of Goods, Chattels or Property

- (1) A person must not set up a stall, or sell or offer for sale any goods, chattels, property, or anything on any marine facility without a permit.

Penalty: A fine not exceeding 5 penalty units.

**21 Leasing**

- (1) A person must not offer to let or hire any goods, vessels, or any other property on a marine facility without a permit.

Penalty: A fine not exceeding 5 penalty units.

22 Commercial Use

- (1) A person must not use a marine facility for a commercial use or as a base from which to conduct a commercial business without a commercial use permit.

Penalty: A fine not exceeding 10 penalty units.

23 Refuelling at a Marine Facility

- (1) A person must not refuel a vessel at a marine facility without a commercial use permit.

Penalty: A fine not exceeding 10 penalty units.

PART 3 – PERMITS GENERALLY**24 Granting permits**

- (1) A permit may be granted for any purpose under this By-law by the General Manager.

25 Applications

- (1) Any application for a permit pursuant to this By-law must be:
- (a) in writing and in accordance with any form approved by the General Manager;
 - (b) accompanied by the relevant prescribed fee per application, if any, specified in Schedule 2 to this By-law; and
 - (c) where applicable, must be accompanied by the following:
 - (i) a statement in writing of the type of the activity proposed to be undertaken by the applicant and the period of time in which it is proposed to be carried out;
 - (ii) a scaled drawing showing the location and extent of the proposed occupation or activity;
 - (iii) a safety management plan or a description of any necessary safety measures that are appropriate for the proposed activity;
 - (iv) evidence of current public liability insurance or other relevant insurance; and
 - (v) such other information that the General Manager may reasonably require.



26 Factors to be considered when granting a permit

- (1) In deciding whether or not to grant a permit pursuant to this Part the General Manager may have regard to the following:
- (a) the potential for damage to Council infrastructure;
 - (b) public amenity and safety;
 - (c) public access in the area;
 - (d) the maintenance of public order in the area;
 - (e) the potential for and extent of any environmental harm;
 - (f) the movement of traffic in the area;
 - (g) the manner of any proposed sign or advertising;
 - (h) the nature, size, shape, extent, and location of any buildings or structures;
 - (i) the availability of suitable parking for motor vehicles in the area;
 - (j) representations made by a police officer; and
 - (k) any other relevant matters.

27 Conditions of a Permit

- (1) A permit granted under this By-law must be in writing and may be granted under such terms and conditions as the General Manager considered 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 permit is not transferable or assignable, and may not be relied upon, by another person without the written approval of the General Manager;
 - (g) the requirement to obtain and hold public liability insurance or other relevant insurance; and
 - (h) 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



- (i) the acceptance of responsibility for any damage to or loss of Council property as a result of the activity.
- (2) The holder of a permit granted pursuant to this By-law must comply with the terms and conditions of the permit.

Penalty: A fine not exceeding 5 penalty units.

28 Bond and Deposit

- (1) The General Manager may, as a condition of a permit, require a person to pay a bond or provide a bank guarantee on such terms as the General Manager may determine to provide security against any reasonable costs which the Council may incur as a result of a failure of a person to comply with the obligations or requirements of a permit.
- (2) The General Manager may determine that, if a permit holder defaults on carrying out any obligations or requirements of a permit, all or part of the bond or bank guarantee provided in accordance with sub-clause (1) may be retained or drawn down by the Council to meet the costs incurred by the Council to carry out those obligations or requirements.
- (3) Monies deposited with the Council in accordance with this clause or the balance of the monies is to be forwarded to the person following final inspection and approval by the General Manager of the obligations or requirements of the permit.
- (4) The Council may recover in a court of competent jurisdiction from the permit holder any expenses incurred by it in the carrying out of the obligations or requirements of a permit, less the amount of the bond paid or bank guarantee, by the permit holder for that purpose, if any, as a debt due to it.

29 Permits Generally

- (1) Every permit issued pursuant to this By-law must:
 - (a) be in writing and may be in the form of a letter;
 - (b) bear the date on which it was issued;
 - (c) remain in force for the period for which it was issued, unless it is cancelled or surrendered;
 - (d) be carried by the permit holder at all times while undertaking the activity approved under the permit; and
 - (e) be surrendered to the Council if it is cancelled or suspended..

30 Production of a permit

- (1) A permit holder is to produce the permit immediately when requested to do so by a police officer or authorised officer, 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.

Penalty: Fine not exceeding 5 penalty units.



31 Variation of permit conditions

- (1) The conditions of any permit may be varied if the General Manager considers it is appropriate to do so.
- (2) If the conditions of any permit are varied pursuant to sub-clause(1), the General Manager must serve a notice in writing on the permit holder stating:
 - (a) the conditions of the permit that are varied; and
 - (b) the reason or reasons for the variation of the permit conditions.
- (3) The conditions of a permit will be varied from the date of service of the notice of the variation.

32 Cancellation and Suspension of Permits

- (1) The General Manager may cancel a permit if satisfied that:
 - (a) a permit holder has breached any of Council's By-laws or any condition of a permit;
 - (b) is convicted of any offence involving dishonesty; or
 - (c) is convicted of any offence involving a breach of public order.
- (2) If a permit is cancelled pursuant to clause 32(1), 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.
- (3) Cancellation of any permit is effective from the date of service of the notice of the cancellation on the permit holder or the date specified in the notice, whichever is the latter.
- (4) The General Manager may cancel or suspend a permit if this is required due to the exercise or intended exercise of any local government functions, powers, rights, or duties by the Council.
- (5) Notwithstanding, sub-clauses (2) and (3), the General Manager may cancel a permit by any communication conveyed to the permit holder by any means including notice by radio or television in emergency situations or in a situation considered appropriate.

33 Notice

- (1) For the purposes of clauses 31(2) and 32(2) of this By-law, a notice must 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 West Tamar municipal area.
- (2) 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.

34 Assignment of Permit

- (1) A permit is not assignable or transferable to any person except with the written consent of the General Manager.

PART 4 – COMMERCIAL USE PERMITS

35 Applications for Commercial Use Permit

- (1) A person may apply to the General Manager for a commercial use permit.
- (2) In addition to the matters set out in clause 25, an application for a commercial use permit must be accompanied by the following:
 - (a) the name and registration number of the vessel to which a commercial use permit is to apply;
 - (b) a safety management plan that addresses all areas of potential risk, particularly refuelling practices, and any risk to other public users of the marine facility or the potential to cause environmental harm;
 - (c) payment of the fee or charge imposed for an application under this By-law as set out in Schedule 2; and
 - (d) such other information as the General Manager requires.

36 Grant and Conditions of Commercial Use Permit

- (1) The General Manager may grant or refuse to grant a commercial use permit for which an application has been made under clause 35.
- (2) In addition to those matters set out in condition 0, in assessing any application for a commercial use permit, the General Manager may consider:
 - (a) whether the capacity of the existing marine facility and any associated land-based infrastructure is sufficient to cater for the proposed use;
 - (b) whether public access to and public use of the marine facility would be provided in a safe manner and to a reasonable and acceptable level;
 - (c) whether a preference should be given to existing users, with particular consideration of their record of satisfactory performance;



- (d) whether the proposed use of the marine facility would cause environmental harm.
- (3) In addition to those conditions set out at clause 27, the General Manager may grant a commercial use permit subject to such other conditions as considered appropriate.
- (4) A permit holder of a commercial use permit must comply with the terms and conditions of that commercial use permit.

Penalty: A fine not exceeding 5 penalty units.
- (5) The General Manager may require a person to sign a user agreement as a condition of granting a permit under this clause and, upon signing, the provisions and requirements of such user agreement shall be incorporated with and form part of the terms and conditions of the permit.
- (6) The General Manager may impose such terms and conditions in a user agreement as considered appropriate.

PART 5 – ENFORCEMENT

37 Offences

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

38 Prohibition from entering a marine facility

- (1) The General Manager may by notice prohibit a person who they reasonably believe is offending or has offended against this By-law from entering on or using a specified marine facility for such period of time as the General Manager determines.
- (2) A person who has been issued a notice pursuant to sub-clause (1) must not enter upon or use that marine facility during the period of time specified in the notice.

Penalty: Fine not exceeding 10 penalty units.

- (3) The General Manager may at any time withdraw a notice issued under sub-clause (1)

39 Abuse or Obstruction of an Authorised Officer

- (1) A person must not obstruct, hinder, resist, or use abusive language to an authorised officer in or on a marine facility while that authorised officer is acting in the course of his or her duties pursuant to this By-law.
- (2)

Penalty: Fine not exceeding 10 penalty units.

40 Enforcement and Removal of Articles

- (1) An authorised officer may:
 - (a) refuse to admit a person to a marine facility whom the authorised officer reasonably believes is offending or has offended against this By-law;



- (b) direct any person to leave a marine facility whom the authorised officer reasonably believes is offending or has offended against this By-law; or
 - (c) remove any article which is on any marine facility without a permit or the approval of the Council.
- (2) A person who fails to comply with a direction under sub-clause (1)(b) is guilty of an offence.

Penalty: Fine not exceeding 5 penalty units

41 Removed Articles

- (1) An article which has been removed from a marine facility pursuant to this By-law must be kept in a safe place until it has been claimed by the owner, or a person on behalf of the owner, or disposed of pursuant to this By-law.
- (2) If an article which has been removed from a marine facility pursuant to this By-law is not claimed by the owner or a person on behalf of the owner within 48 hours following its removal, an authorised officer is to give notice to the owner of the removal of the article.
- (3) A notice under sub-clause (2) must give the following details:
 - (a) a description of the article and any distinguishing features of it;
 - (b) the place from which it was removed;
 - (c) the date on which it was removed;
 - (d) the place from which the article may be claimed;
 - (e) the fees, costs, or charges payable in respect of the removal, maintenance, and storage of the article;
 - (f) that if not claimed within twenty-eight (28) days that the article may be disposed of by the General Manager.
- (4) A notice is to be given in writing and delivered to the owner by any means the authorised officer considers appropriate.
- (5) If the owner of the article cannot be ascertained or found, and if the General Manager is of the opinion that the value of the article warrants the cost of advertising, the General Manager is to publish on at least one occasion a notice containing the particulars specified in sub-clause (2) in a newspaper circulating in the municipal area.
- (6) If the owner of the article cannot be ascertained or found, no advertising is published in accordance with sub-clause (5), and the article is not claimed by the owner or by a person on behalf of the owner within twenty-eight (28) days after it has been removed, the article may be disposed of in accordance with clause 43(2).

