



## **TASMAN COUNCIL REGULATORY SERVICES BYLAW**

### **BYLAW 1 OF 2018**

BYLAW MADE UNDER SECTION 145  
OF THE LOCAL GOVERNMENT ACT 1993

FOR THE PURPOSE OF  
REGULATING MATTERS IN PUBLIC PLACES AND ENVIRONMENTAL HEALTH  
WITHIN THE TASMAN MUNICIPAL AREA

### **PART 1 - PRELIMINARY**

#### **1. SHORT TITLE**

This Bylaw may be cited as the *Regulatory Services Bylaw 1/2018*.

#### **2. APPLICATION**

This Bylaw:

- (a) applies to the Municipal Area;
- (b) 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 authorised activities in or on any Council land or premises in the course of performing duties for and on behalf of Council; and
- (c) does not apply to any Council land or premises which is the subject of a lease from the Council to any person or entity under Division 1 of Part 12 of the *Local Government Act 1993* (Tas).

#### **3. INTERPRETATION**

In this Bylaw:

**"Act"** means the *Local Government Act 1993* (Tas);

**"Animal"** means any live vertebrate animal, other than a human being, including Poultry, but excluding:

- (a) dogs as defined by the *Dog Control Act 2000* (Tas); or
- (b) native birds and animals.

**“Authorised Officer”** means:

- (a) the General Manager of Council; or
- (b) an employee of Council authorised by the General Manager for the purposes of this Bylaw;

**“Bylaw”** is a reference to this *Regulatory Services Bylaw 1/2018*;

**“Camper Van”** means a Vehicle that is constructed or modified for use as a dwelling;

**“Caravan”** means:

- (a) a movable dwelling; or
- (b) an immovable dwelling situated in a Caravan Park; or
- (c) a Camper Van; or
- (d) a Recreational Vehicle; or
- (e) a Self-Contained Vehicle.

**“Caravan Park”** means an area of land on which Caravans are situated for occupation on payment of consideration, whether or not they are permanently situated there;

**“Children's Playground”** means any area in which children's play equipment is installed, including a distance of ten (10) metres in all directions from such play equipment;

**“Council”** means the Tasman Council (ABN 63 590 070 717);

**“General Manager”** means:

- (a) the person holding the position of general manager of the Council as appointed by the Council from time to time in accordance with Section 61 of the Act; or
- (b) any employee of the Council to whom the General Manager has lawfully delegated, under section 64 of the Act, authority to act on behalf of the General Manager for the purpose of matters regulated in this Bylaw;

**“Municipal Area”** means the area of land under the control of the Tasman Council and defined in accordance with Section 16 of the *Local Government Act 1993*;

**“Occupy”** includes, without limitation, to reside or live in or use for entertainment, sleeping, resting, cooking, eating, commercial or retail activities or for any similar use whether of a temporary or permanent nature;

**“Owner”** includes, without limitation, the occupier or other person having the control and management of any land;

**“Parking Area”** means any area designated by Council for the parking of Vehicles and includes all equipment, signs, access ways, fences and structures used in conjunction with or in any way connected with same;

**“Parking Space”** means any space within a Parking Area delineated by lines or other markings on the ground or indicated by any other method, of sufficient clear space to accommodate a Vehicle;

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

**“Permit”** means a statement in writing, with or without conditions, issued by an Authorised Officer which permits the carrying out of an activity regulated by this Bylaw, applications for which are made in accordance with Part 8 of this Bylaw;

**“Permit Holder”** means a person to whom a Permit is granted and includes any person Occupying a Caravan or Temporary Structure under this Bylaw;

**“Poultry”** includes ducks, fowl, geese, guinea fowl, peacocks, pheasants and pigeons, or any other birds kept in an aviary;

**“Public Reserve”** means all reserves, beaches, coastal or river foreshore areas, rockeries, areas of bushland, footpaths, natural areas, planted embankments, nature strips, median strips, areas reserved by Council specifically for the parking of Caravans, plantations, sports grounds, recreation grounds, swimming pools, parks or gardens, water storage areas (including but not limited to dams or ponds) which are owned by, or under the care, control and management of, the Council.

**“Recreational Vehicle (RV)”** means a Vehicle or trailer equipped with living space and amenities found in a home;

**“Rent”** includes any sum of money, payment in kind or works done in exchange for the right to Occupy a Caravan;

**“Road”** has the same meaning as in the *Roads and Jetties Act 1935*;

**“Self-Contained Vehicle”** means a Vehicle that has internal cooking facilities, sleeping facilities plus water tanks for drinking and other purposes, holding tanks for “grey water” and holding tanks for toilet effluent and shower facilities;

**“Temporary Structure”** has the same meaning as in the *Building Act 2000* and includes a tepee or similar structure, but does not include any temporary structure:

- (a) situated in a Caravan Park;
- (b) used by a travelling show person in the ordinary course of their business;
- (c) for which a permit or licence has been granted or issued under any other Bylaw of the Council; or
- (d) that requires approval to Occupy under any Act or Regulation

**“Vehicle”** includes any description of vehicle designed to move or to be moved on one or more wheels or revolving runners, and any bus, truck, Caravan or similar vehicle;

**“Vessel”** includes a boat, ship, craft, hovercraft, aircraft or platform and any trailer used to transport any of them and a Vehicle that is capable of use in or on water whether floating, partly submersible or submersible and whether or not self-propelled; and

