



SORELL COUNCIL  
**PUBLIC PLACES BY-LAW**  
BY-LAW 1 OF 2015  
BY-LAW MADE UNDER SECTION 145  
OF THE LOCAL GOVERNMENT ACT 1993  
FOR THE PURPOSE OF  
REGULATING MATTERS IN PUBLIC PLACES WITHIN THE MUNICIPAL AREA

**PART 1 - PRELIMINARY**

**Short Title**

1. This By-law may be cited as the *Public Places By-law 2015*.

**Application**

2. This By-law:
  - (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).

**Interpretation**

3. In this By-law, the following terms have the following meanings:-

“**Authorised Officer**” means:

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

**“Busking”** means conducting a performance in a public place for the purpose of obtaining fee or reward;

**“By-law”** is a reference to this Public Places By-law No. 1 of 2015;

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

**“Council”** means the Sorell Council (ABN 12 690 767 695);

**“Food Business”** has the meaning given to that term in section 6 of the *Food Act 2003* (Tas);

**“General Manager”** means:

- (a) the person holding the position of general manager of the Council as appointed by the Council from time to time pursuant to section 61 of the *Local Government Act 1993* (Tas); or
- (b) any employee of the Council to whom the General Manager has lawfully delegated, pursuant to section 64 of the *Local Government Act 1993* (Tas), authority to act with respect to the operation of this By-law;

**“Hunting Equipment”** has the meaning given to that term in section 3(1) of the *Nature Conservation Act 2002* (Tas);

**“Liquor”** has the meaning given to that term in section 3(1) of the *Police Offences Act 1935* (Tas);

**“Manager Engineering & Regulatory Services”** means the person holding the position of Manager Engineering & Regulatory Services with the Council;

**“Municipal Area”** means the area of land under the control of the Sorell Council and defined in accordance with section 16 of the *Local Government Act 1993* (Tas);

**“Occupy”** includes, without limitation, to reside or live in or use any area, space or location (including any caravan) for the purposes of entertainment, sleeping, resting, cooking, eating, conducting any commercial or retail activities or for any other similar use;

**“Owner”** means the registered proprietor of any land and includes, without limitation, an Occupier or any 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 By-law, applications for which are made in accordance with Part 9 of this By-law;

**“Public Building”** means a structure or building owned, occupied by or under the control of the Council and includes the land upon which such building is situated;

**“Public Reserve”** means:

- (a) 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 or recreational vehicles, 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; and
- (b) all Public Buildings; and
- (c) all Parking Areas;

**“Road”** has the meaning given to that term in section 3(1) of the *Roads and Jetties Act 1935* (Tas);

**“Smoke”** means to:

- (a) smoke, hold or otherwise have control over an ignited cigarette, cigar or pipe; or
- (b) permit the release of smoke or fumes from a burning cigarette, cigar or pipe; and

**“Wildlife”** has the meaning given to that term in section 3(1) of the *Nature Conservation Act 2002* (Tas).

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

### **Closure of Public Reserve**

4. (1) An Authorised Officer may close a Public Reserve or any part of a Public Reserve to members of the public.
- (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 without first obtaining a Permit to do so.

**PENALTY: a fine not exceeding 5 penalty units**

### **Hire of Public Reserves**

5. (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 impose such terms and conditions upon a Permit issued pursuant to sub-clause 5(1) of this By-law as the Authorised Officer sees fit in all of the relevant circumstances.

### **Non-compliance with hire conditions**

6. A person or entity must not fail to comply with the terms and conditions of a Permit issued pursuant to sub-clause 5(1) of this By-law.

**PENALTY: a fine not exceeding 20 penalty units.**

### **Sub-lease of Public Reserves**

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

**PENALTY: a fine not exceeding 20 penalty units.**

### **Peaceable use of Public Reserves**

8. Whilst in a Public Reserve, a person must not do or perform any act which unreasonably interferes with, or is likely to unreasonably interfere with, the lawful or peaceable use of the Public Reserve by any member of the public.

**PENALTY: a fine not exceeding 10 penalty units.**

### **Functions**

9. Within a Public Reserve, a person must not conduct any public or private function, party or reception at which more than fifty (50) people are present unless the person has first obtained a Permit to do so.