42 Fees, Costs and Charges

- (1) The owner of an article removed pursuant to this By-law is liable to pay:



- (a) any fees, costs and charges specified in a notice under clause 41(3); and
 - (b) any further fees, costs and charges incurred in the storage and further maintenance of the article once removed;
 - (c) any fees, costs and charges incurred in the disposal of the article.
- (2) Any unpaid fees, costs or charges are a debt due to the Council and may be recovered by the Council in a court of competent jurisdiction.
- (3) The Council may retain an article until any fees, costs or charges are paid.

43 Disposal of Unclaimed Articles

- (1) The General Manager may dispose of an article if:
- (a) the article is not claimed within twenty-eight (28) days of the service of a notice given under clause 41(2); or
 - (b) any fees, costs or charges specified in a notice under clause 41(3) have not been paid within twenty-eight (28) days of that notice.
- (2) An article may be disposed of under clause 41(6) or 43(1):
- (a) by tender or public auction following notification in a local newspaper circulating in the municipal area; or
 - (b) in such manner as the General Manager determines if:
 - (i) the General Manager has a reasonable belief that the article has a value that does not warrant the costs of a tender or a public auction; or
 - (ii) no tender is received or no bid is made at a public auction.
- (3) If an article is disposed of under this clause, the General Manager must notify the owner of the article as soon as possible if the owner can be ascertained or found by reasonable enquiries.
- (4) If the owner of the article is identified, then the proceeds obtained from the disposal or sale of the article must be paid to the owner, less any fees, costs or charges incurred by the Council in the removal, storage, or disposal of the article.

44 Article Required for Prosecution

- (1) Where an article is required by the Council for the prosecution of an offence under this By-law, the article is to be released to the owner following the completion of the prosecution proceedings and on payment of any relevant fees, costs and charges unless otherwise directed by a court.
- (2) The General Manager may, in accordance with clause 43, dispose of an article required under sub-clause (1) which is not claimed by the owner or in relation to which fees, costs and charges have not been paid, within twenty-eight (28) days of the completion of court proceedings.

**45 Assistance of police officers**

- (1) A police officer is authorised to:
- (a) assist an authorised officer to carry out an action under this By-law;
 - (b) remove any person from a marine facility whom the police officer reasonably believes has committed or who is committing an offence under this By-law; and
 - (c) remove any article which is on a marine facility without a permit or the approval of the Council;
 - (d) arrest any person who is on a marine facility whom the police officer reasonably believes has committed or who is committing an offence under this By-law.

PART 6 – NOTICES AND DIRECTIONS**46 Notices and Directions Generally**

- (1) A notice given under this By-law must be in writing and may be placed on a sign in or on any marine facility and may be in the form of a letter.
- (2) A direction given under this By-law may be given verbally or in writing and may be in the form of a letter.
- (3) Unless otherwise required by this By-law, a notice or direction given under this By-law may be subject to such conditions and requirements and allow such period for action as the General Manager or authorised officer may determine.
- (4) Unless otherwise specified in a notice or direction, a person to whom a notice or direction is given is to comply with the notice or direction at the cost of that person.
- (5) A notice or direction given under this By-law requiring a person to carry out or undertake action or work may direct that the action or work be:
- (a) in or of such specific materials;
 - (b) carried out within a specific period of time;
 - (c) carried out in such manner as the General Manager, authorised officer, or agent of the Council directs;
 - (d) be done only by a person with the appropriate qualification.
- (6) The General Manager may require the person carrying out the work to pay the Council or enter into a bond for payment to the Council of an amount it thinks fit to provide security against costs which it may incur as a result of the execution of the work.

47 Non-Compliance with Notice or Direction

- (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 10 penalty units

- (2) The Council 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) The Council may recover in a court of competent jurisdiction, its expenses in undertaking work under the notice issued or direction given pursuant to this By-law as a debt payable to it from the person who fails to comply with the notice or direction in addition to any penalty imposed under sub-clause (1) and this By-law.

PART 8 – INFRINGEMENT NOTICES

48 Infringement Notices

- (1) In this clause: **specified offence** means an offence against the clause specified in Column 1 of the Schedule 1 to this By-law.
- (2) 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 Schedule 1 to this By-law.
- (3) 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.
- (4) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.
- (5) 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.
- (6) 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.
- (7) If a person who has been served with an infringement notice fails to take one or more of the actions required by sub-clause (6) within the prescribed time, the infringement may be referred to the Director, Monetary Penalties.



PART 7 – MISCELLANEOUS

49 Referral to Council

- (1) 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.

50 Expenses Incurred

- (1) 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.
- (2) In addition to a penalty imposed in relation to a failure to comply with or a contravention of this By-law, any expense or damages incurred by the Council as a result of a breach of this By-law, is recoverable by the Council as a debt payable by the person committing that breach.

51 Debt Due

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

52 Appointment of authorised officers

- (1) The General Manager may authorise an employee of the Council to be, for the purpose of this By-law, an authorised officer.
- (2) An authorised officer may only exercise a power of an authorised officer under this By-law for the purposes of the administration or enforcement of the By-law.



SCHEDULE 1

Infringement Notice Offences

Column 1	Column 2	Column 3
Clause	Specified Offence	Infringement Notice Penalty (Penalty Units)
4(1)	Use of a marine facility	1
5(1)	Obstruction of a marine facility	1
5(4)	Compliance with sign or notice	2
8(1)	Obstruction of access on to a marine facility	1
9(1)	Vehicles on a marine facility	1
10(1)	Cargo and other material on a marine facility	1
11(1)	Repairing and maintaining vessels	1
12(1)	Peaceable use of a marine facility	1
13(1)	Fishing in a manner that obstructs others	1
14(1)	Damage of a marine facility	2
15(1)	Prohibition of certain vessels that are likely to cause damage	2
16(1)	Unauthorised alteration of marine facility	2
16(2)	Installation of unauthorised equipment to a marine facility	1
17(1)	Erection of signs and advertising material	1
19(1)	Entry on to marine facility when closed	1
20(1)	Sale of goods on a marine facility	1
21(1)	Hiring of goods or vessels from a marine facility	1
22(1)	Regular commercial use of a marine facility	2
23(1)	Refuelling without a permit	2
27(2)	Compliance with terms and conditions of permit	1
30(1)	Permit holder to produce copy of permit	1
36(4)	Compliance with terms and conditions of commercial use permit	1
38(2)	Banned person must not enter on to marine facility	2
39(1)	Obstruction of an authorised officer	2
40(2)	Enforcement and removal of articles	1
47(1)	Non-compliance with notice or direction	2



SCHEDULE 2

Prescribed Fees

Column 1	Column 2	Column 3
Clause	Fee Name	Fee (Fee Units)
9(1)	Vehicles on a Marine Facility	15
10(1)	Placement or storage of cargo or material	15
11(1)	Repairing or maintaining vessel	25
16(1)	Alteration of marine facility	Nil
16(2)	Installation of equipment	25
17(1)	Erection of sign	15
19(1)	Entry to closed marine facility	Nil
20(1)	Sale of goods, chattels, or property	15
21(1)	Leasing	25
22(1)	Commercial use permit	50
23(1)	Refuelling at marine facility	25



Certified as being in accordance with the law by:

A handwritten signature in black ink, appearing to be "Nathan Street", written over a dotted line.

Nathan Street, Legal Practitioner

Dated this 25th day of February 2021 at Hobart

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

A handwritten signature in blue ink, appearing to be "Rolph Vos", written over a dotted line.

Rolph Vos, General Manager

Dated this 2 day of MARCH. 2021 at Launceston

The Common Seal of West Tamar Council has been hereunto affixed pursuant to a resolution of the Council passed on the 16th day of February 2021 in the presence of:

A handwritten signature in blue ink, appearing to be "C. J. Durrant", written over a dotted line.

....., Mayor.

A handwritten signature in blue ink, appearing to be "Rolph Vos", written over a dotted line.

....., General Manager.



WEST TAMAR COUNCIL

RESERVES, PARKS AND GARDENS BY-LAW

BY-LAW 1 OF 2021

This by-law of the West Tamar Council is made under Section 145 of the *Local Government Act* 1993 to regulate, control, and protect reserves, recreation grounds, parks and gardens owned by or under the control of the West Tamar Council.

PART 1 - PRELIMINARY

1 Short Title

- (1) This By-law may be cited as the "West Tamar Council Reserves, Parks and Gardens By-law 2021".

2 Application

- (1) This By-law applies to the municipal area of the Council.
- (2) This By-law does not apply to a councillor or an employee of the Council or a contractor or agent of the Council where such person is carrying out activities in a public reserve in the course of their duties for and on behalf of the Council.
- (3) This By-law does not apply to any public land which is the subject of a lease from the Council to a person under Division 1 of Part 12 of the *Local Government Act* 1993.

3 Interpretation

- (1) In this By-law:

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

"aircraft" means any machine that can derive support from the atmosphere from the reaction of air other than the reaction of the air against the earth's surface and, for the avoidance of doubt, includes model aircraft and drones;

"article" means any vehicle, item or thing removed by an authorised officer or the Council pursuant to this By-law;

"authorised officer" means:

- (a) A person who, under Clause 61, is authorised to be an authorised officer; or
- (b) The General Manager.