**“Waste”** has the same meaning as in the *Environmental Management and Pollution Control Act 1994*.

## **PART 2 – USE OF PUBLIC RESERVES**

### **4. HIRE OF PUBLIC RESERVES**

- (1) An Authorised Officer may grant a Permit for the letting or hiring of all or part of a Public Reserve to any person or entity.
- (2) An Authorised Officer may grant a Permit for the letting or hiring of any or part of a Public Reserve for conducting any organized sport (including training) or organized sporting contest.
- (3) An Authorised Officer may impose such terms and conditions upon a Permit issued pursuant to sub-clause 4(1) of this Bylaw as the Authorised Officer sees fit in all of the relevant circumstances.
- (4) The fee for hiring all or part of a public reserve shall be in accordance with Council's Fees and Charges Schedule.
- (5) A person or entity must not fail to comply with the terms and conditions of a Permit issued pursuant to sub-clause 4(1) of this Bylaw.

**PENALTY: a fine not exceeding five (5) penalty units.**

- (6) A person or entity who has leased or hired all or part of a Public Reserve must not sub-lease or re-let the area without first obtaining a Permit from Council to do so.

**PENALTY: a fine not exceeding five (5) penalty units.**

- (7) A person must not conduct any public or private function, party or reception within a Public Reserve with a number of occupants that exceeds the occupancy numbers specified on an Occupancy Permit or Temporary Occupancy Permit issued in accordance with the *Building Act 2000*.

**PENALTY: a fine not exceeding five (5) penalty units.**

### **5. CLOSURE OF PUBLIC RESERVE**

- (1) (1) An Authorised Officer may close a public reserve or any part of a public reserve to members of the public.
- (2) (2) A person must not enter upon or remain in:
  - (a) a Public Reserve; or
  - (b) any part of a Public Reserve,

that has been closed to members of the public.

**PENALTY: a fine not exceeding five (5) penalty units.**

## **6. CREATION OF ENTRANCES TO PUBLIC RESERVES**

- (1) A person who owns or occupies land adjoining a Public Reserve must not create an entrance from that land to the public reserve unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding ten (10) penalty units.**

- (2) At any time, an Authorised Officer may direct in writing the owner or occupier of any land to permanently close any unauthorised Entrance and may specify the method of closure, including the requirement to undertake rehabilitation works to restore the Public Reserve.
- (3) Any person who receives a written direction under sub-clause 6(2) of this Bylaw must:
  - (a) within the time specified in the direction, not fail to close the Entrance; and
  - (b) if a particular method of closure is specified in the direction, must not fail to comply with that method.

**PENALTY: a fine not exceeding ten (10) penalty units.**

- (4) The Council may carry out any and all works reasonably required to give effect to a direction issued under sub-clause 6(2) of this Bylaw in the event that:
  - (a) the person to whom the direction is issued fails to comply within the specified time frame; or
  - (b) the Entrance has not been closed using the method specified in the relevant direction,

and if Council takes such action clause 42 of this Bylaw will apply.

## **7. CONDUCTING TRADE OR COMMERCE**

- (1) Within a Public Reserve, a person must not offer for sale, lease or hire any goods or carry on any business involving the provision of services unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding five (5) penalty units.**

- (2) Within a Public Reserve, a person must not conduct any organised amusement or entertainment for financial reward unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding five (5) penalty units.**

## **8. DISALLOWED ACTIVITIES**

- (1) A person must not misuse or damage any Children's Playground equipment situated within a Public Reserve.

**PENALTY: a fine not exceeding five (5) penalty units.**

- (2) Within a Public Reserve, a person must not play or practice golf or permit any person to play or practice golf except where signs or notice boards installed by Council permit such activity.

**PENALTY: a fine not exceeding five (5) penalty units.**

- (3) Within a Public Reserve, a person must not use or operate any television, radio, loudspeaker, microphone, tape recorder, compact disc or other equipment used to amplify sound or play recorded music at volumes that interfere with, or are reasonably likely to interfere with, the peaceable use and enjoyment of the Public Reserve by other members of the public unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding five (5) penalty units.**

## **9. CAMPING**

- (1) Within a Public Reserve, a person must not camp or Occupy a Caravan, tent, temporary structure, or similar for more than one (1) night unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding ten (10) penalty units.**

- (2) An Authorised Officer may remove, or arrange for the removal of, any Caravan, Vehicle, tent or structure found in breach of sub-clause 9 (1) and store and detain such Caravan, Vehicle, tent or structure in a secure location.

## **10. ANIMALS**

- (1) Within a Public Reserve a person must not:

- (a) ride any Animal; or
- (b) permit any Animal to walk, exercise, stray, forage or graze,

unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding five (5) penalty units.**

- (2) Sub-clause 10(1) does not apply:
  - (a) in relation to Roads, paths, tracks or other areas within Public Reserves that Council has specifically provided for such activities; or
  - (b) where signs or notice boards installed by Council indicate that such activities are permissible.
- (2) An Authorised Officer may remove any Animal from a Public Reserve.

## **11. DAMAGE TO COUNCIL PROPERTY**

- (1) A person must not move, remove, disturb, tamper with, destroy or cause any damage to:
  - (a) trees, shrubs, flowers or any other plant;
  - (b) sod, turf, loam, sand, gravel, stone or any similar materials;
  - (c) pipes, taps, sprinklers, hoses, fountains (both decorative and drinking), ponds, or other infrastructure concerned with the storage and/or reticulation of water; or
  - (d) any other item of Council property installed or otherwise located within a Public Reserve.