**PENALTY: a fine not exceeding 5 penalty units.**

### **Creation of entrances to Public Reserves**

10. (1) A person who owns or Occupies land adjoining a Public Reserve must not have or create an entrance from that land to the Public Reserve (an “**Entrance**”) unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding 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.
- (3) Any person who receives a written direction under sub-clause 10(2) of this By-law must within two (2) weeks of receiving the direction close the Entrance and, if a method of closure is specified in the direction, comply with that method.

**PENALTY: a fine not exceeding 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 10(2) of this By-law in the event that:
- (a) the person to whom the direction is issued fails to comply within the stipulated 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 50 of this By-law will apply.

## **PART 3 – DISALLOWED ACTIVITIES**

### **Erection of structures**

11. (1) A person must not erect a building, booth or other structure in a Public Reserve unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding 10 penalty units.**

- (2) Council may remove any unauthorised building, booth or other structure and take any reasonable measure to return the Public Reserve to the condition it was in before the structure was erected.

### **Erection of signs**

12. (1) A person must not erect or allow to be erected a sign, banner or billboard in a Public Reserve unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding 10 penalty units.**

- (2) An Authorised Officer may remove any unauthorised sign, banner or billboard erected on a Public Reserve and store and detain such unauthorised sign, banner or billboard in a secure location.

### **Dining in a Public Reserve**

13. (1) In this clause 13, the term "**Outside Dining**" means the consumption of food or beverages from a Food Business by the customers of that business.
- (2) A person must not place, or cause, permit or allow to be placed, in a Public Reserve any furniture which encourages or facilitates, or may encourage or facilitate, Outside Dining to occur in a Public Reserve unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding 10 penalty units and for a continuing offence 1 penalty unit per day**

### **Conducting trade or commerce**

14. 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 5 penalty units.**

**Distribution of advertising materials**

15. Within a Public Reserve a person must not distribute or arrange to be distributed any advertisement, book, card, notice, pamphlet, print, paper or placard unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding 5 penalty units.**

**Busking, preaching, concerts and similar activities**

16. Within a Public Reserve, a person must not engage in:

- (a) Busking; or
- (b) an assembly or concert; or
- (c) preaching; or
- (d) public speaking,

or any similar activity unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding 10 penalty units.**

**Organised sports**

17. Within a Public Reserve, a person must not conduct any organised sport (including training) or organised sporting contest unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding 20 penalty units.**

**Other organised activities**

18. 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 20 penalty units.**

**Use of Children's Playground**

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

**PENALTY: a fine not exceeding 5 penalty units.**

- (2) Within a Public Reserve, a person must not:
- (a) consume Liquor; or
  - (b) Smoke,
- within ten (10) metres of any Children's Playground.

**PENALTY: a fine not exceeding 5 penalty units.**

#### **Playing golf**

20. 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 5 penalty units.**

#### **Use of radios and loud speakers**

21. 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 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 10 penalty units.**

#### **Use of change rooms and public toilets**

22. Within a Public Reserve, a person over the age of ten (10) years must not enter a change room or public toilet reserved for the use of people of the opposite sex except where such entry is for the sole purpose of assisting one or more people who are:
- (a) injured, being threatened or are otherwise in danger; or
  - (b) elderly, disabled, or under the age of ten (10) years.

**PENALTY: a fine not exceeding 5 penalty units.**

#### **Collection of money**

23. Within a Public Reserve, a person must not take up a collection of money unless the person has sought and obtained a Permit to do so.



**PENALTY: a fine not exceeding 5 penalty units.**

### **Camping**

24. Within a Public Reserve, a person must not camp or set up a caravan or motorhome unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding 10 penalty units.**

### **Animals**

25. (1) Subject to sub-clause 25(2), within a Public Reserve a person must not:
- (a) ride any Prescribed Animal; or
  - (b) permit any Prescribed 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 5 penalty units.**

- (2) The activities prescribed in sub-clause 25(1) may be conducted:
- (a) on 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.
- (3) In this clause 25, the term "**Prescribed Animal**" means any live vertebrate animal other than:
- (a) a dog as defined by in section 3 of the *Dog Control Act 2000* (Tas); or
  - (b) native birds and animals.

### **Projectiles**

26. Within a Public Reserve, a person must not use a slingshot, catapult, bow, or any other similar device unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding 5 penalty units**

**Breaking of glass**

27. Within a Public Reserve, a person must not intentionally or willfully break any item comprised wholly or partly of glass.