"camp" means to:

- (a) erect a tent, camper trailer or similar portable shelter; or
- (b) place, park or leave a caravan, campervan, motorhome or similar vehicle in a public space between 10 pm and 6 am (except if legally parked on a highway); or
- (c) sleep in the open or in any form of shelter or vehicle between 10 pm and 6 am;

"Council" means the West Tamar Council;



"Fee Unit" means the sum as prescribed under the provisions of the *Fee Unit Act 1997*;

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

"highway" means:

- (a) any highway, local highway or country highway as defined under the *Local Government (Highways) Act 1982*;
- (b) any part of a State highway or subsidiary road within the meaning of the *Roads and Jetties Act 1935* for which the Council is responsible for maintaining and reconstructing pursuant to section 11 of that Act;
- (c) any highway or road which is wholly or partly maintained or maintainable by Council and shown on the map maintained by Council pursuant to section 208 of the Act;
- (d) and includes a highway reservation, footpath or walkway, kerb and guttering, nature strip, pavement, and earth surface drain;

"motor vehicle" has the same meaning as that given to it in the Road Rules;

"parking area" means any area in or associated with a public reserve constructed or set aside by Council for the parking of vehicles including all equipment, signs, access ways, fences and structures used or connected in any way with the parking area;

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

"penalty unit" means the amount of money set under the *Penalty Units and Other Penalties Act 1987*;

"permit" means:

- (a) a current permit or other written approval 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 provided that:
 - (i) if the permit, licence, or written approval was issued for a certain time period, that time period has not expired; or
 - (ii) if the permit, licence, or written approval was issued for a certain event, that event has not yet taken place;

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

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

"products of wildlife" means:

- (a) the dead bodies, and parts of the dead bodies of wildlife; and
- (b) any material or thing obtained from the bodies or dead bodies of wildlife; and
- (c) any eggs of wildlife; and
- (d) any nests of wildlife.



"public reserve" means:

- (a) all public land as defined by section 177A(1) of the Act and as recorded on the municipal map maintained on behalf of Council;
- (b) any other land owned by Council; and
- (c) any land in which Council has an interest including by way of a lease or licence; and includes:
 - (i) any road, footpath, or parking area within any of those areas; and
 - (ii) any structure or building erected on those areas;

"road" means a road (which is not a highway) in a public reserve, with a constructed surface suitable for the use of vehicles;

"Road Rules" means the *Road Rules* 2009;

"track" includes:

- (a) a trail; or
- (b) a defined route that is managed for walking, horse riding or other similar activity;

"trail" means a constructed track with a surface which is managed for maintenance or emergency access;

"vehicle" has the same meaning as the Road Rules;

"wheeled recreational device" has the same meaning as in the Road Rules;

"wheeled toy" has the same meaning as in the Road Rules;

"wildlife" has the same meaning as the *Nature Conservation Act* 2002;

PART 2 - USE OF PUBLIC RESERVES

4 Closure of Public Reserve

- (1) The General Manager may close all or any part of a public reserve at any time for any reason.
- (2) A person must not enter or remain in any part of a public reserve that is closed without reasonable excuse or a permit.

Penalty: a fine not exceeding 5 penalty units.

5 Peaceable Use of Public Reserves

- (1) A person must not in a public reserve do any act or thing which unreasonably interferes, or is likely to interfere with, the peaceable use by the public of that public reserve.

Penalty: a fine not exceeding 20 penalty units.



6 Creation of an Entrance to a Public Reserve

- (1) A person who owns land adjoining a public reserve may create an entrance to the public reserve only if the person has obtained a permit to do so.
- (2) The General Manager may impose terms and conditions on the permit for the creation and use of an entrance.
- (3) If the General Manager notifies the person in writing to close an entrance the person must close the entrance by the method notified.
- (4) A person who receives notice to close an entrance from their land to a public reserve must close the entrance within 14 days of receiving the notice.
- (5) Council may execute any necessary work to close an entrance if:
 - (a) the person from whose land it leads is directed to close the entrance to the public reserve and fails to do so; or
 - (b) the entrance is not closed in the manner notified by the General Manager.
- (6) If Council closes an entrance, the person from whose land it leads must pay Council for all of the costs that the Council incurs in doing the work.
- (7) A person must not have an entrance from their land to a public reserve which is not approved by a permit.

Penalty: a fine not exceeding 10 penalty units.

PART 3 - DISALLOWED ACTIVITIES

7 Erection of a Structure

- (1) A person must not erect a building or other structure, including a cairn or memorial, in a public reserve without a permit.

Penalty: a fine not exceeding 5 penalty units.

- (2) An authorised officer may remove any structure erected without a permit under sub-clause (1) and take any reasonable measures to return the public reserve to the condition it was in before the structure was erected.
- (3) A person who erects an unauthorised building or structure must pay Council for all of the costs that the Council incurs in removing it.

8 Erection of a Sign

- (1) A person must not erect or allow to be erected a sign, banner or billboard in a public reserve without a permit.

Penalty: a fine not exceeding 4 penalty units.



- (2) An authorised officer may remove an unauthorised sign, banner or billboard and store it in a safe place until any fine imposed under this clause has been paid or a period of two (2) months have elapsed, whichever is the sooner.
- (3) If any unauthorised sign, banner, or billboard remains in storage for over two (2) months and the fine remains unpaid, then an authorised officer may dispose of the sign, banner, or billboard.

9 Sale of Items

- (1) A person must not sell or offer for sale, lease, or hire anything, including food or refreshments in a public reserve without a permit.

Penalty: a fine not exceeding 20 penalty units.

10 Distribution of an Advertisement

- (1) A person must not distribute or arrange to be distributed any advertisement, book, card, notice, pamphlet, print, paper, promotional article, or placard in a public reserve without a permit.

Penalty: a fine not exceeding 5 penalty units.

11 Organised Sport

- (1) A person must not conduct an organised sport, contest or game or recreational activity in a public reserve without a permit.

Penalty: a fine not exceeding 20 penalty units.

12 Organised Activities

- (1) A person must not in a public reserve conduct any amusement or entertainment for financial reward without a permit.

Penalty: a fine not exceeding 20 penalty units.

13 Playing Golf

- (1) A person must not in a public reserve play or practice golf except where a Council authorised sign or notice board indicates that it is allowed.

Penalty: a fine not exceeding 5 penalty units.

14 Use of Radios and Loudspeakers

- (1) A person must not in a public reserve without a permit use or operate any television receiver, radio, loudspeaker, tape recorder, compact disc player or any other method of amplifying or playing music recorded or otherwise in such a way as to annoy other users of the public reserve.

Penalty: a fine not exceeding 5 penalty units.

**15 Use of Change Room and Public Toilet**

- (1) A person over the age of ten years must not, in a public reserve enter a change room or public toilet reserved for the use of people of the opposite sex except to assist someone who is injured, threatened or in danger, elderly or disabled.

Penalty: a fine not exceeding 5 penalty units.

16 Use of Children's Playground

- (1) A person must not within 10 metres in all directions of any children's play equipment installed in a public reserve:

- (a) fail to comply with the reasonable directions of an authorised officer; or
- (b) play any ball games.

Penalty: a fine not exceeding 20 penalty units.

17 Collection of Money

- (1) A person must not take up a collection of money in a public reserve without a permit.

Penalty: a fine not exceeding 5 penalty units.

18 Camping

- (1) A person must not camp in a public reserve except:

- (a) where signs or notice boards indicate camping is allowed: or
- (b) when granted a permit to do so.

Penalty: a fine not exceeding 5 penalty units.

19 Climbing of Buildings and Other Objects

- (1) A person must not climb a building, roof, shade structure, memorial or fence in a public reserve.

Penalty: a fine not exceeding 5 penalty units.

20 Animals

- (1) A person must not in a public reserve ride any animal or permit any animal referred to in sub-clause (2) that is owned by them, normally kept by them or under their control to walk, exercise, stray, forage, or graze in a public reserve without a permit, except:

- (a) on roads, footpaths or tracks or in areas provided for one of these activities; and
- (b) where signs or notice boards indicate that it is allowed.

Penalty: a fine not exceeding 5 penalty units.



- (2) In sub-clause (1), "animal" means an animal as defined in the *Dog Control Act 2000* except: a dog as defined in that act and wildlife as defined in the *Nature Conservation Act 2002*.

21 Use of Skates and Cycles

- (1) A person must not in a public reserve ride, drive or use a wheeled recreational device or wheeled toy on any road, footpath or track where signs or notice boards indicate that their use is prohibited, unless otherwise authorised by a permit.

Penalty: a fine not exceeding 5 penalty units.

22 Aircraft

- (1) A person must not in a public reserve land or launch any aircraft or hot air balloon except:

- (a) where signs or notice boards indicate the landing or launching of an aircraft or hot air balloon is allowed; or
- (b) with a permit to do so; or
- (c) in the case of emergency.

Penalty: a fine not exceeding 5 penalty units

23 Abuse of an Authorised Officer

- (1) A person must not obstruct, hinder, threaten, intimidate, or use abusive language to an authorised officer in a public reserve acting in the execution of their duties.

Penalty: a fine not exceeding 5 penalty units.

PART 4 - DAMAGE TO PROPERTY

24 Planting or Tending Vegetation

- (1) A person must not in a public reserve plant any vegetation without a permit.

Penalty: a fine not exceeding 10 penalty units.

- (2) The provisions of sub-clause (1) do not apply to any employee, contractor, or authorised volunteer of or engaged by the Council to plant vegetation in that public reserve who plants vegetation of the nature they are engaged by the Council to plant.

- (3) For the purposes of this clause, "plant" includes:

- (a) any method of placing vegetation in or on the ground in a way that is likely to allow or induce the vegetation to survive or grow; and
- (b) propagating, husbanding, watering or otherwise tending to vegetation.



25 Interference with Items

- (1) A person must not in a public reserve, without a permit, destroy, move, remove, tamper with or damage:
- (a) a tree, shrub, plant, flower, or garden bed; or
 - (b) any sod, turf, loam, sand, gravel, stone, or any other similar material; or
 - (c) a water-pipe, water tank, tap, sprinkler, or hose; or
 - (d) a pond or fountain or the water in it except to drink from a drinking fountain; or
 - (e) any sign or public notice erected by or authorised by the Council.

Penalty: a fine not exceeding 10 penalty units.

- (2) The provisions of sub-clause (1) do not apply to any employee, contractor, or authorised volunteer of or engaged by the Council, who does anything reasonably required in the course of that engagement.
- (3) The provisions of sub-clause (1) do not apply to an electricity entity under the *Electricity Supply Industry Act 1995* where permission is presumed by section 52(5) of that act.

