



# **Mount Alexander Shire Council General Local Law 2020**

**15 September 2020  
Amended 13 June 2023**

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## PART 1: PRELIMINARY

### 1. Title

This Local Law is called the *Mount Alexander Shire Council General Local Law 2020*.

### 2. Objectives

The objectives of this Local Law are to provide for all of the following:

- (1) the peace, order and good government of the ***municipal district***;
- (2) a safe and healthy environment so that the community of the ***municipal district*** can enjoy a quality of life that meets its expectations;
- (3) the safe, fair and reasonable use and enjoyment of ***public places***;
- (4) the protection and enhancement of ***Municipal buildings, public assets*** and ***Council assets*** and the amenity and environment of the ***municipal district***;
- (5) the safe, fair and reasonable use and enjoyment of ***property***;
- (6) the uniform and fair administration of this Local Law.

### 3. Powers to make Local Law

This Local Law is authorised by section 111(1) of ***the Act*** and section 42 of the *Domestic Animals Act 1994*

### 4. Operational dates of this Local Law

- (1) This Local Law commences on 15 September 2020.
- (2) Unless revoked on an earlier date, this Local Law ceases to operate on 14 September 2030.

### 5. Revocation of other Local Laws

The following Local Laws in force immediately before the ***commencement date*** are revoked and no longer have any force or effect in any part of the ***municipal district***:

- (1) *Local Law No. 2 of 2010 Roads and Council Land*;
- (2) *Local Law No. 3 of 2010 Environment*;
- (3) *Local Law No. 4 of 2010; Animals*
- (4) *Local Law No. 5 of 2010 Trading*;
- (5) *Local Law No. 6 of 2010 Fundraising and Events*; and
- (6) *Local Law Procedure Manual*

### 6. Saving provisions

Notwithstanding clause 5, any order made or ***permit*** or notice issued or any business, matter or thing commenced, made or done (including the commencement of any enforcement proceedings) under any of the Local Laws revoked under clause 5, is not affected, unless revoked or it otherwise ceases to have effect.

## 7. Application

Unless the contrary intention appears in this Local Law, this Local Law applies to the whole of the ***municipal district***.

## 8. Definitions

Unless the contrary intention appears in this Local Law, or the context otherwise requires, words identified in ***bold italics*** throughout this Local Law have the following meanings:

<b>Words</b>	<b>Meaning</b>
<b>the Act</b>	means the <i>Local Government Act 1989</i> .
<b>Advertising sign</b>	includes any board, notice, structure, banner, letter, figure, symbol, poster, sign, message or device used for the purposes of notifying <b><i>people</i></b> of any of the following: <ul style="list-style-type: none"> <li>(a) the existence of or for the purposes of soliciting the sale of or use of any <b><i>goods</i></b> or services;</li> <li>(b) the presence of adjacent a <b><i>property</i></b> where <b><i>goods</i></b> or services may be obtained;</li> <li>(c) the holding of an event, festival or function;</li> <li>(d) the promotion of any <b><i>person</i></b>, organization, election, political campaigns or thing.</li> </ul>
<b>Animal</b>	includes every species of quadrupeds and every species of bird, whether in a natural or domestic state.
<b>Approved Community Organisation</b>	an Organisation, Registered Charity or Not-for-profit organisation recognised by Council to provide community benefit and included on Council's <b><i>Approved Community Organisation</i></b> Register.
<b>Approved Receptacle</b>	means a receptacle or container provided by <b><i>Council</i></b> for <b><i>household rubbish, recyclable waste, organic waste</i></b> or any other type of <b><i>waste prescribed</i></b> by <b><i>Council</i></b> .
<b>Authorised Officer</b>	means a member of <b><i>Council</i></b> staff appointed as an <b><i>Authorised Officer</i></b> under section 224 of <b><i>the Act</i></b> .
<b>Barbeque</b>	means a structure, device or contraption (not enclosed in a <b><i>building</i></b> ) that is used primarily as a cooking facility.
<b>Building</b>	includes structure, temporary <b><i>building</i></b> , temporary structure and any part of a <b><i>building</i></b> or structure and other appurtenance of a <b><i>building</i></b> .
<b>Building Work</b>	includes works, activities, events and practices for or in connection with: <ul style="list-style-type: none"> <li>(a) the construction, renovation, alteration, demolition, relocation or removal of a <b><i>building</i></b>, including repair, maintenance, excavation, landscaping, concreting, and subdivision <b><i>road</i></b> construction; or</li> </ul>

- (b) the development, enhancement, repair or maintenance of any land;  
but excludes **minor building work**.
- Bulk Rubbish Container** means a bin, skip or other container that has a capacity of more than 240 litres and excludes an **approved receptacle**.
- Busk** means to perform in a **public place**, whether by acting, juggling, singing, playing a musical instrument or otherwise entertaining passers-by, for the purposes of collecting money.
- Camp** includes any of the following:
- (a) to live or stay in a **vehicle** (including a **caravan**, motor home or similar);
  - (b) to live or stay in a boat;
  - (c) to live or stay in a tent or any portable or other structure capable of providing accommodation.
- Caravan** means a **vehicle** used or adapted for living and designed to be towed by another **vehicle** and includes a tiny house on wheels, **vehicles** without wheels or axles and whether it is resting directly on the ground or on blocks or other supports, and any structure, awning, veranda, lean-to, carport or other enclosed or partly enclosed area used in conjunction with a **caravan** while it is stationary.
- Charity Clothing Bin** means any receptacle designed or used for the collection of donated clothing or **goods** for recycling.
- Chief Executive Officer** means the **person** appointed by a **Council** to be its **Chief Executive Officer** or any **person** acting in that position.
- Commercial and Industrial Property** means **property** on which a business, trade, industry or other non-residential activity is conducted.
- Competitive Game or Sport** means a game that is part of a formal competition organised by a club, league, school, district, association or any like body.
- Contractor** means a **person** who has entered into a written agreement with **Council** to provide any service or perform any function.
- Council** means Mount Alexander Shire Council.
- Council Asset** includes any asset, item or thing affixed to, in, on or under any **public place**, including a structure, **building**, fixture, appliance, equipment, drain, tree, bridge, service conduit, sign or hydrant.
- Council Land** means any of the following:
- (a) any land, waterway or creek owned, leased, licensed,



vested in or under the control of **Council** (including land for which **Council** is the Committee of Management or a Joint Trustee under the *Crown Land (Reserves) Act*);

- (b) a **road** or part of a **road** for which **Council** is the responsible **road** authority under the *Road Management Act 2004*.

<b>Council Policy</b>	means any policy, strategy, code of practice, guidelines or other document <b>prescribed</b> by <b>Council</b> in accordance with clause 99.
<b>Council Litter Bin</b>	means a permanent rubbish bin constructed or placed by <b>Council</b> in a <b>public place</b> .
<b>Domestic Building Waste</b>	means <b>waste</b> materials associated with or arising from <b>building work</b> conducted on a <b>dwelling</b> .
<b>Dwelling</b>	means a permanent <b>building</b> which must include a kitchen sink, food preparation facilities, a bath or shower and a toilet and wash basin that is used or intended, adapted or designed for use for living purposes by any natural <b>person</b> .
<b>Encroachment</b>	includes any object or thing projecting from a <b>building</b> on, over or in a <b>public place</b> .
<b>ESTA</b>	means the <i>Emergency Services Telecommunications Authority</i> Victoria's 24-hour emergency call-taking and dispatch services for police, fire, ambulance and VICSES.
<b>e-waste</b>	means any item of <b>waste</b> with an electrical cord or battery.
<b>Feral European Honey Bee</b>	means European bees that occur in a wild or unmanaged state, not in keeping with an apicultural pursuit.
<b>Flat or Unit</b>	means a <b>dwelling</b> that has another <b>dwelling</b> immediately above, beside or below it, and includes an apartment.
<b>Goods</b>	includes food.
<b>Government Act, Regulation or Policy</b>	means an Act of the Commonwealth or Victorian Parliament, a regulation or statutory instrument made under such an Act, or relevant policy, strategy, code of practice, guidelines or other document made or adopted by the Commonwealth Government, Victorian Government, a department of either government or any <b>Statutory Authority</b> from time to time.
<b>Graffiti</b>	has the same meaning as the meaning ascribed to it as the term " <i>Mark Graffiti</i> " in the <i>Graffiti Prevention Act 2007</i> .
<b>Graffiti Art</b>	means <b>graffiti</b> that <b>Council</b> is satisfied a reasonable person would consider has artistic or cultural merit.