**PENALTY: a fine not exceeding 5 penalty units.**

**Abuse of an Authorised Officer**

28. A person must not threaten, intimidate, or use abusive language towards an Authorised Officer acting in the course of their employment in relation to or in connection with any matter relating to a Public Reserve including the enforcement of this By-law.

**PENALTY: a fine not exceeding 5 penalty units.**

**Liquor free areas**

29. (1) For the purposes of this clause 29, all child care centres operated by the Council are "**Liquor Free Areas**".
- (2) Within a Liquor Free Area, a person must not:
- (a) have in their possession, custody or control any Liquor; or
  - (b) consume any Liquor;
- unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding 10 penalty units.**

## **PART 4 – DAMAGE TO PROPERTY**

### **Damage to Council property**

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

**PENALTY: a fine not exceeding 10 penalty units.**

### **Damage to items of architectural, archaeological, &c., interest**

31. Within a Public Reserve, a person must not remove, damage, deface or disturb any object of architectural, archaeological, historical or scientific significance or interest unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding 10 penalty units.**

### **Protection of Wildlife**

32. Within a Public Reserve, a person must not:
- (1) take or have in his or her possession, control or custody any Wildlife or the products of Wildlife;
  - (2) interfere with the nest, breeding place or habitation or any Wildlife; or
  - (3) intentionally rouse or disturb any Wildlife,
- unless the person has sought and obtained a Permit to do so.

**PENALTY: a fine not exceeding 20 penalty units.**

### **Hunting equipment**

33. Within a Public Reserve, a person must not:

- (1) use or have in his or her possession any Hunting Equipment;
- (2) lay or set any trap or snare; or
- (3) deposit any poisonous or chemical substance,

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

**PENALTY: a fine not exceeding 20 penalty units.**

### **Lighting fire**

34. 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 10 penalty units.**

### **Graffiti**

35. Within a Public Reserve, a person must not 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 10 penalty units.**

### **Removal of wood**

36. 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 10 penalty units.**

## **PART 5 - VEHICLES**

### **Parking of vehicles**

37. (1) Within a Public Reserve, a person must not park a vehicle:
- (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 1.5 penalty units**

- (2) An Authorised Officer may remove, or arrange for the removal of, any vehicle found in breach of sub-clause 37(1) and store and detain such vehicle in a secure location.

### **Driving of vehicles**

38. A person must not drive a vehicle within a Public Reserve,
- (1) except on a Road, path, or track provided for that purpose; or
  - (2) at a speed greater than twenty (20) kilometres per hour or at any speed that is unsafe in all of the circumstances.

#### **PENALTY: a fine not exceeding 5 penalty units.**

### **Parking when Public Reserve is closed**

39. (1) An Authorised Officer may close a Public Reserve in whole or in part to vehicular traffic.
- (2) When a Public Reserve is closed to vehicular traffic a person must not:
- (a) enter the relevant Public Reserve with a vehicle; or
  - (b) fail to remove their vehicle, or any vehicle driven upon the Public Reserve by them, from the Public Reserve when requested to do so by an Authorised Officer.

#### **PENALTY: a fine not exceeding 5 penalty units.**

### **Entry and exit of Parking Area**

40. A person driving a vehicle in a Public Reserve must not enter or leave a Parking Area except by an appropriately marked access or egress point.

**PENALTY: a fine not exceeding 1.5 penalty units.**

### **Reserved Parking Spaces**

41. (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) A person must not park or leave a vehicle in a Parking Space or Parking Area which is designated by the General Manager to be "Reserved" unless the vehicle displays a Permit issued by an Authorised Officer which entitles the holder of that Permit to park in a "Reserved" area.

**PENALTY: a fine not exceeding 3 penalty units.**

- (3) An Authorised Officer may remove, or arrange for the removal of, any vehicle found in breach of sub-clause 41(2) and store and detain such vehicle in a secure location.

### **Washing, dismantling and/or repairing vehicles**

42. (1) Subject to sub-clause 42(2), 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 5 penalty units.**

- (2) Sub-clause 42(1) 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.

### **Non-derogation**

43. This Part 5 does not detract from or otherwise affect the operation of Part VII of the *Local Government (Highways) Act 1993* (Tas).