26 Protection of Wildlife

- (1) A person must not in a public reserve, without a permit:
- (a) take from the public reserve or have in his or her possession any wildlife or products of wildlife from that public reserve; or
 - (b) use or have in his or her possession any hunting equipment; or
 - (c) lay or set any trap or snare or deposit any poisonous or chemical substance; or
 - (d) interfere with the nest, breeding place or habitation of any wildlife; or
 - (e) intentionally rouse or disturb any wildlife.

Penalty: a fine not exceeding 20 penalty units.

27 Fire

- (1) A person must not in a public reserve light a fire other than in a fireplace or designated place provided by Council for public use, without a permit.

Penalty: a fine not exceeding 10 penalty units.

28 Wood

- (1) A person must not in a public reserve collect or remove any wood or timber without a permit.

Penalty: a fine not exceeding 10 penalty units.



PART 5 – VEHICLES

29 Parking of a Vehicle

- (1) A person must not in a public reserve:
- (a) in a parking area with parking spaces, park a vehicle outside of a parking space; or
 - (b) park a vehicle otherwise than as directed by an authorised officer or by signs and notice boards erected by the Council; or
 - (c) park a vehicle in a manner that obstructs the entry or exit of a vehicle to another parking space or parking area.

Penalty: a fine not exceeding 5 penalty units.

30 Driving of a Vehicle

- (1) A person must not drive, ride, or use a motor vehicle in a public reserve or bring a motor vehicle into a public reserve other than:
- (a) on a road, or parking area;
 - (b) in compliance with any direction of an authorised officer;
 - (c) in compliance with any direction indicated on a sign or notice board; and
 - (d) at a speed not more than twenty-five kilometres an hour.

Penalty: a fine not exceeding 5 penalty units.

31 Parking when Reserve is Closed

- (1) The General Manager may close a public reserve or any part of a public reserve to vehicles.
- (2) When a public reserve, or any part of a public reserve, is closed to vehicles pursuant to subclause (1), a person:
- (a) must not enter the public reserve with a vehicle; and
 - (b) must remove their vehicle from a public reserve.

Penalty: a fine not exceeding 5 penalty units.

32 Entry and Exit of Parking Area

- (1) A person driving a vehicle in a public reserve must enter or leave a parking area by a proper access point provided by Council.

Penalty: a fine not exceeding 5 penalty units.



33 Reserved Space

- (1) The General Manager may in a public reserve determine:
 - (a) the location of reserved parking spaces or parking areas; and
 - (b) the conditions that apply to reserved parking spaces or parking areas.
- (2) A person must not park or leave a vehicle in a parking space or parking area which is designated "Reserved" unless authorised to do so.

Penalty: a fine not exceeding 5 penalty units.

34 Washing, Dismantling and Repair of Vehicle

- (1) A person must not in a public reserve dismantle, paint, wash, service or repair a vehicle without a permit unless it is necessary to enable the vehicle to be moved from the reserve.

Penalty: a fine not exceeding 5 penalty units.

PART 6 – ENFORCEMENT

35 Offences

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

36 Regulation of Activities

- (1) An authorised officer may give reasonable directions to any person playing or engaging in a game, sport, or activity in a public reserve:
 - (a) to regulate the playing or engaging in game, sport, or activity; or
 - (b) to avoid inconvenience or risk of danger to any person in the public reserve.
- (2) A person must not fail to comply with a direction from an authorised officer under subclause (1).

Penalty: a fine not exceeding 5 penalty units.

37 Removal of a Person from a Public Reserve

- (1) An authorised officer may direct any person to leave a public reserve who that authorised officer reasonably believes has committed or who is committing an offence against this By-law.

38 Removal of Articles from a Public Reserve

- (1) An authorised officer may remove any article which an authorised officer reasonably believes is on or in a public reserve without a permit or in breach of a permit.



- (2) An article which has been removed from a public reserve pursuant to this By-law must be kept in a safe place until it has been claimed by the owner, or a person on behalf of the owner, or disposed of pursuant to this By-law.
- (3) If an article which has been removed from a public reserve pursuant to this By-law is not claimed by the owner or a person on behalf of the owner within forty-eight (48) hours following its removal, an authorised officer is to give notice to the owner of the removal of the article.
- (4) A notice under sub-clause (3) must give the following details:
 - (a) a description of the article and any distinguishing features of it;
 - (b) the place from which it was removed;
 - (c) the date on which it was removed;
 - (d) the place from which the article may be claimed;
 - (e) the fees, costs, or charges payable in respect of the removal, maintenance, and storage of the article;
 - (f) that if not claimed within twenty-eight (28) days that the article may be disposed of by the General Manager.
- (5) A notice is to be given in writing and delivered to the owner by any means the authorised officer considers appropriate.
- (6) If the owner of the article cannot be ascertained or found, and if the General Manager is of the opinion that the value of the article warrants the cost of advertising, the General Manager is to publish on at least one occasion a notice containing the particulars specified in sub-clause (2) in a newspaper circulating in the municipal area.
- (7) If the owner of the article cannot be ascertained or found, no advertising is published in accordance with sub-clause (6), and the article is not claimed by the owner or by a person on behalf of the owner within twenty-eight (28) days after it has been removed, the article may be disposed of in accordance with clause 40(2).

39 Fees, Costs and Charges

- (1) The owner of an article removed pursuant to this By-law is liable to pay:
 - (a) any fees, costs and charges specified in a notice under clause 38(3); and
 - (b) any further fees, costs and charges incurred in the storage and further maintenance of the article once removed;
 - (c) any fees, costs and charges incurred in the disposal of the article.
- (2) Any unpaid fees, costs or charges are a debt due to the Council and may be recovered by the Council in a court of competent jurisdiction.
- (3) The Council may retain an article until any fees, costs or charges are paid.



40 Disposal of Unclaimed Articles

- (1) The General Manager may dispose of an article if:
 - (a) the article is not claimed within twenty-eight (28) days of the service of a notice given under clause 38(2); or
 - (b) any fees, costs or charges specified in a notice under clause 38(3) have not been paid within twenty-eight (28) days of that notice.
- (2) An article may be disposed of under clause 38(7) or 0(1):
 - (a) by tender or public auction following notification in a local newspaper circulating in the municipal area; or
 - (b) in such manner as the General Manager determines if:
 - (i) the General Manager has a reasonable belief that the article has a value that does not warrant the costs of a tender or a public auction; or
 - (ii) no tender is received, or no bid is made at a public auction.
- (3) If an article is disposed of under this clause, the General Manager must notify the owner of the article as soon as possible if the owner can be ascertained or found by reasonable enquiries.
- (4) If the owner of the article is identified, then the proceeds obtained from the disposal or sale of the article must be paid to the owner, less any fees, costs or charges incurred by the Council in the removal, storage, or disposal of the article.

41 Article Required for Prosecution

- (1) Where an article is required by the Council for the prosecution of an offence under this By-law, the article is to be released to the owner following the completion of the prosecution proceedings and on payment of any relevant fees, costs and charges unless otherwise directed by a court.
- (2) The General Manager may, in accordance with clause 0, dispose of an article required under sub-clause (1) which is not claimed by the owner or in relation to which fees, costs and charges have not been paid, within twenty-eight (28) days of the completion of court proceedings.

42 Assistance of Police Officers

- (1) A police officer is authorised to:
 - (a) assist an authorised officer to carry out an action under clause 37;
 - (b) remove any person from a public reserve whom the police officer reasonably believes has committed or who is committing an offence under this By-law;
 - (c) remove any thing which is in a public space without a permit or in breach of a permit; and



- (d) arrest any person who is in a public reserve whom the police officer reasonably believes has committed or who is committing an offence under this by-law.

43 Rectification Notice

- (1) An authorised officer may give notice to a person who has done anything in contravention of this By-law which is capable of being rectified by any work or thing, requiring that person to do the work or thing that the authorised officer considers is reasonably required to rectify the consequences of that contravention.
- (2) A notice under sub-clause (1):
 - (a) is to be in writing, signed by the authorised officer; and
 - (b) is to be given to the person who contravened this By-law; and
 - (c) is to identify the contravention of this By-law; and
 - (d) is to state the work or thing to be done that is required to rectify the contravention; and
 - (e) is to state the time by which the work or thing is to be completed; and
 - (f) may state the time by which the work or thing is to be commenced or any timetable for the commencement or completion of any part of the work or thing to be done; and
 - (g) may require that the work or thing be done is only to be carried out by a person who has appropriate qualifications reasonably required to do that work or thing and may state the qualifications that are so required.
- (3) A person must not fail to comply with a notice given under sub-clause (1).

Penalty: a fine not exceeding 10 penalty units.

- (4) The Council may do any work or thing required by a notice under sub-clause (1) that is not done in accordance with the requirements that notice.

44 Recovery of Council's Expenses

- (1) Any expense reasonably incurred by the Council in rectifying or remedying the consequences of any contravention of this By-law is recoverable by the Council as a debt payable by the person whose act or default constituted that contravention.
- (2) The expenses referred to in sub-clause (1) include the Council's expenses incurred under clauses 43(4).

PART 7 – PERMITS

45 Granting permits

- (1) A permit may be granted for any purpose under this By-law by the General Manager.



46 Applications

- (1) Any application for a permit pursuant to this By-law must be:
- (a) in writing and in accordance with any form approved by the General Manager;
 - (b) accompanied by the relevant prescribed fee per application, if any, specified in Schedule 2 to this By-law; 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 of time 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 other 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.

47 Factors to be considered when

- (1) 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, size nature and extent of the activity proposed;
 - (b) the location of that activity;
 - (c) the manner of any proposed sign or advertising;
 - (d) the availability of suitable parking for vehicles in the relevant area;
 - (e) the impact of the proposed activity on public safety, the environment and amenity; and
 - (f) any representations made by any employee of the Council or by a police officer in relation to the application.