<b>Heavy Vehicle</b>	means a motor <b>vehicle</b> or trailer that has a gross <b>vehicle</b> mass greater than 8 tonnes.
<b>Household Rubbish</b>	means <b>waste</b> associated with and arising from use of residential <b>property</b> , including, food <b>waste</b> , discarded food or any putrescible matter (other than sewage and hazardous materials), and does not include <b>trade waste</b> , <b>domestic building waste</b> , <b>recyclable waste</b> or any other <b>waste prescribed</b> by <b>Council</b> .
<b>Infringement Notice</b>	means a notice given under clause 91.
<b>Keep</b>	in relation to <b>animals</b> , means to have the care, charge, or custody of, or to <b>keep</b> an <b>animal</b> as a pet, or to allow the <b>animal</b> to exist or remain on <b>property</b> , or in the case of wild, feral or stray <b>animals</b> , to actively encourage the <b>animal</b> to remain on <b>property</b> by feeding the <b>animal</b> .
<b>Liquor</b>	means a beverage intended for human consumption with an alcoholic content greater than 0.5% by volume at a temperature of 20° Celsius.
<b>Manager</b>	means a <b>person</b> or a <b>contractor</b> appointed or employed by <b>Council</b> to manage or control the use of <b>public places</b> .
<b>Minor Building Work</b>	means <b>building work</b> valued at less than \$5,000 but does not include: <ul style="list-style-type: none"><li>(a) landscaping works valued at \$2,000 or more; or</li><li>(b) regardless of the value of the works:<ul style="list-style-type: none"><li>(i) construction (or reconstruction) of any driveway or masonry structure; or</li><li>(ii) the re-blocking of a <b>building</b>; or</li><li>(iii) the demolition and removal of <b>buildings</b> and structures; or</li><li>(iv) any other <b>building work</b> that requires a building permit under the <i>Building Act 1993</i>.</li></ul></li></ul>
<b>Municipal Building</b>	means a <b>building</b> on <b>Council land</b> , or a <b>building</b> or part of a <b>building</b> leased by <b>Council</b> .
<b>Municipal District</b>	means the <b>municipal district</b> of <b>Council</b> .
<b>Noxious Weeds</b>	has the same meaning as in the <i>Catchment and Land Protection Act 1994</i> .
<b>Notice to Comply</b>	means a notice given under clause 93.

- Nuisance** means nuisances which are, or which are liable to be, dangerous to health or noxious or injurious to personal comfort.
- Occupier** means any of the following:
- (a) a **person** having the charge, management or control of the **property**, including the **owner** or the landlord of **property** let under a tenancy (including a statutory tenancy not amounting in law to a tenancy) who is under an obligation to the tenant to maintain or repair the **property** or is in a position to exercise a right to enter on the **property** to carry out maintenance and repairs, and any tenant of the **property**;
  - (b) where the **property** is let out in separate occupancies or is a lodging house that is let out to lodgers, the **person** receiving rent from the tenants or lodgers, and the tenants and the lodgers;
  - (c) a **person** in actual possession of, or entitled to possession of, the **property**;
  - (d) a **person** having the legal right to reside or, who is residing, in the **property**.
- Operator** in relation to a **vehicle** has the same meaning as in section 84BB of the *Road Safety Act 1986*.
- Other poultry** includes ducks, geese, turkey, guinea fowl and the like.
- Organic Waste** means all types of food or garden waste produced or accumulated in or on any **property**, but does not include any of the following:
- (a) any **waste** placed in plastic bags;
  - (b) wire, cloth, material, plastic or nylon ties;
  - (c) **noxious weeds**, soil, tree roots or stumps;
  - (d) **recyclable waste** or **household rubbish**;
  - (e) any other matter or substance prescribed by Council.
- Owner** in relation to **property** means:
- (a) where the **property** is Crown land, the lessee or the licensee of the land from the Crown; or
  - (b) where the **property** is other than Crown land, any of the following:
    - (i) every **person** who is jointly or severally entitled to the freehold estate of the land;
    - (ii) every **person** who is, or would be, entitled to receive, or is in receipt of, the rent and profits of the

land, whether as beneficial **owner**, trustee, mortgagee in possession or otherwise;

- (iii) an owners corporation (as that term is defined in the *Subdivision Act 1988*) for any common property shown on a registered plan of subdivision, or registered plan of strata or cluster subdivision.

<b>Owner</b>	in relation to a <b>vehicle</b> means any of the following:  (a) the <b>person</b> in whose name the <b>vehicle</b> is registered under the <i>Road Safety Act 1986</i> or a corresponding Act of the Commonwealth or of another State or Territory of the Commonwealth;  (b) <b>Operator</b> of the <b>vehicle</b> ; and  the <b>person</b> in control of, or responsible for, the <b>vehicle</b> .
<b>Penalty Unit</b>	has the meaning ascribed to it in Section 110(2) of the <i>Sentencing Act 1991</i>
<b>Permit</b>	means a <b>permit</b> issued under this Local Law or, if the context so requires, a <b>permit</b> issued under another Local Law or <b>Government Act, Regulation or Policy</b> .
<b>Permit Applicant</b>	means a <b>person</b> who applies for a <b>permit</b> under this Local Law.
<b>Permit Holder</b>	means the <b>permit applicant</b> or <b>person</b> to whom a <b>permit</b> is issued, and a <b>person</b> to whom a <b>permit</b> is transferred under clause 84.
<b>Person</b>	includes an individual, a corporation an Association (including an association incorporated under the <i>Associations Incorporation Act 1981</i> ), a partnership and an unincorporated association.
<b>Poultry</b>	means chickens, and hens and does not include roosters.
<b>Prescribe</b>	includes decide, determine, resolve, adopt or specify by <b>Council</b>
<b>Property</b>	includes the whole or part of any land, a lot on a plan of subdivision or a <b>building</b> under construction, but does not include a public <b>road</b> within the meaning of the <i>Road Management Act 2004</i> .
<b>Public Asset</b>	means any asset, item or thing located in, on or under any <b>public place</b> , including a structure, <b>building</b> , fixture, freestanding object, appliance, equipment, drain, tree, bridge, service conduit, sign or hydrant, and includes a <b>Council asset</b> .
<b>Public Place</b>	means any place <b>prescribed</b> by <b>Council</b> as a <b>public place</b> , a <b>municipal building</b> , <b>Council land</b> , or any <b>road</b> .

