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GEORGE TOWN COUNCIL

RESERVES, PARKS AND GARDENS BY-LAW

BY-LAW 1 OF 2022

This by-law of the George Town 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 George Town Tamar Council.

PART 1 - PRELIMINARY

1 Short Title

- (1) This By-law may be cited as the "George Town 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.

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"**Council**" means the George Town 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

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- (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.

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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.

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- (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.

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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.

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- (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.

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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.

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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.

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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.

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- (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.

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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

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- (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.

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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;

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- (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:

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- (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

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- (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.

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- (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

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- (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.

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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

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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

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Certified as being in accordance with the law by:

.....
[name], Legal Practitioner

Dated this [date] day of [month] 2022 at [location]

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

.....
[name], General Manager

Dated this [date] day of [month] 2022 at [location]

The Common Seal of George Town Council has been hereunto affixed pursuant to a resolution of the Council passed on the [date] day of [month] 2022 in the presence of:

....., Mayor.

....., General Manager.