**PENALTY: a fine not exceeding ten (10) penalty units.**

- (2) Within a Public Reserve, a person must not light a fire other than within a fireplace or other designated location provided by Council for such use by the public, unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding ten (10) penalty units.**

- (3) Within a Public Reserve, a person must not in a Public Reserve mark, draw on, write on or in any other way deface Council property unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding ten (10) penalty units.**

## **12. REMOVAL OF WOOD OR VEGETATION**

- (1) A person must not collect or remove any wood or timber from a Public Reserve unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding ten (10) penalty units.**

## **13. VEHICLES**

- (1) Within a Public Reserve, a person must not park a Vehicle or Vessel:
  - (a) in an area that is not a Parking Area;
  - (b) otherwise than as directed by an Authorised Officer or by signs and notice boards erected by Council; or
  - (c) in a position where it obstructs the entry or exit of any Vehicle to any Parking Space or any Parking Area.

**PENALTY: a fine not exceeding five (5) penalty units.**

- (2) An Authorised Officer may remove, or arrange for the removal of, any Vehicle or Vessel found in breach of sub-clause 13(1) and store and detain such Vehicle in a secure location.
- (3) A person must not drive a Vehicle within a Public Reserve;
  - (a) except on a Road, path, or track provided for that purpose; and
  - (b) at any speed that is unsafe in all of the circumstances.

**PENALTY: a fine not exceeding five (5) penalty units.**

- (4) Within a Public Reserve a person must not dismantle, paint, wash, sweep out, service or repair any Vehicle unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding five (5) penalty units.**

Sub-clause 13(4) does not apply to any activity which is reasonably necessary to enable any Vehicle to move from, or to be removed from, a Public Reserve.

## **14. RESERVED PARKING SPACE**

- (1) An Authorised Officer may specify:
  - (a) the location of reserved Parking Areas and reserved Parking Spaces; and
  - (b) the conditions that apply to the use of reserved Parking Areas and reserved Parking Spaces.



- (2) Parking Areas and Parking Spaces may be reserved for the following purposes:
- (a) Disabled parking
  - (b) Vehicles and vessel trailers
  - (c) Commercial vehicles
  - (d) Council vehicles
  - (e) Recreational vehicles
- (3) A person must not park or leave a Vehicle in a reserved Parking Area or Parking Space unless the Vehicle displays a Permit issued by an Authorised Officer which entitles the holder of that Permit to park in a reserved Parking Area or reserved Parking Space.

**PENALTY: a fine not exceeding five (5) penalty units.**

- (4) An Authorised Officer may remove, or arrange for the removal of, any Vehicle found in breach of sub-clause 14(2) and store and detain such Vehicle in a secure location.

## PART 3 – WASTE MANAGEMENT

### 15. INTERPRETATION

For the purposes of this Part 3:

an **“Authorised Officer”** includes the Waste Management Contractor;

**“Approved Container”** in relation to the disposal of Sharps, means any container which is impervious, rigid, durable, tamper resistant, clearly labelled and which is able to be securely fastened;

**“Hazardous Waste”** means waste which by itself or in combination with other materials may be infectious, explosive, poisonous, toxic or otherwise dangerous or injurious to human, Animal or plant life;

**“Refuse Disposal Site”** means any area set apart by the Council for the disposal of waste and includes, without limitation, a refuse disposal area, waste transfer station, resource recovery facility, recycling centre, or tip;

**“Sharps”** means objects or devices having acute rigid corners, edges, points or protuberances capable of cutting or penetrating the skin and includes medical objects or devices capable of cutting or penetrating the skin, hypodermic needles, intravenous sets, pasteur pipettes, lancets and scalpel blades, and other similar medical objects or devices;

**“Waste Management Contractor”** means the contractor appointed by the Council to manage the Waste Transfer Station and public bins within the municipal area;

**“Waste Transfer Station”** means a facility established by the Council for the purpose of receiving refuse for transfer to a Refuse Disposal Site.

### 16. REFUSE DISPOSAL SITE

- (1) A person must not deposit or cause to be deposited any Waste, noxious or offensive matter or liquid Waste or rubbish of any kind on any Refuse Disposal Site except in accordance with signs or directions given by an Authorised Officer.

**PENALTY: a fine not exceeding ten (10) penalty units.**

- (2) A person must not deposit, place or drop, or allow any person to deposit, place or drop any Waste in or on any Refuse Disposal Site except on the days and within the periods of time fixed by the Council as shown on signs at the entrance to the Refuse Disposal Site.

**PENALTY: a fine not exceeding ten (10) penalty units.**

- (3) A person must not interfere with any plant or equipment at a Refuse Disposal Site.

**PENALTY: a fine not exceeding ten (10) penalty units.**

- (4) An Authorised Officer may refuse to accept any Waste at a Refuse Disposal Site which, in the opinion of the Authorised Officer, is:

- (a) likely to pose a substantive and unacceptable hazard to Council employees, the public, or the environment;
  - (b) prohibited by any permit conditions relevant to the Refuse Disposal Site; or
  - (c) prohibited, under any enactment, from being accepted at or deposited at the Refuse Disposal Site.
- (5) A person must not deposit, place or drop or allow any person to deposit, place or drop any Hazardous Waste at a Refuse Disposal Site except with the prior written approval of an Authorised Officer.