<b>Racing Pigeon</b>	means a bird used or eligible to compete in races conducted by a pigeon racing organisation.
<b>Recreation Conveyance</b>	means a device for conveyance ordinarily used by a <b>person</b> at play and designed to be propelled by human power, and includes a scooter, skateboard, roller-skates, rollerblades and similar devices, but does not include a bicycle.
<b>Recreation Vehicle</b>	means any <b>vehicle</b> that may be propelled or operated by internal combustion, steam, gas, oil, electricity or any other power and is used for recreational purposes but does not include a pedal powered <b>vehicle</b> .
<b>Recyclable Waste</b>	means the substances, materials or items <b>prescribed</b> by <b>Council</b> to be recyclable.
<b>Road</b>	means a street; and a right of way; and any land reserved or proclaimed as a street or road under the <i>Crown Land (Reserves) Act 1978</i> or the <i>Land Act 1958</i> ; and a public road under the <i>Road Management Act 2004</i> ; and a passage; and a cul de sac; and a by-pass; and a bridge or ford; and a footpath, bicycle path or nature strip; and any culvert or kerbing or other land or works forming part of the road and any land set aside as a road on a plan of subdivision or noted as a road on a transfer of land made under the <i>Transfer of Land Act 1958</i> .
<b>Roads Corporation</b>	means the <b>Roads Corporation</b> referred to in section 80 of the <i>Transport Integration Act 2010</i> .
<b>Scaregun</b>	means a gas gun or similar gun or noise emitting device designed to scare birds from attacking crops, but does not include a firearm.
<b>the Scheme</b>	means the <i>Mount Alexander Planning Scheme</i> and any other planning scheme that applies to the <b>municipal district</b> .
<b>Service Authority</b>	means any company or <b>Statutory Authority</b> responsible for the installation of telecommunications, gas, electricity, water, sewerage or drainage facilities in or on a <b>road</b> .
<b>Shopping Trolley</b>	means a wheeled container or receptacle supplied by a retailer for enabling customers to transport <b>goods</b> .
<b>Special Event</b>	means an organised sporting, recreational, cultural, commercial or social gathering approved by <b>Council</b> and held on any <b>public place</b> .
<b>Statutory Authority</b>	means the State of Victoria, or the Commonwealth Government, or a department of either government; or a body established by an Act of the Parliament of Victoria, any other State or Territory of the Commonwealth, or the

	Commonwealth.
<b>Street furniture</b>	includes seats, tables, chairs, stools, screens, heaters, planter boxes, umbrellas, or other similar items used for outdoor dining and outdoor display stands.
<b>Township area</b>	means all land which <b>the Scheme</b> provides is in the Low Density Residential Zone, the General Residential Zone, schedule 1 and the Township Zone.
<b>Trade Waste</b>	means any of the following: <ul style="list-style-type: none"><li>(a) <b>waste</b> arising from commercial, industrial or trade activities or from laboratories or from medical or veterinary activities;</li><li>(b) <b>waste</b> containing substances or materials that are potentially harmful to human beings or equipment;</li><li>(c) <b>waste</b> prescribed under the <i>Environment Protection Act 1970</i>, or any Regulations or State Environment Protection Policy that Act.</li></ul>
<b>Traffic Control Device</b>	means signs; or signals installed to control, direct, guide, regulate or warn drivers and other <b>road</b> users.
<b>Vehicle</b>	means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn, and includes other pedal-powered <b>vehicle</b> , trailer, tram-car and air-cushion vehicle but does not include a railway locomotive, railway rolling stock or a bicycle.
<b>Vehicle Crossing</b>	means a crossing for <b>vehicles</b> that connects a <b>road</b> to <b>property</b> or other land.
<b>Vermin</b>	includes rats, mice and cockroaches, but does not include ants, termites and fleas.
<b>Waste</b>	includes any discarded, rejected, unwanted, surplus or abandoned matter (whether solid or liquid) and includes putrescible <b>waste</b> .
<b>Works Required</b>	in relation to a <b>notice to comply</b> , means: <ul style="list-style-type: none"><li>(a) the act, matter or thing that is required to cease; or</li><li>(b) the act, matter or thing that is required to be done.</li></ul>

## 9. General interpretation

- (1) A reference in this Local Law to an Act, regulation or statutory instrument issued under an Act or regulation, or a section, regulation or provision of an Act, regulation or statutory instrument, includes a modification, re-enactment or replacement of it, and a substitution or an amendment of it.
- (2) Unless the contrary intention appears in this Local Law, references to Acts and Regulations are to Victorian Acts and Regulations.
- (3) A reference in this Local Law to a **Council policy**, or a **Government Act, regulation or policy**, or a part, section or provision of **Council policy, Government Act, regulation or policy**, includes a modification, re-enactment or replacement of it and a part, section or provision of it, and a substitution or an amendment of it, and a substitution or an amendment of a part, section or provision of it.
- (4) Unless the contrary intention appears in this Local Law, a reference to a clause is to a clause of this Local Law, a reference to a schedule is to a schedule of this Local Law, and a reference to a Part is to a Part of this Local Law.
- (5) Introductions to Parts, headings and notes of this Local Law are explanatory only and do not form part of this Local Law. They are provided to assist understanding.
- (6) Where, in this Local Law, a word or phrase has a particular meaning, other grammatical forms of that word or phrase have a corresponding meaning.
- (7) A reference in this Local Law to a singular word includes the plural and vice-versa.

## 10. Service of notices

- (1) Subject to subclause (2) a notice given to a **person** by **Council** or an **Authorised Officer** under this Local Law may be given by any of the following:
  - (a) delivering the notice to the **person**; or
  - (b) leaving the notice at the **person's** usual or last known place of residence or business with a **person** apparently not less than 16 years of age and apparently residing or employed at that place; or
  - (c) sending the notice by prepaid ordinary post addressed to the **person** at their last known place of residence or business;
  - (d) in the case of a corporation, or an Association (including an association incorporated under the *Associations Incorporation Act 1981*) or an unincorporated association, by delivering the notice to its registered office and leaving it with a **person** apparently over the age of 16 years and apparently employed thereat or by posting it by prepaid ordinary post addressed to the Secretary of the corporation, or Association or unincorporated association at its registered office;
  - (e) if the notice is required to be served on or given to the **owner** or **occupier** of any **property** and their name is not known the notice may be addressed to "the **owner**" or "the **occupier**" care of the address of the **property**;

- (f) if the name and address of the **owner** are not known and there is no **occupier** of the **property**, the notice may be put up on a conspicuous position on the **property**;
  - (g) if the notice is a notice in accordance with the *Road Safety Act 1986* and any relevant regulations made under that Act then the notice is to be served in accordance with the provisions of the *Road Safety Act 1986*;
  - (h) if the notice is a notice in accordance with any other **Government Act, Regulation or Policy** and the **Government Act, Regulation or Policy** that establishes the subject of the notice, or any other **Government Act, Regulation or Policy** provides for any other manner of service not specified elsewhere in this clause, service can be effected in the manner so specified.
- (2) If the notice is an **infringement notice** or other notice in accordance with the *Infringements Act 2006* or any relevant regulations made under that Act then the notice must be served in accordance with the provisions of the *Infringements Act 2006*.
- (3) Subject to deeming provisions contained in the *Infringements Act 2006* or any other relevant **Government Act, Regulation or Policy**, a notice served by prepaid ordinary post will be deemed, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.



## PART 2: MUNICIPAL AMENITY – PRIVATE PROPERTY

### 11. Objectives

The objectives of this Part are to provide for all of the following:

- (1) protection of the amenity of the **municipal district**;
- (2) regulation and control of activities on, and uses of, **property**;
- (3) maintenance of the safety and condition of **property**;
- (4) regulation of the use of **vehicles** on, or in the vicinity of, **property**;
- (5) prohibitions and obligations on:
  - (a) **owners** and **occupiers** of residential **property**; and
  - (b) **owners** and **occupiers** of **commercial and industrial property**; and
  - (c) other **people**;

### 12. Display of property numbers

Where **Council** has allocated street numbers every **owner** or **occupier** of **property** must, at the front of the **property**, display a number that is:

- (1) the number allocated to the **property** by **Council**; and
- (2) be of good repair, and of sufficient size and in such a position that it can be clearly read without obstruction from the **road** in normal lighting conditions adjacent to the front boundary.