## **PART 6 – MISCELLANEOUS**

### **Commission of offence**

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

### **Powers of Authorised Officers**

45. For the purposes of this By-law, Authorised Officers are authorised to:
- (a) remove any person from a Public Reserve whom they reasonably believe is offending against this By-law; and
  - (b) remove anything which is on a Public Reserve without the approval of the Council.

### **Powers of Police Officers**

46. For the purposes of this By-law, police officers are authorised to:
- (a) assist any Authorised Officer to carry out an action specified in clause 45;
  - (b) remove any person from a Public Reserve whom they reasonably believe is offending against this By-law;
  - (c) remove anything which is on a Public Reserve without the approval of the Council; and
  - (d) arrest a person who is on a Public Reserve and whom the police officer reasonably believes is offending against this By-law.

### **Regulation of activities**

47. (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 47(1).

**PENALTY: a fine not exceeding 2 penalty units.**

**Supply of name and address**

48. If an Authorised Officer reasonably believes that a person is offending or has offended against a provision of this By-law, the Authorised Officer may request that the 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 48; or
  - (b) knowingly provide false information to an Authorised Officer in response to a request made pursuant to this clause 48.

**PENALTY: a fine not exceeding 5 penalty units**



## **PART 7 – RECTIFICATION NOTICE & COSTS RECOVERY**

### **Rectification notices**

49. (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 given under sub-clause 49(1):
- (a) is to be in writing, signed by an Authorised Officer; and
  - (b) is to be given to the person who contravened this By-law; and
  - (c) is to identify the relevant 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 only by such other person who has appropriate qualifications.
- (3) A person must not fail to comply with a notice given pursuant to sub-clause 49(1).

### **PENALTY: a fine not exceeding 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 49(1) if such notice is not complied with within any timeframe stipulated in the notice or, where no timeframe is stipulated, upon the expiration of a reasonable period of time.

### **Recovery of Council's expenses**

50. (1) All expenses reasonably incurred by the Council as a consequence of any failure to comply with, or any contravention of, this By-law are recoverable by the Council as a debt payable by the person whose act or omission constituted the failure or contravention.

- (2) A debt accrued pursuant to sub-clause 50(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 By-law.

#### **Removed articles**

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

#### **Dealing with removed articles**

52. 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 By-law, the General Manger 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 which the article was removed;
  - (c) the date of removal;
  - (d) the location from which 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.
53. 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 clause 52 in a local newspaper circulating within the Municipal Area.

#### **Disposal of unclaimed articles**

54. Council may dispose of any removed article if:
  - (a) the article is not claimed within fourteen (14) days of the issue of the notice referred to in clause 52; or

- (b) 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 52; or
  - (c) 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 53.
55. A removed article may be disposed of under clause 54:
- (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.
56. If a removed article is disposed of under clause 55, 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.

## PART 8 – INFRINGEMENT NOTICES

57. (1) In this clause 57:
- (a) the term “**Specified Offence**” means an offence against the clause of this By-law specified in Column 1 of Schedule 1 to this By-law;
  - (b) the term “**Infringement Notice**” means a notice which:
    - (i) is authorised under this Bylaw;
    - (ii) sets out the particulars of an alleged Specified Offence; and
    - (iii) gives an alleged offender the option of paying the penalty set out in the notice or having the matter dealt with in court.
- (2) 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 Specified Offence; and
  - (c) impose a monetary penalty for the Specified Offence in respect of which the Infringement Notice is issued.
- (3) The penalties listed in Column 3 of Schedule 1 to this By-law are the prescribed penalties for the Specified Offences listed in Column 1 of that Schedule to which they respectively relate.
- (4) Payment of a monetary penalty 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.
- (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 duly served by affixing the Infringement Notice to that vehicle.
- (6) The *Monetary Penalties Enforcement Act 2005* (Tas) applies to all Infringement Notices issued pursuant to this By-law.
- (7) All monies payable to the Council under this By-law are a debt due to the Council and recoverable at law in a court of competent jurisdiction.

## **PART 9 – PERMITS**

### **Applications for Permits**

58. All applications for Permits to conduct activities regulated by this By-law 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.

### **Additional information**

59. 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.

### **Matters taken into account**

60. In deciding whether or not to grant a Permit, Council will have regard 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 motor 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.

#### **Conditions of a Permit**

61. A Permit issued under this By-law may be subject to such terms and conditions as an Authorised Officer or Council considers appropriate in all of the circumstances.