**PENALTY: a fine not exceeding ten (10) penalty units.**

- (6) A person must not deposit, place or drop or allow any person to deposit, place or drop any Sharps in or on any Refuse Disposal Site except with the prior written approval of an Authorised Officer and in an Approved Container for burial.

**PENALTY: a fine not exceeding ten (10) penalty units.**

## **PART 4 - CONTROL OF ANIMALS**

### **17. MAINTENANCE OF PREMISES USED BY ANIMALS**

- (1) The Occupier of any premises where an Animal is kept must:
- (a) keep any structures, buildings, enclosures or areas to which the Animal has access, clean and sanitary;
  - (b) not allow the Animal to cause any nuisance to an adjoining owner or the public in the form of odour, excrement, noise, attracting rodents or flies, or blocking drainage; and
  - (c) comply with any direction of an Authorised Officer to take all necessary steps to prevent, control or abate any nuisance that may arise as a result of keeping of the Animal.

**PENALTY: a fine not exceeding five (5) penalty units.**

- (2) Sub-clause 17(1) does not apply to rural resource zoned or primary production rated properties or commercial poultry operations.
- (3) An Authorised Officer may issue a notice on the Owner or Occupier of land requiring that:
- (a) any Animals kept on the property are kept in cages, pens or similar structures; and
  - (b) the Owner or Occupier of the land undertakes any necessary measures to prevent an Animal causing a nuisance to neighbours.
- (4) A person issued with a notice under clause 17 must comply with the notice.

**PENALTY: a fine not exceeding five (5) penalty units.**

## **PART 5 – OCCUPATION OF CARAVANS ETC.**

### **18. APPLICATION**

- (1) This Part applies to the occupation of Caravans in the Tasman Municipal Area in entirety, but does not apply to:
  - (a) Caravans situated in a Caravan Park; or
  - (b) Caravans situated on land specifically designated for overnight parking of Caravans; or
  - (c) Caravans used by travelling show-persons in the ordinary course of their business; or
  - (d) Caravans used by Council work gangs or contractors involved in construction work for the Council; or
  - (e) Caravans used only as amenities or site offices;
  - (f) Caravans situated at a person's principal place of residence solely for the purpose of storage; or
  - (g) Caravans exempted by the General Manager.

### **19. PERMIT NECESSARY TO OCCUPY A CARAVAN**

- (1) A person must not Occupy a Caravan unless the person has a permit for that purpose issued pursuant to this Bylaw.

**PENALTY: a fine not exceeding five (5) penalty units.**

- (2) A person must not Occupy a Caravan contrary to any condition contained in a permit granted pursuant to this Bylaw.

**PENALTY: a fine not exceeding five (5) penalty units.**

- (3) Sub-clause (1) does not apply where a person occupies or permits the occupation of a Caravan at that person's principal place of residence for a maximum of thirty (30) days, whether continuous or not, in any calendar year without having to apply for a permit pursuant to this Bylaw provided that they are removed from the land at all other times.

### **20. APPLICATION FOR CARAVAN PERMIT**

- (1) A person may apply in writing for a Permit to occupy a Caravan by completing and returning to the Council an application in accordance with the form at Schedule 1 of this Bylaw and provide the following information:
  - (a) Details of the proposed method of disposal of nightsoil and sullage water from the Caravan. The disposal method must be approved by Council;
  - (b) Copy of the certificate of title of the land on which the Caravan is to be situated;

- (c) A detailed site plan showing neighbouring dwellings, accesses, existing buildings and landscaping. The site plan is preferred to be A4 in size and to a scale of 1:100;
- (d) Payment of the prescribed fees or charge imposed by the Council pursuant to Section 205 of the *Local Government Act 1993* for an application under this Bylaw; and
- (e) If the applicant is not the property owner, written consent of the property owner must be obtained by the applicant and provided to Council.

## **21. CARAVAN PERMITS**

- (1) On receipt of an application, an Authorised Officer may grant or refuse to grant a Permit in accordance with the form at Schedule 2 of the Bylaw.
- (2) In determining an application for a Permit, an Authorised Officer must consider all relevant factors, including but not limited to:
  - (a) Whether the Caravan, or temporary structure contains satisfactory facilities, or provision is made for satisfactory facilities, for the supply of water and the disposal of night soil and sullage water;
  - (b) Whether the use and occupation of the Caravan or temporary structure will adversely affect, or is likely to adversely affect the amenity of the neighbourhood in which the Caravan or temporary structure is or is to be situated;
  - (c) Whether the occupation of the Caravan or temporary structure is likely to cause a health hazard or environmental nuisance;
  - (d) Whether appropriate provision is made for the safety of the occupants of the Caravan or temporary structure including, but not limited to, installation of fire extinguishers and smoke alarms.
- (3) A Permit may be granted subject to terms and conditions.
- (4) A Permit must not be issued for a period of more than 12 months.
- (5) Permits will be issued per financial year. Applications received part-way through the year, will be charged on a pro-rata basis.
- (6) A person must comply with all conditions of a Permit issued by Council.

**PENALTY: a fine not exceeding five (5) penalty units.**

## **22. REFUSAL OF PERMIT**

- (1) A permit application may be refused if, in the opinion of the General Manager:
  - (a) the use of the Caravan will adversely affect or is likely to adversely affect the amenity of the neighbourhood in which the Caravan is to be set up; or

- (b) the Caravan does not contain satisfactory facilities for the supply of water or the disposal of sewage and wastewater; or
- (c) the Caravan is being used for private rental purposes; or
- (d) the occupation of the Caravan is likely to cause a health hazard.