Max penalty: 5 **Penalty Units**

### 13. Camping on private property

- (1) A **person** must not without a **permit camp** or occupy a **caravan** or tiny house on wheels on **property** where there is no **dwelling**.
- (2) A **person** may without a **permit camp** or occupy one **caravan** or tiny house on wheels on **property** on which there is a **dwelling**.

Max penalty: 10 **Penalty Units**

- (3) A **permit** issued under subclause (1) must comply with conditions of subclause (5) and must not exceed one application of:
  - (a) a maximum of 6 consecutive months on the **property**; or
  - (b) if there is a current valid building permit for a **dwelling** on the **property**,
    - (i) 12 consecutive months on the **property**; or
    - (ii) such longer time as approved by **Council** if **Council** is satisfied as to the progress of the construction of the **dwelling**.

- (4) A **person camping** under subclause (2) must comply with conditions of subclause (5)
- (5) When considering an application for a **permit** under subclause (1) **Council** must consider all of the following:
- (a) the provision of adequate sanitary facilities are provided for any occupant;
  - (b) wastewater, sewage and domestic refuse must be disposed of off site.
  - (c) occupation does not adversely affect or cause a nuisance to the **occupants** of other **properties**;
  - (d) all weather access is provided to enable the removal of the **caravan** or tiny house on wheels;
  - (e) the **camping, caravan** or tiny house on wheels is only for private use and not commercial purposes;
  - (f) the **Scheme**.
- (6) When a person camps under subclause (2) Council and the person must consider all the following:
- (a) The provision of adequate sanitary facilities are provided for any occupant;
  - (b) wastewater, sewage and domestic refuse is disposed of off site;
  - (c) occupation does not adversely affect or cause a nuisance to the occupants of other properties;
  - (d) all weather access is provided to enable the removal of the caravan or tiny house on wheels;
  - (e) the camping, caravan or tiny house on wheels is only for private use and not commercial purposes;
  - (f) the **Scheme**.

#### 14. Recreation vehicles

A **person** must not use a **recreation vehicle** on **property**, which in the opinion of an **authorised officer** causes a nuisance to others because of sound, dust or any other factor.

Max penalty: 5 **Penalty Units**

#### 15. Cigarette butt receptacles

- (1) Every occupier of **commercial and industrial property** must take reasonable steps to ensure that persons working at, visiting or associated with the **commercial and industrial property** do not deposit cigarette butts on a **public place**.
- (2) If an **Authorised Officer** serves a **notice to comply** in relation to a contravention of subclause (1), the **works required** to correct the contravention may include any of the following:
- (a) provision of a suitable cigarette butt receptacle;
  - (b) cleaning and maintenance of an existing cigarette butt receptacle and the surrounding area.

## 16. Heavy vehicles

- (1) Except where allowed under *the Scheme*, a *person* must not, without a *permit*, park, keep, store, repair, or allow to remain on any residential *property* or vacant *property* less than 4,046 sqm, a *heavy vehicle*.

Max penalty: 5 *Penalty Units*

- (2) When considering an application for a *permit* under subclause (1), *Council* must consider all of the following:
- (a) the location of the *property*;
  - (b) the proximity to adjoining *property*;
  - (c) the likely impact on the amenity of the area;
  - (d) the type and number of *heavy vehicles* to be parked, kept, stored, repaired, or allowed to remain on the residential *property* or vacant *property*;
  - (e) the likely effects on adjoining *owners* and *occupiers*;
  - (f) the location where the *heavy vehicle* is proposed to be parked, kept, stored, repaired, or allowed to remain on the residential *property* or vacant *property* in relation to surrounding *dwelling*s;
  - (g) the likelihood of causing a *nuisance*;
  - (h) any relevant *Government Act, regulation or policy*;
  - (i) *the Scheme*;
  - (j) any relevant *Council policy*;
  - (k) any other relevant matter.

## 17. Unsightly land

- (1) An *owner* or *occupier* of *property* must not cause, allow or suffer the *property* to be unsightly and detrimental to the amenity of the neighbourhood in which the *property* is located.

1<sup>st</sup> offence: Max penalty: 5 *Penalty Units*

Subsequent offence: Max penalty 10 *Penalty Units*

- (2) For the purposes of subclause (1), circumstances in which a *property* is unsightly and detrimental to the amenity of the neighbourhood in which the *property* is located include when the *property*:
- (a) contravenes any relevant *Council policy*; or
  - (b) has upon it, any of the following:
    - (i) unconstrained rubbish;
    - (ii) disused excavations;
    - (iii) excessive *waste*;
    - (iv) whether the *property* is in a *Township area* and if so, whether there is excessive grass or weeds, including undergrowth exceeding 100 mm in height;

- (v) disused machinery or **vehicles**;
  - (vi) scrap metal, second-hand timber, building materials, building refuse, unused household goods or items;
  - (vii) a **building** that does not have a current valid building permit and remains partially completed or partially demolished;
  - (viii) subject to subclause (3), **graffiti** that remains on the **property** for more than 7 days: or
- (c) is in a **Township area** and the nature strip immediately adjoining the **property** is not kept and maintained in good condition and order or creates a pedestrian hazard.
- (3) Except where a **permit** is required under **the Scheme**, an **owner** or **occupier** of **property** may apply for a **permit** to allow **graffiti** to remain on the **property** for more than 7 days.
- (4) When considering an application for a **permit** under subclause (3), **Council** must consider all of the following:
- (a) whether the **graffiti** is **graffiti art**,
  - (b) the location of the **property**;
  - (c) the proximity to adjoining **property**;
  - (d) the likely impact on the amenity of the area;
  - (e) any relevant **Government Act, regulation or policy**;
  - (f) **the Scheme**;
  - (g) any relevant **Council policy**;
  - (h) any other relevant matter.

## 18. Dangerous land

- (1) An **owner** or **occupier** of **property** must not cause, allow or suffer the **property** to be dangerous or likely to cause danger to life or property.
- Max penalty: 20 **Penalty Units**
- (2) For the purposes of subclause (1), circumstances in which **property** is dangerous, or likely to cause danger to life or property, include when the **property**:
- (a) contravenes any relevant **Council policy**; or
  - (b) has upon it, any of the following:
    - (i) except where allowed under **the Scheme**, any substance, materials or equipment that is dangerous, or is likely to cause danger to life or property;
    - (ii) an unsecured hole or excavation;
    - (iii) an unsecured **building** that is in a state of disrepair.

- (3) If an **Authorised Officer** serves a **notice to comply** in relation to a contravention of subclause (1), the **works required** to correct the contravention may include any of the following:
- (a) removal of any substance, material or equipment;
  - (b) erection of a suitable fence, barrier, suitable warning signs or other enclosure;
  - (c) securing or filling in a hole or excavation;
  - (d) securing any unsecured **building**.

#### 19. Control of noxious weeds

- (1) An **owner** or **occupier** of **property** must not allow cause or suffer the **property** to have upon it **noxious weeds**.  
Max penalty: 10 **Penalty Units**
- (2) For the purposes of subclause (1) eradication or control of **noxious weeds** must be undertaken as prescribed by *Catchment and Land Protection Regulations 2022*.

#### 20. Matters prohibited on private property

An **owner** or **occupier** of **property** must not cause, allow or suffer any of the following:

- (1) the **property** to be kept in a manner that:
- (a) harbours or is likely to harbour **vermin**; or
  - (b) causes or is likely to cause a health hazard;
- (2) unless otherwise authorised by **Council** or a **Statutory Authority**, any substance other than storm water to be discharged from the **property** into a drain that is a **Council asset**;
- (3) any vegetation or **encroachment** on the **property** to overhang a **road** at a height of less than 3 metres, or to such an extent that it interferes with or obstructs the clear passage of pedestrians or **vehicles**;
- (4) any:
- (a) **building** to be placed; or
  - (b) vegetation to grow;
- in such a manner that it causes a danger to traffic, drivers or other **road** users by preventing a clear view of other **vehicles**, objects or **traffic control devices**;
- (5) any **barbeque** to be used for any purpose other than for the preparation of food.
- (6) any outdoor lighting, except for public lighting, installed on the **property**, be designed or located to affect the amenity of any **person** on adjoining **property** or **property** in the vicinity.