#### **Compliance with terms and conditions**

62. The holder of a Permit must comply with the terms and conditions of that Permit.

#### **PENALTY: 10 Penalty Units**

#### **Form of Permit**

63. Every Permit issued under this By-law 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.

#### **Duration of Permit**

64. 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 pursuant to clause 65 of this By-law.

#### **Cancellation and suspension of Permits**

65. 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 cancellation or suspension and provide written reasons for taking such action.

66. The cancellation or suspension of a Permit takes effect from the date of receipt of notice (oral or written) of suspension or termination (respectively) by the Permit holder.
67. When a Permit is suspended in accordance with clause 65:
  - (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.
68. 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 written reasons for taking such action.

**Assignment of Permits**

69. 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.

**SCHEDULE 1**  
**Public Places By-law No. 1 of 2015**

**INFRINGEMENT NOTICE OFFENCES**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>CLAUSE</b>	<b>GENERAL DESCRIPTION OF OFFENCE</b>	<b>PENALTY UNITS</b>
4(2)	Enter or remain in a closed Public Reserve	1.25
6	Non-compliance with hire conditions	5
7	Sub-lease of Public Reserve	5
8	Interfere with peaceable use of a Public Reserve	2.5
9	Conducting functions	1.25
10(1)	Creation of entrance to Public Reserves	2.5
10(3)	Failure to close entrance to Public Reserve	2.5
11(1)	Erecting structures	2.5
12(1)	Erecting signs	2.5
13(2)	Placing furniture in a Public Reserve without a Permit	2.5 plus 1 per day
14	Sale of items	1.25
15	Distribution of advertisement	1.25
16	Busking, preaching, concerts and similar activities	2.5
17	Organised sport	5
18	Other organised activities	5
19(1)	Misuse or damage of Children's Playground	1.25
19(2)	Smoking or consuming Liquor near Children's Playground	1.25
20	Playing golf	1.25
21	Use of radio and loudspeakers	2.5
22	Use of change rooms and public toilets	1.25
23	Collection of money	1.25
24	Camping in Public Reserve	2.5
25(1)	Animals in Public Reserves	1.25



<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>CLAUSE</b>	<b>GENERAL DESCRIPTION OF OFFENCE</b>	<b>PENALTY UNITS</b>
26	Projectiles	1.25
27	Willfully breaking a glass item	1.25
28	Abusing Authorised Officers	1.25
29(2)	Possess or consume Liquor in Liquor free area	2.5
30	Damaging, taking, &c., Council property	2.5
31	Damage to items of architectural, archaeological, &c., interest	2.5
32	Protection of Wildlife	5
33	Hunting Equipment	5
34	Lighting fire	2.5
35	Graffiti	2.5
36	Removal of wood	2.5
37 (1)	Parking of vehicles	0.5
38	Driving of vehicles	1.25
39(2)	Parking when Public Reserve closed	1.25
40	Entry and exit of Parking Area	0.5
41(2)	Parking in reserved Parking Space	1
42(1)	Washing, dismantling and/or repair of vehicles	1.25
47(2)	Regulation of activities	0.5
48	Failure to supply correct name and address	1.25
49(3)	Failure to comply with rectification notice	2.5
62	Failure to comply with Permit	2.5

Certified as being in accordance with the law by:

John Kirkwood, Abetz Curtis, Australian Legal Practitioner

Dated this 2<sup>nd</sup> day of June, 2015 at Hobart.

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

.....  
General Manager

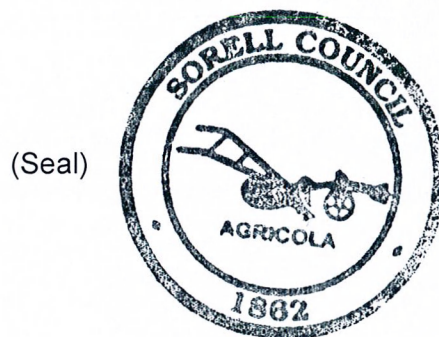
Dated this 4<sup>th</sup> day of June, 2015 at Hobart

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

..... ) Mayor.

..... ) Deputy Mayor.

..... ) General Manager



(Seal)

Confirmed by me this 4<sup>th</sup> day of June, 2015 at Hobart.