### **23. OCCUPATION IN EXCHANGE FOR RENT**

- (1) An owner or occupier of land must not approve or permit any person to Occupy a Caravan situated on that land in exchange for the payment of Rent whether the Rent is paid to the owner or occupier of that land or to some other person.

**PENALTY: a fine not exceeding ten (10) penalty units and for a continuing offence a daily fine thereafter not exceeding one (1) penalty unit.**

### **24. ALTERATIONS AND ADDITIONS TO THE CARAVAN OR TEMPORARY STRUCTURE**

- (1) Alterations and additions to the Caravan dwelling (i.e. deck or annex), must not be undertaken without obtaining Council approval as required by the relevant Acts and Planning Scheme provisions.

**PENALTY: a fine not exceeding ten (10) penalty units.**

### **25. OCCUPATION OF VEHICLES AND VESSELS**

- (1) A person must not live in or reside in a Vehicle or Vessel on land.

**PENALTY: a fine not exceeding ten (10) penalty units and for a continuing offence a daily fine thereafter not exceeding one (1) penalty unit.**

### **26. PERMANENT ACCOMMODATION**

- (1) A person must not use a Caravan or temporary structure as permanent accommodation unless for the purpose of providing Emergency Accommodation.

**PENALTY: a fine not exceeding ten (10) penalty units and for a continuing offence a daily fine thereafter not exceeding one (1) penalty unit.**

### **27. ENTRY ONTO LAND FOR INSPECTION**

- (1) An Authorised Officer may enter land where a Caravan is kept or occupied to inspect the condition of the Caravan and determine if it requires a Permit, after giving the Owner or Occupier of the premises not less than 24 hours' notice in writing of an intention to do so.
- (2) If an Authorised Officer has reasonable cause to suspect that there has been a breach of this Bylaw, that Officer may enter the premises on which it is suspected the breach has occurred, or to which the expected breach relates, without notice to the Owner or Occupier of the premises.

## **28. CANCELLATION OF PERMIT**

- (1) The General Manager may cancel a Permit granted to a person under this Part, if that person breaches a provision of this Part or breaches a condition imposed under the Permit.
- (2) The General Manager is to serve a notice in writing on the Permit holder stating that the Permit is cancelled and the reason for that cancellation.
- (3) Cancellation of the 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.

## **29. CESSATION OF OCCUPATION**

- (1) If a Caravan or temporary structure ceases to be occupied before a Permit expiration date, the Permit holder is to inform the Council within ten (10) days of the date occupation ceases.



## **PART 6 – CONTROL OF BURNING**

### **30. CONTROL OF BURNING**

- (1) An Authorised Officer may direct an Owner or Occupier of land, or any person to extinguish a fire which has been lit for the burning of Waste or fuel or for any other purpose.
- (2) A person who receives a direction from an Authorised Officer to extinguish a fire, pursuant to sub-clause 30(1) must not fail to comply with that direction.

**PENALTY: a fine not exceeding ten (10) penalty units.**

- (3) If an Owner or Occupier of land or a person who has lit a fire does not comply with a direction pursuant to sub-clause 30(1), an Authorised Officer may extinguish the fire or instruct the Tasmania Fire Service to extinguish the fire.
- (4) Council may recover all costs incurred by it as a result of any action taken pursuant to sub-clause 30(3) from the person who failed to comply with the direction given pursuant to sub-clause 30(1).
- (5) A person must not light a fire for the burning of Waste or fuel on Council land or a Road without the permission of Council.

**PENALTY: a fine not exceeding ten (10) penalty units.**

- (6) This Part does not apply to the Crown or Council or contractors working on behalf of the Crown or Council.

## **PART 7 - PERMITS AND APPROVALS**

### **31. APPLICATIONS FOR PERMITS**

- (1) All applications for Permits to conduct activities regulated by this Bylaw must be lodged with the General Manager and accompanied by the following:
  - (a) a statement in writing of the type and nature of the activity proposed to be undertaken by the applicant;
  - (b) a scaled drawing showing the location and extent of the proposed activity; and
  - (c) a safety management plan or a description of any necessary safety measures that are appropriate for the proposed activity.
- (2) Upon receipt of an application for a Permit, an Authorised Officer or Council may request such other or additional information as the Authorised Officer or Council deems to be necessary in order to conduct a full and proper assessment of the application.
- (3) In deciding whether or not to grant a Permit, regard will be given to the following matters (as applicable):
  - (a) the potential for damage to Council infrastructure or land;
  - (b) public nuisance, amenity and safety;
  - (c) public access in the area;
  - (d) the maintenance of peace and good order;
  - (e) the movement of traffic in an area;
  - (f) the manner of any proposed advertising;
  - (g) the nature, size, shape extent and location of any proposed road furniture;
  - (h) the availability of suitable parking for Vehicles in the area;
  - (i) representations made by any police Officer;
  - (j) disturbance of existing business or commercial activities; and
  - (k) any other matters that are relevant to the application.
- (4) No provision of this Bylaw is to be construed as preventing the General Manager from requiring an Authorised Officer to refer any application for a Permit to the Council.