Max penalty: 10 **Penalty Units**

## 21. Shipping containers

An **owner** of **property** in a **Township area** must not allow, cause or suffer a shipping container to be placed on the **property** unless permitted by or under **the Scheme** or the **Building Regulations 2018**.

Max penalty: 10 **Penalty Units**

## 22. Open fires

- (1) An **owner** or **occupier** of **property** must not cause, allow or suffer any fire in the open air to be lit or remain alight on the **property**.

1<sup>st</sup> offence: Max penalty: 5 **Penalty Units**

Subsequent offence: Max penalty: 10 **Penalty Units**

- (2) Except as provided for in subclauses (3) and (4) subclause (1) does not apply to:

- (a) a purpose-built **barbeque** for the purpose of cooking food; or
- (b) a campfire used in compliance with the *Country Fire Authority Act 1958*; or
- (c) fires in the open air for which a permit has been issued under any **Government Act or Regulation**; or
- (d) the owner or occupier of a **property** who lights a fire in accordance with, and otherwise complies with the *Country Fire Authority Act 1958* and who has notified **ESTA** before lighting a fire on an allotment;
  - (i) on an allotment less than or equal to 2,023 sqm in area any Tuesday and Saturday; or
  - (ii) on an allotment greater than 2,023 sqm on any day.

- (3) in any circumstances in subclause (2) a person must not burn any of the following:

- (a) green or wet material; or
- (b) non timber based building materials; or
- (c) rubber or plastic, including plastic mulch, plant pots and packaging materials; or
- (d) furnishings and carpet; or
- (e) manufactured chemicals; petroleum or oil products; paint, including any container in which paint is kept; or other offensive, noxious or toxic matter.
- (f) food waste; or
- (g) manure and straw; or
- (h) carcasses of dead **animals**.

- (4) **Council** may, for cultural purposes, allow a fire in the open air subject to any conditions that **Council** deems necessary to prevent the fire causing a danger to life or property.

### 23. Prevention of mosquito breeding

The **owner** or **occupier** of any **property** must maintain the **property** in such a manner as to prevent still or stagnant water from any source being present in such a manner as to be likely to provide a breeding environment for mosquitoes.

### 24. Use of scareguns

- (1) A **person** must not use, allow or authorise others to use a **scaregun** unless:
- (a) all conditions of the *Environment Protection Authority Noise Control Guidelines* for the control of noise from **scareguns** are satisfied;
  - (b) the **scaregun** is only used for the bona fide purpose of scaring birds from crops during a recognised crop growing period;
  - (c) the **scaregun** is only used on land zoned farming pursuant to **the Scheme** and located in the crop that it is protecting;
  - (d) any flammable undergrowth or potentially flammable materials have been cleared and removed from within a 5 metre radius from the **scaregun**;
  - (e) a sign is displayed in a conspicuous position at the main entrance to the property at all times that a **scaregun** is in use, containing the following details:
    - (i) that **scareguns** are in use on the **property**; and
    - (ii) the contact telephone number of the **owner** or **occupier** of the **property** for queries or complaints; and
  - (f) the number of **scareguns** in use at any one time on the **property** does not exceed:
    - (i) where the area under crop is no more than 10 hectares, 2 **scareguns**; and
    - (ii) where the area under crop is more than 10 hectares, 2 **scareguns** in respect of the first 10 hectares and one **scaregun** on respect of each additional 10 hectares.

Max penalty: 5 **Penalty Units**

## PART 3: MUNICIPAL AMENITY – PUBLIC PLACES

### 25. Objectives

The objectives of this Part are to provide for:

- (1) protection of all of the following:
  - (a) **public places**;
  - (b) **public assets**;
  - (c) the amenity of **public places** and of the **municipal district**;
  - (d) safety of **persons**; and
- (2) regulation and control of all of the following:
  - (a) certain works in **public places** and on, or in respect of **public assets**;
  - (b) activities in, and uses of, **public places**;
  - (c) activities within and uses of **municipal buildings**.

### 26. Matters for which a permit is required

- (1) Except as otherwise provided in this Local Law, a **person**, must not, without a **permit**.
  - (a) place or leave, or cause or allow to be placed or left, any obstruction or object; or
  - (b) conduct any activity; or
  - (c) undertake any works;of the kind specified in subclause (2), on or in a **public place**.  
Max penalty: 10 **Penalty Units**
- (2) For the purposes of subclause (1), specified obstructions, objects, activities and works includes but not limited to the following:
  - (a) collecting money;
  - (b) conducting, organising or participating, in any of the following:
    - (i) **busking**;
    - (ii) **camping**;
    - (iii) carnivals or circuses;
    - (iv) festivals or markets;
    - (v) itinerant trading;
    - (vi) fitness groups;
    - (vii) processions;
    - (viii) street parties;
    - (ix) street stalls;
  - (c) depositing any material or thing on or in a **public place**, other than:
    - (i) in a **Council litter bin**, in a manner that does not contravene clause 64; or
    - (ii) in an **approved receptacle**; or



- (iii) in a **bulk rubbish container** that has been placed in accordance with a **permit** issued under subclause (1);
  - (d) erecting any of the following:
    - (i) **buildings**;
    - (ii) **encroachments**;
    - (iii) hoarding;
    - (iv) retaining walls;
    - (v) temporary shelters;
  - (e) erecting, fixing or placing any temporary **advertising sign**;
  - (f) lighting any fire or allowing any fire to remain alight, except in a **barbeque**;
  - (g) making a hole or excavation not for the purpose of infrastructure works;
  - (h) occupying all or part of a **public place** in a way that causes it to be inaccessible to other **people**;
  - (i) placing any of the following:
    - (i) **street furniture**;
    - (ii) **goods**;
    - (iii) **bulk rubbish containers**;
    - (iv) building or landscaping material;
  - (j) removing any thing from a **public place** (other than materials placed in contravention of subclause (1));
  - (k) riding, driving or otherwise using any of the following:
    - (i) **animal**; with the exception of a horse;
    - (ii) **vehicle** or **recreation vehicle**;other than in an area designated for the purpose;
  - (l) removing or damaging a tree, vegetation or their seeds or any timber from a **road** or **Council land**, excluding seeds or fruit from non-native trees or vegetation or weed management;
  - (m) selling any **goods**, services or raffle tickets;
  - (n) soliciting for any of the following:
    - (i) donations or gifts;
    - (ii) subscriptions;
    - (iii) trade;
    - (iv) **waste** material;
  - (o) touting or spruiking.
- (3) Subclause (1) does not apply to the following:
- (a) an **Approved Community Organisation**; or
  - (b) traders and stallholders which are nominated by an approved organiser of any **special event**; or
  - (c) a market that has the **Council's** permission.