48 Conditions of a Permits

- (1) 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) that the permit is not transferable or assignable, and may not be relied upon, by another person without the written approval of the General Manager;
 - (g) 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
 - (h) the acceptance of responsibility for any damage to or loss of Council property as a result of the activity.
- (2) The holder of a permit granted pursuant to this By-law must comply with the terms and conditions of the permit.

Penalty: a fine not exceeding 5 penalty units.

49 Permits Generally

- (1) Every permit issued pursuant to this By-law must:
- (a) be in writing and may be in the form of a letter;
 - (b) bear the date on which it was issued;
 - (c) remain in force for the period for which it was issued, unless it is cancelled or surrendered;
 - (d) be carried by the permit holder at all times while undertaking the activity approved under the permit; and
 - (e) be surrendered to the Council if it is cancelled or suspended.

50 Production of a permit

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

Penalty: A fine not exceeding 5 penalty units.

51 Variation of permit conditions

- (1) The conditions of any permit may be varied if the General Manager considers it is appropriate to do so.
- (2) If the conditions of any permit are varied pursuant to sub-clause(1), the General Manager must serve a notice in writing on the permit holder stating:
- (a) the conditions of the permit that are varied; and



- (b) the reason or reasons for the variation of the permit conditions.
- (3) The conditions of a permit will be varied from the date of service of the notice of the variation.

52 Cancellation of permits

- (1) The General Manager may cancel a permit if satisfied that:
 - (a) a permit holder has breached any of Council's By-laws or any condition of a permit;
 - (b) is convicted of any offence involving dishonesty; or
 - (c) is convicted of any offence involving a breach of public order.
- (2) If a permit is cancelled pursuant to clause 52(1), 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.
- (3) Cancellation of any permit is effective from the date of service of the notice of the cancellation on the permit holder or the date specified in the notice, whichever is the latter.
- (4) The General Manager may cancel a permit if the cancellation is required due to the exercise or intended exercise of any local government functions, powers, rights, or duties by the Council.
- (5) Notwithstanding, sub-clauses (2) and (3), the General Manager may cancel a permit by any communication conveyed to the permit 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.

53 Notice

- (1) For the purposes of clauses 51(2) and 52(2) of this By-law, a notice may be served in any of the following ways:
 - (a) on permit holder 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 West Tamar municipal area.
- (2) The date of service of a notice will be:
 - (a) if the permit holder was served by ordinary post, three (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.

**54 Assignment of Permit**

- (1) A permit is not assignable or transferable to any person except with the written consent of the General Manager.

PART 8 — NOTICES AND DIRECTIONS**55 Notices and Directions Generally**

- (1) A notice given under this By-law is to be given in writing and may be placed on a sign in or on any road and may be in the form of a letter.
- (2) A direction given under this By-law may be given verbally or in writing and may be in the form of a letter.
- (3) Unless otherwise required by this By-law, a notice or direction given under this By-law may be subject to such conditions and requirements and subject to such time period as the General Manager or authorised officer may determine.
- (4) Unless otherwise specified in a notice or direction, a person to whom a notice or direction is given is to comply with the notice or direction at the cost of that person.
- (5) A notice or direction given under this By-law requiring a person to carry out or undertake action or work may direct that the action or work be:
 - (a) in or of such specific materials;
 - (b) carried out within a specific period of time;
 - (c) carried out in such manner as the General Manager, authorised officer, or agent of the Council directs;
 - (d) be done only by a person with the appropriate qualification.
- (6) The General Manager may require the person carrying out the work to pay the Council, or enter into a bond for payment to the Council of an amount it thinks fit to provide security against costs which it may incur as a result of the execution of the work.

56 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: A fine not exceeding 5 penalty units.

- (2) The Council 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) The Council may recover in a court of competent jurisdiction, its expenses in undertaking work under the notice issued or direction given pursuant to this By-law as



a debt payable to it from the person who fails to comply with the notice or direction in addition to any penalty imposed under sub-clause (1) and this By-law.

PART 9 – INFRINGEMENT NOTICES

57 Infringement Notices

- (1) In this clause: **specified offence** means an offence against the clause specified in Column 1 of the Schedule 1 to this By-law.
- (2) 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 Schedule 1 to this By-law.
- (3) 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.
- (4) The *Monetary Penalties Enforcement Act* 2005 applies to an infringement notice issued under this by-law.
- (5) 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.
- (6) A person who is served with an infringement notice must, within twenty-eight (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.
- (7) If a person who has been served with an infringement notice fails to take one or more of the actions required by sub-clause (6) within the prescribed time, the infringement may be referred to the Director, Monetary Penalties.

PART 10 – MISCELLANEOUS

58 Referral to Council

- (1) 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.

**59 Expenses Incurred**

- (1) 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.
- (2) In addition to a penalty imposed in relation to a failure to comply with or a contravention of this By-law, any expense or damages incurred by the Council as a result of a breach of this By-law, is recoverable by the Council as a debt payable by the person committing that breach.

60 Debt Due

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

61 Appointment of Authorised Officers

- (1) The General Manager may authorise an employee of the Council to be, for the purpose of this By-law, an authorised officer.
- (2) An authorised officer may only exercise a power of an authorised officer under this By-law for the purposes of the administration or enforcement of the By-law.



SCHEDULE 1

Infringement Notice Offences

Column 1	Column 2	Column 3
Clause	Specified Offence	Infringement Notice Penalty (Penalty Units)
4(2)	Closure of public reserve	1
5(1)	Peaceable use of public reserves	4
6(7)	Creation of an entrance to a public reserve	2
7(1)	Erection of a structure	1
8(1)	Erection of a sign	1
9(1)	Sale of an item	4
10(1)	Distribution of an advertisement	1
11(1)	Organised sport	4
12(1)	Organised activities	4
13(1)	Playing golf	1
14(1)	Use of radios and loudspeakers	1
15(1)	Use of change room and public toilet	1
16(1)	Use of children's playground	4
17(1)	Collection of money	1
18(1)	Camping	1
19(1)	Climbing of buildings and other objects	1
20(1)	Animals	1
21(1)	Use of skates and cycles	1
22(1)	Aircraft	1
23(1)	Abuse of an authorised officer	1
24(1)	Planting or tending vegetation	2
25(1)	Interference with items	2
26(1)	Protection of wildlife	4
27(1)	Fire	2
28(1)	Wood	2
29(1)	Parking of a vehicle	1
30(1)	Driving of a vehicle	1
31(2)	Parking when reserve is closed	1
32(1)	Entry and exit of parking area	1
33(2)	Reserved space	1
34(1)	Washing, dismantling and repair of vehicle	1
36(2)	Regulation of activities	1
43(3)	Rectification notice	2
48(2)	Fail to comply with a condition of a Permit	2



Schedule 2

Prescribed Fees

Column 1	Column 2	Column 3
Clause	Fee Name	Fee (Fee Units)
4(2)	Closure of public reserve	15
6(1)	Creation of an entrance to a public reserve	Nil
7(1)	Erection of a structure	Nil
8(1)	Erection of a sign	15
9(1)	Sale of an item	15
10(1)	Distribution of an advertisement	15
11(1)	Organised sport	25
12(1)	Organised activities	25
14(1)	Use of radios and loudspeakers	25
15(1)	Use of change room and public toilet	Nil
17(1)	Collection of money	15
18(1)	Camping	Nil
20(1)	Animals	15
21(1)	Use of skates and cycles	Nil
22(1)	Aircraft	15
24(1)	Planting or tending vegetation	Nil
25(1)	Interference with items	Nil
26(1)	Protection of wildlife	Nil
27(1)	Fire	Nil
28(1)	Wood	Nil
34(1)	Washing, dismantling and repair of vehicle	Nil



Certified as being in accordance with the law by:

A handwritten signature in blue ink, appearing to be "Nathan Street", written over a dotted line.

Nathan Street, Legal Practitioner

Dated this 25th day of February 2021 at Hobart

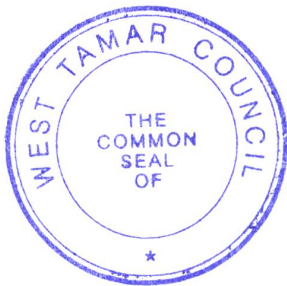
Certified as being made in accordance with the Local Government Act 1993:

A handwritten signature in blue ink, appearing to be "Rolph Vos", written over a dotted line.

Rolph Vos, General Manager

Dated this 2 day of MARCH 2021 at Launceston

The Common Seal of West Tamar Council has been hereunto affixed pursuant to a resolution of the Council passed on the 16th day of February 2021 in the presence of:



A handwritten signature in blue ink, appearing to be "C. M. M. M.", written over a dotted line.

Mayor.

A handwritten signature in blue ink, appearing to be "Rolph Vos", written over a dotted line.

General Manager.



WEST TAMAR COUNCIL

ROADS (LOCAL HIGHWAYS) BY-LAW

BY-LAW 3 OF 2021

This By-law of the West Tamar Council is made under Section 145 of the *Local Government Act 1993*, to regulate and control conduct on and the use of highways in the West Tamar municipal area.

PART 1 - PRELIMINARY

1 Short Title

- (1) This By-law may be cited as the "West Tamar Council Roads (Local Highways) By-law 2021".

2 Application

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

3 Interpretation

- (1) In this By-law:

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

"**animal**" means an animal as defined in the *Animal Welfare Act 1993*;

"**article**" means any vehicle, item or thing removed by an authorised officer or the Council pursuant to this By-law;

"**authorised officer**" means:

- (a) a person who, under Clause 52, is authorised to be an authorised officer; or
- (b) the General Manager.

"**Council**" means the West Tamar Council;

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

"**effective control**" means where livestock is on a road that:

- (a) the livestock is in close proximity to the person;
- (b) the livestock is in sight of the person; and
- (c) the person is able to demonstrate to the satisfaction of an authorised officer that the livestock immediately respond to the persons commands or actions.