### **32. CONDITIONS OF PERMIT, APPROVAL OR AUTHORISATION**

- (1) A Permit issued under this Bylaw may be subject to such terms and conditions as an Authorised Officer or Council considers appropriate in all of the circumstances.
- (2) Every permit issued under this Bylaw is to:
  - (a) be in writing;
  - (b) bear the date on which it was granted;
  - (c) bear the name of the person or entity to which it is issued; and
  - (d) include all terms and conditions imposed by an Authorised Officer or Council.
- (3) All Permits will, unless otherwise specified in the Permit:
  - (a) commence on the date of issue; and
  - (b) expire automatically at the conclusion of a specified period, or earlier if cancelled or suspended.
- (4) The holder of a Permit must comply with the terms and conditions of that Permit.

### **33. ASSIGNMENT OF PERMITS**

- (1) A Permit must not be assigned, novated or in any other way transferred to any other person or entity except with the written consent of an Authorised Officer or Council.

### **34. CANCELLATION AND SUSPENSION OF PERMITS**

- (1) The General Manager may suspend or cancel any Permit in the event that any term or condition of the relevant Permit is not complied with. In the event that the General Manager suspends or cancels a Permit, the General Manager must notify the Permit holder of the suspension or cancellation and provide reasons for taking such action.
- (2) The cancellation or suspension of a Permit takes effect from the date of receipt of notice of suspension or cancellation by the Permit holder.
- (3) When a Permit is suspended in accordance with clause 34(1):
  - (a) the activity authorised by the Permit cannot be carried out during the period of suspension; and
  - (b) the period of suspension will end upon the General Manager being satisfied that the suspension is no longer required and notifying the Permit holder of same.
- (4) The General Manager may cancel a suspended Permit at any time during the period of suspension. In the event that the General Manager cancels a suspended Permit, the General Manager must notify the Permit holder of the cancellation and provide reasons for taking such action.

## PART 8 - INFRINGEMENT NOTICES

In this part, “Specific Offence” means an offence against the clause specified in Schedule 3.

### 35. INFRINGEMENT NOTICES

- (1) An infringement notice may be issued in respect of a Specific Offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 3 of the infringement notice is imposed with respect to an infringement notice issued for that offence.
- (2) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this Bylaw.
- (3) In addition to any other method of service, an infringement notice alleging that a Vehicle has been used in relation to a Specific Offence may be served by affixing it to that Vehicle.
- (4) An Authorised Officer may:
  - (a) issue an infringement notice to any person that the Authorised Officer has reason to believe is guilty of a Specified Offence;
  - (b) issue one (1) infringement notice in respect of more than one, but not more than four (4), Specified Offences; and
  - (c) impose a monetary penalty for the Specified Offence in respect of which the infringement notice is issued.
- (5) The penalties specified in Column 1 of Schedule 3 of this Bylaw opposite each Specified Offence are the penalties payable under an infringement notice issued in respect of Specified Offences.
- (6) Payment of a fine in respect of an infringement notice issued under this Bylaw must be made to the General Manager within twenty eight (28) days of the issue of the infringement notice to avoid the infringement notice being referred to the Director, Monetary Penalties Enforcement Service.
- (7) All monies payable to the Council under this Bylaw are a debt due to the Council and recoverable at law in a court of competent jurisdiction.

## **PART 9 – MISCELLANEOUS**

### **36. COMMISSION OF OFFENCE**

- (1) Any person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and liable on conviction to the penalty set out in the relevant part of this Bylaw.

### **37. POWERS OF AUTHORISED OFFICERS**

- (1) For the purposes of this Bylaw, Authorised Officers are authorised to:
  - (a) remove any person from land owned by, or under the control of the Council whom they reasonably believe is offending against this Bylaw; and
  - (b) remove anything which is on land owned by, or under the control of the Council without the approval of the Council.
- (2) An Authorised Officer may request assistance from a police Officer.
- (3) A person must not hinder or obstruct an Authorised Officer in the exercise of his or her duties under this Bylaw.

**PENALTY: a fine not exceeding ten (10) penalty units.**

- (4) A person must obey a lawful direction or instruction from an Authorised Officer, whether that instruction or direction is given verbally or in writing.

**PENALTY: a fine not exceeding ten (10) penalty units.**

### **38. POWERS OF POLICE OFFICERS**

- (1) For the purposes of this Bylaw, Police Officers are authorised to:
  - (a) assist any Authorised Officer to carry out an action in clause 37;
  - (b) remove any person from land owned by, or under the control of the Council whom they reasonably believe is offending against this Bylaw;
  - (c) remove anything which is on land owned by, or under the control of the Council without the approval of the Council; and
  - (d) arrest a person who is on land owned by, or under the control of, the Council and whom the police Officer reasonably believes is offending against a Bylaw.

### **39. REGULATION OF ACTIVITIES**

- (1) An Authorised Officer may give reasonable directions to any person using, playing or engaging in any game, sport or other activity within a Public Reserve which regulates the manner in which the activity is conducted with the aim of avoiding inconvenience or risk of danger to any other lawful users of the Public Reserve.

- (2) A person must not fail to comply with a reasonable direction given by an Authorised Officer under sub-clause 39(1).

**PENALTY: a fine not exceeding two (2) penalty units.**

#### **40. SUPPLY OF NAME AND ADDRESS**

- (1) If an Authorised Officer reasonably believes that a person is offending or has offended against a provision of this Bylaw, the Authorised Officer may request that the relevant person give the Authorised Officer the person's name and address. A person must not:
- (a) fail to comply with a request made by an Authorised Officer pursuant to this clause 40; or
  - (b) knowingly provide false information to an Authorised Officer in response to a request made pursuant to this clause 40.