- (d) the sale or barter of home grown foodstuff providing the activity is conducted outside the **property** where the produce is produced and the location of the produce:
  - (i) does not create a pedestrian or vehicular hazard; and
  - (ii) is not less than 100 metres from a commercial business trading similar items.
- (e) up to two garage sales from a residential **property** per calendar year providing:
  - (i) the activity does not create a pedestrian or vehicular hazard; and
  - (ii) any signage relating to the garage sale is removed within 24 hours after it is held.
- (4) Subclause (2)(b)(ii) does not apply to a **public place** which is designated a camping area.
- (5) A **permit** under subclause (2)(b)(ii) is subject to the following conditions:
  - (a) the sites must be kept clean and sanitary at all times;
  - (b) all grey water must not be disposed within 10 meters of any river, stream, spring, creek, dam, bore or water course;
  - (c) no **nuisance**, annoyance, disturbance or inconvenience must be caused to other **persons** in the **camping** ground or nearby residences;
  - (d) the **camp** sites should be configured so that emergency vehicle access is maintained at all times;
  - (e) any tent or **caravan** must be in good working order and in a good state of repair;
  - (f) all rubbish must be removed when vacating campsite; and
  - (g) portable toilets must only be emptied at a Council approved sanitary station or a commercially constructed public dump point.
- (6) Subclause (2)(f) does not apply:
  - (a) to a campfire in a designated a camping area used in compliance with the *Country Fire Authority Act 1958*;
  - (b) to fires in the open air for which a **permit** has been issued under any **Government Act or Regulation**;
  - (c) where the fire is to be used for cultural purposes.

## 27. Control of noise in public places

A **person** must not in a **public place**, sound, play, control, operate or use a loud speaker, amplifier, microphone, wireless receiving set or broadcasting set or other appliance capable of being used for making or amplifying sounds or noise so as to be unreasonable as determined by an **Authorised Officer**.

Max penalty: 10 **Penalty Units**

**28. Use of recreation conveyance**

- (1) A person must not use a **recreation conveyance**:
- (a) in an area for which its use is prohibited; or
  - (b) in a manner that is likely to cause a **nuisance** or danger to any other **person**.

Max penalty: 5 **Penalty Units**

- (2) For the purposes of subclause (1)(a) the use of a **recreation conveyance** is prohibited between the hours of 8:30 am and 5:30 pm on Monday to Saturday (inclusive) in locations identified in Schedule 4.

**29. Entry without paying entry fee**

A **person** must not enter any **public place** or **municipal building** in respect of which **Council** has **prescribed** an entry fee unless the entry fee has been paid to an **Authorised Officer, manager** or authorised **Council** representative or the **person** enters with the written consent of **Council**.

Max penalty: 5 **Penalty Units**

**30. Gates and openings to public places**

Except on a boundary that adjoins a **road** a **person** must not, without a **permit**, construct, make or allow to be constructed or made any gate or opening in any fence on the boundary of a **public place**.

Max penalty: 5 **Penalty Units**

**31. Shopping trolleys**

- (1) A **person** must not leave a **shopping trolley** on any **road** or **public place**.
- (2) A retailer who provides **shopping trolleys** for use by customers must ensure that the trolleys are not removed from the **property** owned or occupied by the retailer.

Max penalty: 2 **Penalty Units**

**32. Consumption and possession of liquor**

- (1) For the purposes of this clause, **Council** may **prescribe** all or part of any **public place** to be a place where the consumption and possession of **liquor** is prohibited or regulated.
- (2) A **person** must not, in that part of the **municipal district prescribed** by **Council** under subclause (1):
- (a) consume any **liquor**; or
  - (b) have in their possession or control any **liquor** in an unsealed container.

Max penalty: 5 **Penalty Units**

- (3) Subclause (2) does not apply to a **person**:
- (a) taking part in a festival or **special event** in respect of which **Council** has granted a **permit** for **persons** to consume **liquor** or to have in their possession or control any **liquor** other than **liquor** in a sealed container; or
  - (b) who is within **property**, or within the licensed area of **property**, that are licensed under the *Liquor Control Reform Act 1998*.

- (4) If a **person** contravenes subclause (2), an **Authorised Officer** may direct the **person** to do any of the following:
- (a) cease consuming **liquor**;
  - (b) leave the **public place**;
  - (c) seal any container;
  - (d) dispose of the contents of any unsealed container of **liquor**.
- (5) A **person** must comply with a direction given under subclause (4).  
Max penalty: 10 **Penalty Units**
- (6) If a **person** does not comply with a direction given under subclause (4), an **Authorised Officer** may confiscate any unsealed container of **liquor** associated with the contravention.
- (7) A **prescription** made under subclause (1) will not have any force or effect until details of the prohibition or regulation are published in a newspaper circulating in the **municipal district**.

### 33. Prescribed activities

- (1) On or in a **public place**, a **person** must not:
- (a) engage in, play or practice any game; or
  - (b) ride, drive or otherwise use any:
    - (i) **animal**; or
    - (ii) **vehicle or recreation vehicle**; or
    - (iii) flying device;
- in such a manner as to be a danger to the safety of any **person** or to the condition of any property or to interfere with the reasonable use and enjoyment of the **public place** or any part thereof by any other **person**;
- (c) place a **Charity Clothing Bin**;
  - (d) play or practice golf (other than at a golf course or golf driving range).
- Max penalty: 10 **Penalty Units**
- (2) In addition to the matters contained in subclause (1), **Council** may **prescribe** all or part of any **public place** to be a place where any activity or works, or placing any obstruction or object as **prescribed** by **Council** in or on a **public place**; is prohibited or regulated.
- (3) A **prescription** made under subclause (2) will not have any force or effect until details of the prohibition or regulation are published in a newspaper circulating in the **municipal district**.
- (4) If a **person** contravenes subclauses (1) or (2) an **Authorised Officer** may do any of the following:
- (a) direct the **person** to cease the activity that constitutes the contravention;
  - (b) direct the **person** to leave the **public place**;
  - (c) confiscate any item associated with the contravention.
- (5) A **person** must comply with a direction given under subclause (4).  
Max penalty: 10 **Penalty Units**

### 34. Trees or plants causing damage to public places

An **owner** or **occupier** must not allow trees or plants on **property** to cause damage to, or interference with a **road** or **public places**.

Max penalty: 5 **Penalty Units**

### 35. Behaviour in public places

(1) A **person** must not, while on or in a **public place** do any of the following:

(a) use indecent, insulting, offensive or abusive language;

Max penalty: 5 **Penalty Units**

(b) act in a riotous way;

Max penalty: 5 **Penalty Units**

(c) cause a **nuisance**;

Max penalty: 5 **Penalty Units**

(d) interfere with another **person's** use and enjoyment of the **public place**;

Max penalty: 10 **Penalty Units**

(e) destroy, damage, deface, write upon or interfere with any **public place** or any **public asset**;

Max penalty: 20 **Penalty Units**

(f) use any life saving or fire protection device unless during an emergency or during approved instruction;

Max penalty: 20 **Penalty Units**

(g) if the **person** is not a player, official or competitor of any **Competitive Game or Sport**, enter or remain on the playing arena on any **public place** during the progress of the **Competitive Game or Sport**.

Max penalty: 5 **Penalty Units**

(2) If a **person** contravenes subclause (1), an **Authorised Officer** may do any of the following:

(a) direct the **person** to cease the activity that constitutes the contravention;

(b) direct the **person** to leave the **public place**;

(c) confiscate any item associated with the contravention.

(3) A **person** must comply with a direction given under subclause (2).

Max penalty: 20 **Penalty Units**

### 36. Council signs in a public place

A **person** must not:

(1) Contravene the provision of any notice or sign erected by **Council** to better control, manage or preserve a **public place** or any part thereof or any specified activity to be allowed, prohibited or otherwise controlled; or

(2) remove any **Council** sign except with the authority of **Council**.

Max penalty: 5 **Penalty Units**

**37. Protection of municipal buildings**

- (1) A **person** must not, without the prior consent of a **manager**, bring into or cause or allow to remain in any part of a **municipal building** any of the following:
- (a) any **animal** under their control, other than a guide / service or assistance dog being used by a **person**;
  - (b) any **vehicle**;
  - (c) any flammable or chemical substance that:
    - (i) is dangerous or injurious to health; or
    - (ii) has the potential to foul, pollute or soil any part of a **municipal building**; or
    - (iii) is likely to cause discomfort to **persons**.