"electoral sign" means a sign erected for the purpose of promoting a political candidate in a Federal, State or Local Government election;

"event" means any assembly of people and includes a parade, performance, spectacle, entertainment, exhibition, rally, march, demonstration, or other event which causes or is likely to cause people to assemble on a road or part of a road or for any other purpose which exclude the public's normal use of that road;

"Fee Unit" means the sum as prescribed under the provisions of the *Fee Unit Act 1997*;

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

"furniture" includes chairs, tables, barriers, display stands, panels, umbrellas, screens, awnings, planter boxes, heaters or portable lighting;

"General Manager" means the General Manager appointed by the Council appointed pursuant to section 61 of the *Local Government Act 1993*;

"land" means all land within the municipal area;

"livestock" means any animal, whether kept for farming or domestic purposes, and includes:

- (a) domestic stock as defined by the *Nature Conservation Act 2002*; and
- (b) a stock animal as defined in the *Biosecurity Act 2019*

"material" includes stones, gravel, rock, clay, mud, soil, earth, metal, cement, concrete, bitumen, asphalt, glass, filth, dust, ashes, refuse, oil, liquid, and animal droppings;

"motor vehicle" means a motor vehicle as defined in the *Road Rules 2009*;

"municipal area" means the West Tamar Council municipal area as defined by section 16 of the *Local Government Act 1993*;

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

"parking area" means any area in or associated with a road reservation constructed or set aside by Council for parking of vehicles including all equipment, signs, access ways, fences and structures used or connected in any way with the parking area;

"parking space" means a space within a road reservation designated for parking and indicated by lines or other marks on the ground or indicated by any other method, of sufficient clear space to accommodate a vehicle within that space;

"pavement" means the formed or paved area or carriageway of a road for the primary use of vehicles excluding the kerb, gutter, drains and shoulder;

"penalty unit" means the amount of money set under the *Penalty Units and Other Penalties Act 1987*;

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



"permit holder" means a person to whom a permit is issued under Part 6 of this By-law;

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

"pest" means as defined in the *Biosecurity Act 2019*;

"premises" means a premises registered with the Council pursuant to the requirements of the *Food Act 2003*;

"proprietor" means as defined in the *Food Act 2003*;

"road" means:

- (a) any highway, local highway or country highway as defined under the Act;
- (b) any part of a State highway or subsidiary road within the meaning of the *Roads and Jetties Act 1935* for which the Council is responsible for maintaining and reconstructing pursuant to section 11 of that Act;
- (c) any highway or road which is wholly or partly maintained or maintainable by Council and shown on the map maintained by Council pursuant to section 208 of the *Local Government Act 1993*;
- (d) any other street, cul-de-sac, parking area, road or way in the municipal area which is wholly or partly maintained or maintainable by Council or under the control of the Council;
- (e) and includes a highway reservation, footpath or walkway, kerb and guttering, nature strip, pavement, and earth surface drain;

"shipping container" means a large, strong, resealable container, usually constructed of metal, designed for the transportation of goods;

"sign" means any board, sign, plaque, or banner which in any way makes an announcement or is an advertisement for any restaurant, shop, place of business, product, wares, or any other thing which is not approved and permanently attached to any building or other structure;

"skip bin" means a receptacle not owned by the Council or supplied by the Council to residents of the municipal area for depositing waste or refuse, particularly larger refuse often associated with building work or garden refuse;

"stall" means any table, wagon, trailer, wheelbarrow, or transportable structure used by any person to sell and distribute goods, merchandise, wares, commodities, articles, or things and/or services to the public, solicit donations and/or sell raffle or lottery tickets;

"street dining" means the consumption of food and or beverages by persons seated in an area that is part of a road;

"street rubbish bin" means a rubbish bin installed by the Council on a road;

"substance" means any concrete, lime concrete, asphaltic concrete, cement, cement mortar, lime mortar, tar, soil, sand, stone, paint, firewood, or other material;

"trailer" means a vehicle that is built to be towed, or is towed, by a motor vehicle and includes caravans but does not include a motor vehicle that is being towed;

"vehicle" means a vehicle as defined by the *Traffic Act 1925*;



"works" includes, but is not limited to:

- (a) repair, maintenance or reconstruction works;
- (b) opening or breaking up the soil or pavement of a road as well as any change to the natural or existing condition of a road for any purpose;
- (c) making a drain leading to a road;
- (d) putting or placing a pipe or making a drain leading into a sewer or drain or other services of the Council in or under a road;
- (e) making an excavation, vault, or cellar in or under a road;
- (f) installing under a road, pipelines, pipe systems or other infrastructure required for the transmission, distribution or supply of natural gas or other gaseous fuels; or
- (g) erection of a hoarding or scaffolding for building or for any other purpose in or on a road.

PART 2 — CROSSING OF FOOTPATHS, GUTTERS AND KERBS

4 Crossings

- (1) A person must not construct or lay down a crossing without a permit.

Penalty: A fine not exceeding 5 penalty units.

- (2) The General Manager may give notice to the owner of any land which is contiguous to a road requiring that person to remove a crossing constructed without a permit or to repair a crossing.
- (3) If the General Manager gives notice under this sub-clause (2) requiring a crossing to be removed or repaired, the footpath, nature strip and road must be repaired in a proper and workmanlike manner by a suitably qualified person engaged by the person to whom the notice was given.
- (4) If a notice issued pursuant to sub-clause (2) is not complied with, the Council may carry out the works specified in the notice.
- (5) The Council may recover the costs incurred in undertaking any works occasioned as a result of a breach of this clause from the person committing the breach as a debt due to it.

5 Damage to footpaths, kerbs, gutters, and nature strip

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

Penalty: A fine not exceeding 5 penalty units.

6 Driving Vehicles over Footpaths, Kerbs and Gutters

- (1) A person must not drive a vehicle or permit a vehicle to be driven over a footpath, kerb, gutter, or nature strip of a road to or from any land or premises unless the owner of the land or premises has a permit to do so.

Penalty: A fine not exceeding 5 penalty units.



7 Rectification of damage

- (1) The General Manager may give notice to a person who has contravened clause 5 or 6 requiring that the person undertake works to repair any damage occasioned as a result of the contravention.
- (2) If a notice issued pursuant to sub-clause (1) is not complied with, the Council may carry out the works specified in the notice.
- (3) The Council may recover the costs incurred by carrying out the works in accordance with sub-clause (2) as a debt due to it.

PART 3 — WORKS ON ROADS

8 Undertaking Works on Roads

- (1) A person must not undertake works on or under a road unless:
 - (a) they have been issued a permit to do so; or
 - (b) they are entitled to do so pursuant to any Tasmanian or Commonwealth legislation.

Penalty: A fine not exceeding 20 penalty units and in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

- (2) The General Manager may give notice to a person who has contravened sub-clause (1) requiring that person to repair any damage occasioned to a road as a result of the contravention.
- (3) If a notice issued pursuant to sub-clause (2) is not complied with, the Council may carry out the works specified in the notice.
- (4) The Council may recover the costs incurred by carrying out the works in accordance with sub-clause (3) as a debt payable to it.

9 Application to carry out works within a road

- (1) A person must apply for a permit to carry out works within a road, including:
 - (a) the works specified in section 46(1) of the Act; and
 - (b) the construction of a crossing.
- (2) An application for a permit to carry out works within a road must be accompanied by plans for those proposed works.

10 Compliance with Permit to carry out works within a road

- (1) If a permit is granted to carry out works within a road, the works must be undertaken in accordance with the conditions of the permit.

Penalty: A fine not exceeding 5 penalty units.



- (2) The General Manager may give notice to a person who has contravened sub-clause (1) requiring that person to carry out further works within twenty-eight (28) days to remedy the breach of the condition of the permit.
- (3) If a notice issued pursuant to sub-clause (2) is not complied with, the Council may carry out the works specified in the notice.
- (4) The Council may recover the costs incurred by carrying out the works in accordance with sub-clause (3) as a debt payable to it.

PART 4 — USE OF ROADS

11 Occupation of Roads

- (1) A person must not for any purpose hold or conduct an event on, place any obstruction on, enclose or occupy, a road or part of a road, without a Permit.

Penalty: A fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

12 Signs on Roads

- (1) A person must not place, erect, construct or display or cause to be placed, erected, constructed, or displayed a sign on a road without a permit.

Penalty: A fine not exceeding 5 penalty units and in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

- (2) A person must not place, erect, construct or display or caused to be placed, erected, constructed, or displayed an electoral sign on a road.

Penalty: A fine not exceeding 5 penalty units and in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

- (3) For the purposes of this clause, in addition to the definition in clause 3, "road" also includes the buildings, structures, works or other things specified in section 30(2) of the Act and traffic signs erected by the Transport Commission.

13 Mobile Advertising on Roads

- (1) A person must not park a vehicle or trailer, whether or not the trailer is attached to a vehicle, on a road for the sole purpose of advertising or promotion without a permit.

Penalty: A fine not exceeding 5 penalty units.

- (2) An authorised officer may give a notice or direction to a person who has contravened this clause requiring that person to remove the vehicle or trailer from the road, where applicable, or the Council may remove the vehicle or trailer from the road and recover the cost of doing so and its storage as a debt payable to it from the person who has contravened this clause.



14 Sale of Vehicles on Roads

- (1) A person must not park or leave a vehicle or trailer on a road for the sole purpose of offering the vehicle or trailer for sale.

Penalty: A fine not exceeding 5 penalty units and in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

- (2) No offence has been committed under sub-clause (1) unless an authorised officer has previously placed a notice on the vehicle at least 48 hours with a prior warning of the offence.

15 Dismantling or Repair of Vehicles on Roads

- (1) A person must not dismantle, paint, or repair any vehicle on a road without a permit, unless it is necessary to enable the vehicle to be removed from the road.

Penalty: A fine not exceeding 5 penalty units.

16 Parking on Footpaths or Nature Strips

- (1) A person must not park a vehicle, including a trailer whether attached to a vehicle or not, wholly, or partly on or over a footpath, kerb, gutter, or nature strip without a permit.

Penalty: A fine not exceeding 2 penalty units.

- (2) Notwithstanding sub-clause (1), a person is permitted to park a vehicle on a nature strip if the person is the owner or occupier of a property that is contiguous with the nature strip and the vehicle when stopped does not unreasonably obstruct other road users or does not have the potential to cause damage to Council land or infrastructure.