**PENALTY: a fine not exceeding five (5) penalty units.**

## **PART 10 – RECTIFICATION NOTICE & COSTS RECOVERY**

### **41. RECTIFICATION NOTICES**

- (1) An Authorised Officer may give notice to a person who has done anything in contravention of this Bylaw 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 given under sub-clause 41(1):
  - (a) is to be in writing, signed by an Authorised Officer; and
  - (b) is to be given to the person who contravened this Bylaw; and
  - (c) is to identify the relevant contravention of this Bylaw; 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 only by a person who has appropriate qualifications that are so required.
- (3) A person must not fail to comply with a notice given pursuant to sub-clause 41(1).

**PENALTY: a fine not exceeding ten (10) penalty units.**

- (4) The Council may perform, or arrange for the performance of, any work or other matter required by a notice given under sub-clause 41(1) if such notice is not complied with within any timeframe stipulated in the notice, and where no timeframe is stipulated upon the expiration of a reasonable period of time.

### **42. RECOVERY OF COUNCIL'S EXPENSES**

- (1) All expenses reasonably incurred by the Council as a consequence of any failure to comply with, or any contravention of, this Bylaw are recoverable by the Council as a debt payable by the person whose act or omission constituted failure or contravention.
- (2) A debt accrued pursuant to sub-clause 42(1) is recoverable by Council in a court of competent jurisdiction in addition to any penalty imposed in relation to a failure to comply with, or any contravention of, this Bylaw.

#### **43. REMOVED ARTICLES**

- (1) Council may retain any article removed from land by Council pursuant to a power contained in this Bylaw until such time as all fees, costs and charges pertaining to the removal, maintenance and storage of the article have been paid in full.

#### **44. DEALING WITH REMOVED ARTICLES**

- (1) If a removed article is not claimed by the owner (or a person acting on the owner's behalf) within forty eight (48) hours following its removal pursuant to this Bylaw, the General Manager is to give notice in writing to the owner (if ascertainable) of the article containing the following particulars:
  - (a) a description of the article;
  - (b) the location from where the article was removed;
  - (c) the date of removal;
  - (d) the location from where the article can be claimed;
  - (e) the fees, costs and charges payable in respect of the removal, maintenance and storage of the article; and
  - (f) that if the article is not claimed within fourteen (14) days of the issue of the notice that the article may be disposed of by Council.
- (2) If the owner of a removed article cannot be ascertained or found after making reasonable enquiries, and the General Manager is of the opinion that the value of the article is such that it warrants the costs of advertising, the General Manager is to publish on at least one (1) occasion a notice containing the particulars specified in sub-clause 45(1) in a local newspaper circulating within the Municipal Area.

#### **45. DISPOSAL OF UNCLAIMED ARTICLES**

- (1) Council may dispose of any removed article if:
  - (a) the General Manager is of the opinion that the value of the article is such that it does not warrant storage or advertising or notifying the owner; or
  - (b) the article is not claimed within fourteen (14) days of the issue of the notice referred to in clause 45(1); or
  - (c) the fees, costs and charges payable in respect of the removal and storage of the article have not been paid within fourteen (14) days of the issue of the notice referred to in clause 45(1); or
  - (d) where the owner is not ascertainable and has not come forward in response to the public advertisement, fourteen (14) days have elapsed from the date of the publication of the public advertisement in accordance with clause 45(2).



- (2) A removed article may be disposed of:
- (a) by tender or public auction following notification in a local newspaper circulating within the Municipal Area; or
  - (b) in such manner as the General Manager sees fit if:
    - (i) no tender is received or no bids are made at a public auction; or
    - (ii) the General Manager is of the opinion (reasonably held) that the article is of such low value that it does not warrant the costs of a tender or public auction.
- (3) If a removed article is disposed of under sub-clause 46(2)(a), the General Manager must notify the owner of the article as soon as practicable if the owner can be ascertained or found after making reasonable enquiries. If the owner of the article so requests, then the proceeds obtained from the disposal of the article must be paid to the owner, less any fees that are due to Council, advertising costs, and any other costs incurred by the Council in the removal, storage, maintenance and disposal of the article.

## SCHEDULE 1 – APPLICATION FORM (CARAVAN PERMIT)

### TASMAN COUNCIL

#### Application for Caravan Permit



The personal information requested on this form is being collected by council for purpose set out in the title of the form. The personal information will be used solely by council for the primary purpose or directly related purposes. The applicant understands that personal information is provided for the above mentioned function and that he/she may apply to council for access to and/or amendment of the information. Requests for access or correction should be made to Tasman Council's Customer Services Officer.

#### APPLICANT DETAILS

FULL NAME			
POSTAL ADDRESS		POSTCODE	
PHONE (BUSINESS HOURS)		FAX	
MOBILE		EMAIL	
EMAIL ADDRESS			

#### PROPERTY DETAILS

ADDRESS WHERE CARAVAN IS KEPT			
IS THE APPLICANT THE OWNER OF LAND IN QUESTION?	<input type="checkbox"/> Yes <input type="checkbox"/> No	SITE PLAN ATTACHED?	<input type="checkbox"/> Yes <input type="checkbox"/> No

#### CARAVAN DETAILS

REGISTRATION		SIZE	
MANUFACTURER		COLOUR	
MODEL			
METHOD OF DISPOSAL OF WASTE WATER	Kitchen: Toilet: Bathroom/Laundry:		
NUMBER OF OCCUPANTS		PERIOD PROPOSED TO REMAIN ON SITE	