Max penalty: 5 **Penalty Units**

- (2) If a **person** contravenes subclause (1), an **Authorised Officer** may do any of the following:
- (a) direct the **person** to cease the activity that constitutes the contravention;
  - (b) direct the **person** to leave the **municipal building**;
  - (c) confiscate any item or **animal** associated with the contravention.
- (3) A **person** must comply with a direction given under subclause (2).

Max penalty: 20 **Penalty Units**

**38. Reinstatement works**

- (1) Where:
- (a) pursuant to a **permit** issued under this Part, works are carried out on or in a **public place** or in relation to a **public asset**; or
  - (b) works are carried out in contravention of this Part or in contravention of the conditions of a **permit**; and
  - (c) the **public place** or a **public asset** that is a **Council asset** is not reinstated to the satisfaction of an **Authorised Officer**;
- the **Authorised Officer** may, where a guarantee or bond has been required as a condition of a **permit** issued under this Local Law, apply any monies held by **Council** as a guarantee or bond toward the cost of reinstating the **public place** or **Council asset**.
- (2) Where any monies received by **Council** under a guarantee or bond are applied to reinstatement under subclause (1) and such monies do not cover **Council's** costs of undertaking the reinstatement works, the **permit holder** or the **person** who undertook or managed the undertaking of the works, must immediately on demand by an **Authorised Officer** pay to **Council** the difference.
- (3) Where works are carried out by or on behalf of a **Service Authority** and the **public place** or **public asset** has not been reinstated to the satisfaction of an **Authorised Officer**, the **Service Authority** must pay to **Council** the actual cost of the reinstatement.

### 39. Permit Exemptions

- (1) This Part does not apply to a **person** employed or engaged by **Council** while acting in the course of their duties.
- (2) A **Service Authority** or agent or contractor of a **Service Authority** does not require a **permit** under this Part in respect of work that is for the purpose of the **Service Authority**.
- (3) Notwithstanding subclause (2), the **Service Authority** or agent or contractor of the **Service Authority** must notify **Council** in writing of the proposed works before undertaking those works (unless the **Service Authority** or agent or contractor of the **Service Authority** is exempt from giving **Council** notice in writing under the provisions of any Act or regulations).

### 40. Matters to be considered before a permit is issued

When considering an application for a **permit** under this Part, **Council** must consider all of the following:

- (1) the nature, size, time, duration, construction and method of fixing or placement of the obstruction, object, activity or works;
- (2) the likely hazard that the obstruction, object, activity or works may constitute to users of a public place or part of a public place; and impact of the obstruction, object, activity or works on safe pedestrian and/or vehicle movements and the amenity of the surrounding area;
- (3) the methods of protecting property and **people** engaged in or associated with the conduct of the obstruction, object, activity or works;
- (4) the location of the obstruction, object, activity or works having regard to all of the following:
  - (a) the **public place**;
  - (b) any proposed crowd control or traffic management measures;
  - (c) whether events or other activities are occurring in the **municipal district** at the same time;
- (5) the appropriateness of the obstruction, object, activity or works having regard to the streetscape;
- (6) whether any of the following has been provided to **Council**:
  - (a) an indemnity, guarantee or bond;
  - (b) proof of a public liability insurance certificate of currency;
  - (c) if appropriate and required given the nature of the event or activities, a product liability insurance certificate of currency.
- (7) whether the extent of any insurance cover is sufficient;
- (8) any adverse environmental impact;
- (9) any relevant **Government Act, regulation or policy**;
- (10) **the Scheme**;
- (11) any relevant **Council policy**;
- (12) any other relevant matter.

## PART 4: ANIMALS

### 41. Objectives

The objectives of this Part are to provide for all of the following:

- (1) protection of the amenity of the **municipal district**;
- (2) control of the number, type and behaviour of **animals kept** on **property**;
- (3) protection, as far as possible, of the health and welfare of **animals**;
- (4) prevention against **animals** causing:
  - (a) a **nuisance**; or
  - (b) any adverse environmental impact; or
  - (c) a danger to the safety of **people** or to the condition of **property**.

### 42. Number of animals

- (1) Except as otherwise provided in this Local Law, a **person** must not, without a **permit**, **keep** on any **property**:
  - (a) any more in number of each type of **animal** or groups of **animals** than is set out in Table 1, or
  - (b) any **animal** not referred to in Table 1 (other than fish or any **animal prescribed** by **Council** under subclause (2)).

Max penalty: 10 **Penalty Units**

- (2) **Council** may **prescribe animals**, other than those referred to in Table 1 that may be kept without a **permit**.
- (3) Subclauses (1) and (2) do not apply where the **property** is;
  - (a) allowed to be used for the purposes of **animal** boarding, **animal** breeding or a pet shop under **the Scheme**; or
  - (b) registered or controlled under the *Domestic Animals Act 1994*;
  - (c) being used for the purpose for which it is allowed or registered to be used.

### 43. Litters of animals

For the purpose of calculating the maximum number of **animals** specified in the Table 1 of clause 42, the progeny of any **animal kept** on the **property** shall not be counted for a period of 12 weeks after birth.



**Table 1 – Maximum numbers and types of animals**

Type of <i>Animal</i>	Maximum number allowed				
	Flat or Unit	Under 4,046 sqm	Between 0.404 to 2 hectares	Between 2.to 8 hectares	8 hectares or larger
Dogs	1	2	2*	3*	5*
* Note the above number do not include working dogs					
Cats	2	2	2	3	5
Rabbits, ferrets, guinea pigs or mice	2	6	12	No permit required	No permit required
Poultry	NIL	8	15	No permit required	No permit required
<b>Other Poultry</b>	NIL	2	10	No permit required	No permit required
Pigeons	NIL	10	15	20	No permit required
<b>Racing Pigeons</b>	NIL	40	50	No permit required	No permit required
Cockatoo / galah (caged)	NIL	Permit required	1	5	No permit required
Roosters, peacocks, pheasants.	NIL	NIL	1	2	No permit required
Ostriches, emus, llamas, alpacas	NIL	NIL	2	No permit required	No permit required
Sheep, goats	NIL	2	4	No permit required	No permit required
Pigs	NIL	NIL	2	4	No permit required
Cows / Horses	NIL	NIL	2	No permit required	No permit required
Other agricultural or similar large animals	NIL	NIL	NIL	No permit required	No permit required

#### 44. Matters to be considered before a permit for excess animals is issued

When considering an application for a **permit** under this Part **Council** must consider all of the following:

- (1) the type and number of **animals** to be **kept**;
- (2) the proximity to adjoining **property**;
- (3) the amenity of the area and likely effects on adjoining **owners** and **occupiers**;
- (4) any relevant **Government Act, regulation or policy**;
- (5) **the Scheme**;
- (6) any relevant **Council policy**;
- (7) any other relevant matter.

#### 45. Animal enclosures

- (1) An **occupier** of **property** must **keep** any **animal** on the **property** in a kennel, house, aviary, shelter or other enclosure that complies with all of the following:
  - (a) is constructed to the satisfaction of an **Authorised Officer**;
  - (b) prevents, as far as reasonably achievable, the wandering or escape of such **animal** beyond the boundaries of the **property**;
  - (c) meets the reasonable welfare needs of the **animal**;
  - (d) is capable of being readily cleaned and is well drained and is maintained in good repair at all times;

Max penalty: 10 **Penalty Units**

- (2) Other than in relation to a cat containment system which stretches to the **property** boundary, an **occupier** of **property** must keep within 3 metres of a kennel, aviary, shelter or other enclosure in which and **animal** is **kept** free of dry grass, weeds, refuse, **waste** or other material capable of harbouring **vermin**;
- (3) When assessing whether a kennel, aviary, shelter or other enclosure complies with subclause (1) the **Authorised Officer** must consider all of the following:
  - (a) the type of **animals** to be **kept**;
  - (b) the height of the kennel, house, aviary, shelter or other enclosure;
  - (c) the distance from the **dwelling** on the **property** and from neighbouring **dwellings**.