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

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

17 Parking of Trailers on Roads

- (1) A person must not park a trailer that is not attached to a vehicle on a road in an unsafe manner or in such a way to unreasonably obstruct other road users or where there is potential to cause damage to Council land or infrastructure.

Penalty: A fine not exceeding 2 penalty units.

- (2) An authorised officer may give a notice or direction to a person who has contravened this clause requiring that person to remove the trailer from the road within a reasonable period of time.



- (3) If a person who has received a notice or direction under sub-clause (2) fails to comply with that notice or direction the Council may remove the trailer from the road and recover the cost of doing so and its storage as a debt payable to it from the person who has contravened this clause.

18 Parking on Road Closed for Carrying out of Works

- (1) A person must not park a vehicle on a road that is closed for the purpose of carrying out works under the Act.

Penalty: A fine not exceeding 5 penalty units.

- (2) An authorised officer may give a notice or direction to a person who has contravened this sub-clause (1) requiring that person to remove a vehicle from the road, or where the person has refused to move the vehicle or the owner of the vehicle cannot be located and removal of the vehicle is necessary for Council to carry out the works, the Council may remove the vehicle from the road and recover the cost of doing so and its storage as a debt payable to it from the person who has contravened this clause.

19 Materials and Substances on the Road

- (1) A person must not deposit, fall, drop, or allow to flow any material on a road without a permit.

Penalty: A fine not exceeding 5 penalty units and in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

- (2) A person must not use a road for placing or mixing of a substance without a permit.

Penalty: A fine not exceeding 5 penalty units.

- (3) An authorised officer may give a notice or direction to:

- (a) any person who is contravening or has contravened sub-clause (1) or sub-clause (2);
- (b) any person who drives a vehicle from which any material has flowed, fallen, dropped, or been deposited from on a road;
- (c) any person who is the owner or occupier of any land from which the material has come,

requiring or directing that person to remove that material from the road or to undertake such works to the land to limit or prevent that material from flowing or falling onto or being dropped or deposited on the road.

- (4) If a notice or direction issued pursuant to sub-clause (3) is not complied with, the Council may carry out the works specified in the notice or direction.
- (5) The Council may recover the cost of carrying out the works in accordance with sub-clause (4) as a debt payable to it from the person who has contravened this clause.



20 Placement of Objects on the Road

- (1) Other than for the purpose of a scheduled refuse, recycling or other collection by Council or its agent, a person must not place rubbish, white goods, building materials or waste, furniture, skip bins, green waste, car wrecks, other disused items, or shipping containers on a road without a permit.

Penalty: A fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

- (2) A person must not place any object on a road for the purposes of preventing or inhibiting parking without a permit.

Penalty: A fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

- (3) An authorised officer may give a notice or direction to a person who has contravened sub-clause (1) and (2) requiring that person to remove any object from the road, or the Council may remove any object and recover the cost of doing so as a debt payable to it from the person who has contravened this clause.

21 Livestock on Roads

- (1) A person must not cause or allow that livestock to be on a road unless the livestock is under the effective control or has a permit.

Penalty: A fine not exceeding 5 penalty units and in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

22 Street Dining

- (1) A person must not, without a permit, place, erect or construct or cause to be placed, erected, or constructed any furniture on a road for the purpose of encouraging or allowing street dining.

Penalty: A fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

- (2) An authorised officer may remove furniture that is placed on a road in contravention to sub-clause (1) and store it in a safe location.

- (3) An authorised officer intending to remove any furniture pursuant to sub-clause (2) must give a person who has placed furniture on a road in contravention of this clause at least two (2) days' notice of the authorised officer's intention to remove the furniture.

- (4) Sub-clause (3) does not apply if an authorised officer is of the opinion that it is necessary to remove the furniture due an emergency or it is in the interest of public health or safety.



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

23 Street Dining Permit

- (1) A proprietor may apply to the General Manager for a permit approving street dining.
- (2) The General Manager may grant a permit approving street dining on such terms and conditions as it thinks fit.
- (3) A permit may only authorise street dining on an area of the road immediately adjacent to a premises.

24 Street Rubbish Bins

- (1) A person must not use a street rubbish bin for the disposal of waste generated from a premises or from street dining.

Penalty: A fine not exceeding 5 penalty units.

PART 5 — DAMAGE TO ROADS

25 Vehicles on Roads

- (1) A person must not damage a road.

Penalty: A fine not exceeding 5 penalty units.

- (2) The General Manager may give notice in writing to a person who has contravened sub-clause (1) requiring that the person repair any damage occasioned to a road as a result of the contravention.
- (3) If a notice issued pursuant to sub-clause (2) is not complied with, the Council may carry out the works specified in the notice.
- (4) The Council may recover the costs incurred by carrying out the works in accordance with sub-clause (3) as a debt due to it.

26 Removal of Materials

- (1) A person must not remove or take materials from a road without a permit.

Penalty: A fine not exceeding 10 penalty units.

- (2) This clause does not apply to the removal of material which has been deposited or dropped on a road in breach of this By-law.

27 Removal of Vegetation

- (1) A person must not destroy, cut, pluck, remove, deface, or injure any tree, shrub, flower, or other vegetation on a road without a permit other than for the purpose of cutting grass, destroying weeds, or lopping trees, hedges, or shrubs under power lines.



Penalty: A fine not exceeding 5 penalty units.

- (2) The provisions of sub-clause (1) do not apply to an electricity entity under the *Electricity Supply Industry Act 1995* where permission is presumed by section 52(5) of that act.

PART 6 — PERMITS

28 Granting permits

- (1) A permit may be granted for any purpose under this By-law by the General Manager.

29 Applications

- (1) An application for a permit pursuant to this By-law must be:
- (a) in writing and in accordance with any form approved by the General Manager;
 - (b) accompanied by the relevant prescribed fee per application, if any, specified in Schedule 2 to this By-law;
 - (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;
 - (ii) a scaled drawing showing the location and extent of the proposed occupation or works;
 - (iii) approvals from other 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.

30 Factors to be considered when determining a Permit

- (1) 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) pedestrian amenity and safety;
 - (b) pedestrian access in the area;
 - (c) the maintenance of public order in the area;
 - (d) the movement of traffic in the area;
 - (e) the manner of any proposed sign or advertising;
 - (f) the nature, size, shape, extent, and location of any proposed road furniture;
 - (g) the effect on premises or land in the area;



- (h) the availability of suitable parking for vehicles in the area;
- (i) representations made by a police officer;
- (j) the protection of the road and for the comfort, convenience, and safety of the public.

31 Conditions of a Permit

- (1) A permit granted under this By-law must be in writing and may be granted under such terms and conditions as the General Manager considered 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 permit is not transferable or assignable, and may not be relied upon, by another person without the written approval of the General Manager;
 - (g) 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
 - (h) the acceptance of responsibility for any damage to or loss of Council property as a result of the activity.
- (2) The holder of a permit granted pursuant to this By-law must comply with the terms and conditions of the permit.

Penalty: A fine not exceeding 5 penalty units.

32 Bond and Deposit

- (1) The General Manager may, as a condition of a permit, require a person to pay a bond or provide a bank guarantee on such terms as General Manager may determine to provide security against any reasonable costs which the Council may incur as a result of a failure of a person to comply with the obligations or requirements of a permit.
- (2) The General Manager may determine that if a permit holder defaults on carrying out any obligations or requirements of a permit, all or part of the bond or bank guarantee provided in accordance with sub-clause 32(1) may be retained or drawn down by the Council to meet the costs incurred by the Council to carry out those obligations or requirements.
- (3) Monies deposited with the Council in accordance with this clause or the balance of the monies is to be forwarded to the person following final inspection and approval by the General Manager of the obligations or requirements of the permit.



- (4) The Council may recover in a court of competent jurisdiction from the permit holder any expenses incurred by it in the carrying out of the obligations or requirements of a Permit, less the amount of the bond paid by the permit holder for that purpose, if any, as a debt due to it.

33 Permits Generally

- (1) Every permit issued pursuant to this By-law must:
 - (a) be in writing and may be in the form of a letter;
 - (b) bear the date on which it was issued;
 - (c) remain in force for the period for which it was issued, unless it is cancelled or surrendered;
 - (d) be carried by the permit holder at all times while undertaking the activity approved under the permit; and
 - (e) be surrendered to the Council if it is cancelled or suspended.

34 Production of the Permit

- (1) A permit holder must produce the permit immediately when requested to do so by an authorised officer and the permit holder must answer all questions which are reasonably necessary to establish that the person is a permit holder.

Penalty: A fine not exceeding 5 penalty units.

35 Variations of permit conditions

- (1) The conditions of any permit may be varied if the General Manager considers it is appropriate to do so.
- (2) If the conditions of any permit are varied pursuant to sub-clause (1), the General Manager must serve a notice in writing on the permit holder stating:
 - (a) the conditions of the permit that are varied; and
 - (b) the reason or reasons for the variation of the permit conditions.
- (3) The conditions of a permit will be varied from the date of service of the notice of the variation.

36 Cancellation of Permits

- (1) The General Manager may cancel a permit if satisfied that:
 - (a) a permit holder has breached any of Council's By-laws or any condition of a permit;
 - (b) is convicted of any offence involving dishonesty; or
 - (c) is convicted of any offence involving a breach of public order.



- (2) If a permit is cancelled pursuant to sub-clause (1), the General Manager is to serve a notice in writing on a permit holder stating:
 - (a) that the permit is cancelled; and
 - (b) the reason for that cancellation.
- (3) Cancellation of any permit is effective from the day the notice has been served on the permit holder or the date specified in the notice, whichever is the later.
- (4) The General Manager may cancel a permit if the cancellation is required due to the exercise or intended exercise of any local government functions, powers, rights, or duties by the Council.
- (5) Notwithstanding, sub-clauses (2) and (3), the General Manager may cancel a permit by any communication conveyed to the permit 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.

37 Notice

- (1) For the purposes of clauses 35(2) and 36(2) of this By-law, a notice may be served in any of the following ways:
 - (a) on the permit holder 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 West Tamar municipal area.
- (2) The date of service of a notice will be:
 - (a) if the permit holder 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.