#### DECLARATION BY APPLICANT

I/ we declare that the information given is a true and accurate representation of the application; and I/ we am/ are liable for the payment of Council application processing fees I have attached a site plan with the showing the location of the property, existing buildings and the proposed location of the caravan.	
NAME OF APPLICANT (PLEASE PRINT)	
SIGNATURE OF APPLICANT	
DATE	

#### FEES APPLICABLE

#### OFFICE USE ONLY

<input type="checkbox"/> \$ Caravan Licence (New) <input type="checkbox"/> \$ Caravan Licence (Renewal)	Receipt No: _____ Date of Receipt: _____
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## SCHEDULE 2 – PERMIT TO SITUATE CARAVAN ON PRIVATE LAND



### CARAVAN PERMIT

To:  Owner  
 Address  
 Suburb/postcode

#### PROPERTY DETAILS

Address:  Lot No:   
 Certificate of title No:

#### CARAVAN DETAILS

Manufacturer  Model   
Registration No.  Colour:

#### Permit details:

This Permit is granted subject to the following conditions –

	Conditions:
1.	This permit is valid for a period of 12 months from the date of issue, and will expire on (insert date)
2.	Waste to be disposed of as directed by Council's Environmental Health Officer.
3.	The caravan or self-contained vehicle must not be used as permanent accommodation.
4.	A person must not approve or permit any person to occupy a caravan situation on the land in exchange for the payment of rent, whether the rent is paid to the owner or occupier of the land or to some other person.
5.	Alterations and additions to the caravan (ie deck or annexe) must not be undertaken without obtaining approval by Council.
6.	The General Manager may cancel the permit if the conditions of this Permit have been breached.
7.	Provide sanitary facilities. Waste is to be disposed of as directed by Council's Environmental Health Officer.
8.	The granting of this permit is not an assurance that further permits will be granted.
9.	Ensure that the caravan is sited at least 1 metre from all property boundaries.

This permit is granted subject to the above. With the granting of this permit, notice is given, that an Authorised Person may enter the above land to perform its functions, and exercise its powers in accordance with the Local Government Act 1993 and the Regulatory Services By-Law No. 1/2016.

Authorised Officer:  *Name (Print)*  *Signed*  *Date*  
Title:  Permit No:

### SCHEDULE 3 – INFRINGEMENT NOTICE OFFENCES

Column 1	Column 2	Column 3
Clause	General Description of Offence	Maximum Penalty (Penalty units)
4(4)	Failure to Comply with Terms & Conditions of a Permit issued for hire of Public Reserve	1.25
4(5)	Sub-lease or re-let Public Reserve Without Council Permit	1.25
4(6)	Exceed number of occupants specified by Occupancy Permit or Temporary Occupancy Permit.	1.25
5(2)	Remaining in Public Reserve that has been closed to the public.	1.25
6(1)	Creation of Entrance to Public Reserve Without a Permit.	2.5
6(3)	Fail to close an unauthorised entrance to a Public Reserve and fail to comply with the required method of closure	2.5
7(1)	Carrying out business within Public Reserve Without a Permit.	1.25
7(2)	Conduct organised amusement or entertainment without a Permit.	1.25
8	Disallowed Activities within a Public Reserve	1.25
9(1)	Camping in Public Reserve	2.5
10(1)	Animals in Public Reserve	1.25
11	Damage to Council Property	2.5
12	Removal of Wood or Vegetation from Public Reserve	2,5
13.	Vehicles in Public Reserve	1.25
14.	Reserved Parking Spaces	1.25
16.	Refuse Disposal Site	2.5
17.	Control of Animals	1.25
19(1).	Permit necessary to Occupy a Caravan	1.25
19(2);21(6)	Failure to Comply with condition of Caravan Permit.	1.25
23.	Occupation of caravan in exchange for rent <i>(For continuing offence an additional daily fine not exceeding 0.25 penalty units per day)</i>	2.5
24.	Alterations & Additions to Caravan	2.5
25.	Occupation of Vehicle or Vessel <i>(For continuing offence an additional daily fine not exceeding 1 penalty unit per day)</i>	2.5
26.	Permanent Occupation of Caravan or temporary structure <i>(For continuing offence a daily fine not exceeding 0.25 penalty units per day)</i>	2.5
	Control of Burning	2.5
30.	Disobey direction of Authorised Officer.	2.5
37.	Failure to supply name & address to Authorised Officer.	1.25
40.	Failure to Comply with Notice.	2.5

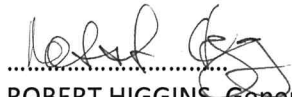
Certified as being in accordance with the law:



NATHAN STREET, Legal Practitioner

Dated this 24<sup>th</sup> day of July 2018 at Hobart in Tasmania.

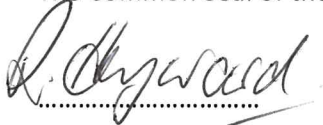
Certified as being made in accordance with the *Local Government Act 1993*:



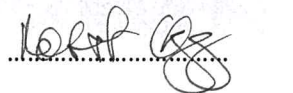
ROBERT HIGGINS, General Manager

Dated this 1<sup>st</sup> day of AUGUST, 2018 at Nubeena in Tasmania.

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

 ) Mayor.

 ) Deputy Mayor.

 ) General Manager



Confirmed by me this 8<sup>th</sup> day of August, 2018 at Hobart in Tasmania.

The Honourable Peter Gutwein MP  
Minister for Local Government