38 Assignment of Permit

- (1) A permit is not assignable or transferable to any person except with the written consent of the General Manager.

PART 7 — ENFORCEMENT

39 Offences

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

**40 Directions by authorised officer**

- (1) An authorised officer may give reasonable directions to any person in relation to their use, treatment of or presence on any road.
- (2) A person must obey a direction given by an authorised officer under sub-clause (1).

Penalty: A fine not exceeding 5 penalty units

41 Removal from a road

- (1) An authorised officer may:
 - (a) remove any person from a road who the authorised officer reasonably believes has committed or who is committing an offence under this By-law;
 - (b) remove any article which is in or on a road without a Permit or the approval of the Council.

42 Assistance of police officers

- (1) A police officer is authorised to:
 - (a) assist an authorised officer to carry out an action under clause 41;
 - (b) remove any person from a road whom the police officer reasonably believes has committed or who is committing an offence under this By-law; and
 - (c) remove any article which is on a road without a permit or the approval of the Council;
 - (d) arrest any person who is on a road whom the police officer reasonably believes has committed or who is committing an offence under this By-law.

43 Removed Articles

- (1) An article which has been removed from a road pursuant to this By-law must be kept in a safe place until it has been claimed by the owner, or a person on behalf of the owner, or disposed of pursuant to this By-law.
- (2) If an article which has been removed from a road pursuant to this By-law is not claimed by the owner or a person on behalf of the owner within forty-eight (48) hours following its removal, an authorised officer is to give notice to the owner of the removal of the article.
- (3) A notice under sub-clause (1) must give the following details:
 - (a) the description of the article and any distinguishing features;
 - (b) the place from where it was removed;
 - (c) the date on which it was removed;
 - (d) the place from which the article may be claimed;



- (e) the fees, costs, or charges payable in respect of the removal, maintenance, and storage of the article; and
 - (f) that if not claimed within twenty-eight (28) days that the article may be disposed of by the General Manager.
- (4) A notice is to be given in writing and delivered to the owner by any means the authorised officer considers appropriate.
 - (5) If the owner of the article cannot be ascertained or found, and if the General Manager is of the opinion that the value of the article warrants the cost of advertising, the General Manager is to publish on at least one occasion a notice containing the particulars specified in sub-clause (2) in a newspaper circulating in the municipal area.
 - (6) If the owner of the article cannot be ascertained or found, no advertising is published in accordance with sub-clause (5), and the article is not claimed by the owner or by a person on behalf of the owner within twenty-eight (28) days after it has been removed, the article may be disposed of in accordance with clause 45.

44 Fees, Costs and Charges

- (1) The owner of an article removed pursuant to this By-Law is liable to pay:
 - (a) any fees, costs and charges specified in a notice under clause 43; and
 - (b) any further fees, costs and charges incurred in the storage and further maintenance of the article once removed.
 - (c) any fees, costs and charges incurred in the disposal of the article.
- (2) Any unpaid fees, costs or charges is a debt due to the Council and may be recovered by the Council in a court of competent jurisdiction.
- (3) The Council may retain an article until any fees, costs or charges specified in a notice under clause 43 are paid.

45 Disposal of Removed Vehicles or Articles

- (1) Unless provided for under sub-clause (2), any article, other than material, hazardous material, and a spilt substance, will be stored in a safe location for collection of the owner thereof on payment of the fees, costs or charges specified in a notice under clause 43.
- (2) Where an article, other than material, hazardous material and a spilt substance, is required by the Council for the prosecution of an offence under this By-law, the article may only be released to the owner following the completion of the prosecution proceedings and return of the article from the Court and on payment of the fees, costs or charges specified in a notice under clause 43 or as otherwise directed by a court.
- (3) Where an article is not collected by the owner thereof within the period under clause 43 or on return of the article from the court under sub-clause (2), and any fees, costs and charges remain unpaid, the article may be disposed of in such manner as the General Manager determines.



PART 9 — NOTICES AND DIRECTIONS

46 Notices and Directions Generally

- (1) A notice given under this By-law is to be given in writing and may be placed on a sign in or on any road and may be in the form of a letter.
- (2) A direction given under this By-law may be given verbally or in writing and may be in the form of a letter.
- (3) Unless otherwise required by this By-law, a notice or direction given under this By-law may be subject to such conditions and requirements and subject to such time period as the General Manager or authorised officer may determine.
- (4) Unless otherwise specified in a notice or direction, a person to whom a notice or direction is given is to comply with the notice or direction at the cost of that person.
- (5) A notice or direction given under this By-law requiring a person to carry out or undertake action or work may direct that the action or work be:
 - (a) in or of such specific materials;
 - (b) carried out within a specific period of time;
 - (c) carried out in such manner as the General Manager, authorised officer, or agent of the Council directs;
 - (d) be done only by a person with the appropriate qualification.
- (6) The General Manager may require the person carrying out the work to pay the Council, or enter into a bond for payment to the Council of an amount it thinks fit to provide security against costs which it may incur as a result of the execution of the work.

47 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: A fine not exceeding 5 penalty units.

- (2) The Council 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) The Council may recover in a court of competent jurisdiction, its expenses in undertaking work under the notice issued or direction given pursuant to this By-law as a debt payable to it from the person who fails to comply with the notice or direction in addition to any penalty imposed under sub-clause (1) and this By-law.



PART 8 — INFRINGEMENT NOTICES

48 Infringement Notices

- (1) In this clause: **specified offence** means an offence against the clause specified in Column 1 of the Schedule 1 to this by-law.
- (2) 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 Schedule 1 to this By-law.
- (3) 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.
- (4) The *Monetary Penalties Enforcement Act* 2005 applies to an infringement notice issued under this by-law.
- (5) 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.
- (6) A person who is served with an infringement notice must, within twenty-eight (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.
- (7) If a person who has been served with an infringement notice fails to take one or more of the actions required by sub-clause (6) within the prescribed time, the infringement may be referred to the Director, Monetary Penalties.

PART 10 — MISCELLANEOUS

49 Referral to Council

- (1) 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.

50 Expenses Incurred

- (1) 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.



- (2) In addition to a penalty imposed in relation to a failure to comply with or a contravention of this By-law, an expense or damages incurred by the Council as a result of the breach of this By-law, is recoverable by the Council as a debt payable by the person committing that breach.

51 Debt Due

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

52 Appointment of authorised officers

- (1) A General Manager of a Council may authorise an employee of the Council to be, for the purpose of this By-law, an authorised officer.
- (2) An authorised officer may only exercise a power of an authorised officer under this By-law for the purposes of the administration or enforcement of the By-law.



SCHEDULE 1

Infringement Notice Offences

Column 1	Column 2	Column 3
Clause	Specified Offence	Infringement Notice Penalty (Penalty Units)
4(1)	Construct a crossing without approval	1
5(1)	Cause damage to footpath, kerb, gutter, nature strip	1
6(1)	Drive over footpath, kerb, gutter, nature strip from construction site other than at a designated crossing	1
8(1)	Undertake works on a road without a permit	4
10(1)	Compliance with permit to carry out works on road	1
11(1)	Occupy a road without approval	2
12(1)	Place a sign on a road without approval	1
12(2)	Place an electoral sign on a road	1
13(1)	Park vehicle or trailer advertising a business on road without approval	1
14(1)	Park vehicle on road for purposes of sale	1
15(1)	Dismantle or repair a vehicle on a road without approval	1
16(1)	Park vehicle on footpath, kerb, gutter, nature strip without approval	0.5
17(1)	Park trailer on road	0.5
18(1)	Park on closed road	1
19(1)	Deposit materials on a road	2
19(2)	Use road for mixing substances without approval	1
20(1)	Placement of objects on road without approval	2
20(2)	Place object on road to inhibit parking without approval	2
21(1)	Allow livestock on road without approval	1
22(1)	Place street dining furniture on road without approval	2
24(1)	Use of street rubbish bins	1
25(1)	Vehicle causing damage to road pavement	1
26(1)	Remove materials from a road without approval	2
27(1)	Destroy/damage/remove vegetation from a road without approval	1
31(2)	Fail to comply with a permit	1
34(1)	Fail to produce a permit on request by a police officer/ authorised officer	0.5
40(2)	Fail to obey direction to leave a road	1
47(1)	Fail to comply with a direction or notice	1



SCHEDULE 2

Prescribed Fees

Column 1	Column 2	Column 3
Clause	Fee Name	Fee (Fee Units)
4(1)	Crossing	Nil
6(1)	Vehicle on a footpath, kerb, gutter, or nature strip	Nil
9(1)	Undertaking works on road	25
11(1)	Occupation of road	15
12(1)	Signs on road	15
13(1)	Mobile advertising on road	15
15(1)	Dismantling or repair of vehicle on road	Nil
16(1)	Parking on Footpaths or Nature Strips	Nil
19(1)	Material on a road	Nil
19(2)	Placing or mixing a substance on a road	25
20(1)	Placement of objects on a road	15
20(2)	Placement of object inhibiting parking	15
21(1)	Livestock on a road	15
22(1)	Street dining permit	25
26(1)	Removal of materials	Nil
27(1)	Removal of vegetation	Nil



Certified as being in accordance with the law by:


.....
Nathan Street, Legal Practitioner

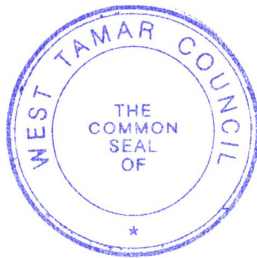
Dated this 25th day of February 2021 at Hobart

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

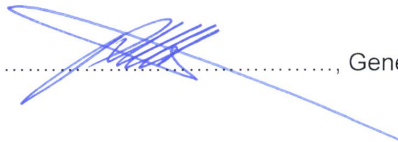

.....
Rolph Vos, General Manager

Dated this 2 day of MARCH. 2021 at Launceston

The Common Seal of West Tamar Council has been hereunto affixed pursuant to a resolution of the Council passed on the 16th day of February 2021 in the presence of:




....., Mayor.


....., General Manager.

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