#### 46. Keeping of racing pigeons

A member of a pigeon racing organisation may **keep** in excess of the number of **racing pigeons** specified in Table 1 of clause 42 on **property**, provided:

- (1) the enclosure or shelter in which the **racing pigeons** are housed is located not closer than 4 metres from the **dwelling** on the **property** at which the **racing pigeons** are located, nor closer than ten (10) metres from a **dwelling** on other **property**; and
- (2) the **racing pigeons** are housed in an enclosure or shelter that complies with all of the following:
  - (a) any relevant **Government Act, regulation or policy**;
  - (b) any relevant **Council policy**;
  - (c) is constructed to the satisfaction of an **Authorised Officer**.

#### 47. General provisions

- (1) The **occupier** of any **property** who **keeps** any **animal** on the **property** must comply with all of the following:
  - (a) keep all food for consumption by the **animal** in a **vermin** proof receptacle;  
Max penalty: 5 **Penalty Units**
  - (b) remove all manure, excrement, refuse or rubbish produced or accumulated by the **animal**, as soon after the production or accumulation as is reasonably practicable;  
Max penalty: 5 **Penalty Units**
- (2) The **owner** or **occupier** of **property** must not, without a **permit**, within 6 metres of a **dwelling** on other **property**, keep **poultry** or other **poultry** or construct or allow to be constructed on the **property** any enclosure in which poultry or **other poultry** is **kept**, or intended to be **kept**;  
Max penalty: 10 **Penalty Units**
- (3) The **occupier** of any **property** on which any **animal** is **kept** must not cause, allow or suffer excrement or manure to escape from the **property**;  
Max penalty: 10 **Penalty Units**
- (4) A **person** who **keeps** any **animal** must **keep** the **animal** in a manner that does not cause a **nuisance** to any **person**;  
Max penalty: 10 **Penalty Units**
- (5) For the purposes of subclause (4), circumstances in which the **keeping** of an **animal** constitutes a **nuisance** may include when the **animal**:
  - (a) makes noises or smells that unreasonably adversely affect the peace, comfort or convenience of any **person** on any other **property**;
  - (b) produces an unreasonable accumulation of excrement, whether on the **keeper's property** or on any other **property**.

#### 48. Animal excrement

Every **person** who is in a **public place** and in apparent control of an animal must:

- (1) carry and produce upon demand by an **Authorised Officer**, the means of picking up and removing any faeces that may be deposited by the **animal**; and
- (2) remove and hygienically dispose of faeces deposited on or in a **public place** by the **animal**.

Max penalty: 5 **Penalty Units**

#### 49. Deceased animal disposal

A **person** in charge of a deceased **animal** must promptly and without delay:

- (1) Bury the deceased **animal**; or
- (2) Remove the deceased **animal** properly dispose of it;  
in a humane manner and without creating a nuisance, public health risk, environmental hazard or detrimental impact on the general amenity of the neighbourhood.

Max penalty: 5 **Penalty Units**

## 50. Bees and wasps

- (1) The **owner** or **occupier** of any **property** must not allow or suffer English wasps or European wasps to nest on the **property**.  
Max penalty: 10 **Penalty Units**
- (2) The **owner** or **occupier** of any **property** must not allow or suffer any **feral European honey bees** on the **property** to cause, or be likely to cause, a **nuisance** to any **person** when the **feral European honey bees** are swarming or likely to swarm.  
Max penalty: 10 **Penalty Units**
- (3) If an **Authorised Officer** serves a **notice to comply** in relation to a contravention of subclause (1), the **works required** to correct the contravention may include the destruction of the English wasps or European wasps.
- (4) If an **Authorised Officer** serves a **notice to comply** in relation to a contravention of subclause (2), the **works required** to correct the contravention may include the removal from the **property** of the **feral European honey bees**; or destruction of the **feral European honey bees**.

## 51. Roadside grazing

- (1) Other than provided for in subclause (3) a **person** must not graze livestock on a **road** without a **permit**.  
Max penalty: 10 **Penalty Units**
- (2) An **Permit applicant** must provide the **Council** with information about:
  - (a) measures to be applied for the adequate supervision and effective control of the livestock;
  - (b) measures that will be taken to adequately provide for the health and fitness of the livestock;
  - (c) details of the roads to be grazed or the route to be travelled;
  - (d) signs that will be used so as to comply with the *Road Safety Road Rules 2017*;
  - (e) measures that will be taken to remove any litter from the **road**.
- (3) Subclause (1) does not apply to livestock grazing the **road** providing
  - (a) the area where the livestock are grazing is outside the property of the **owner** of the livestock; and
  - (b) the perimeter is secured with a functional electric fence, and
  - (c) appropriate warning signs are in place to advise **road** users.

## 52. Droving of livestock

- (1) A **person** must not engage in driving livestock on a **road** without a **permit**.  
Max penalty: 10 **Penalty Units**
- (2) Subclause (1) does not apply to a **person** moving livestock from one paddock to another providing appropriate warning signs are in place to advise road users.
- (3) When considering an application for a droving **permit**, under subclause (1) **Council** must consider the number of livestock, the **roads** proposed to be travelled and that the livestock can be safety contained overnight.

**53. Horse riding**

A **person** must not ride a horse on **Council land**:

- (1) or a **road**, if the activity causes damage to the **Council land** or **road**; or
- (2) if the activity causes a **nuisance** to any **person**; or
- (3) where the **Council** has erected signs on that **Council land** prohibiting horse riding.

Max penalty: 5 **Penalty Units**

## PART 5: VEHICLES

### 54. Objectives

The objectives of this Part are to provide for all of the following:

- (1) protection of the amenity of the **municipal district**;
- (2) regulation and control of activities in relation to **vehicles** in **public places**;
- (3) regulation and control of unregistered and abandoned **vehicles** left standing on **public places**;
- (4) regulation and control of the repair of **vehicles** on **public places**;
- (5) prohibition of storage of **vehicles** on any **road** or other **public place**.

### 55. Leaving unregistered or abandoned vehicles

A **person** must not leave an unregistered **vehicle** or abandon a **vehicle** on a **road** or other **public place**.

Max penalty: 5 **Penalty Units**

### 56. Repair of vehicles

A **person** must not repair, paint, maintain or service a **vehicle** on any **road** or other **public place** except where it is necessary to undertake minor repairs to get the **vehicle** moving.

Max penalty: 5 **Penalty Units**

### 57. Storage or sale of vehicles

- (1) A **person** must not use any **road** or other **public place** to store any **caravan**, trailer, boat or damaged **vehicle** or advertise a **vehicle** for sale.

Max penalty: 5 **Penalty Units**

- (2) For the purposes of subclause (1), circumstances in which a **person** is using a **road** or other **public place** to store a **caravan**, trailer, boat or damaged **vehicle** on a **road** or other **public place** include when the **caravan**, trailer, boat or damaged **vehicle** has been standing on a **road** or other **public place** for at least 7 consecutive days.
- (3) Subclause (1) does not apply to a **vehicle** for sale located directly outside a property in which the **owner** of the **vehicle** resides.

### 58. Substances from vehicles

A **person** must not allow any grease, oil, mud, clay or other substance from a **vehicle**:

- (1) to fall or run off a **vehicle** onto a **road** or into any drain on or under the **road**; and
- (2) must take all reasonable steps to promptly remove the substance and make good any damage and remove any consequent hazard.

Max penalty: 5 **Penalty Units**

## PART 6: WASTE

### 59. Objectives

The objectives of this Part are to provide for:

- (1) protection of the amenity of the **municipal district**; and
- (2) regulation and control of the handling, storage, management, disposal and collection of all of the following:
  - (a) **organics waste**;
  - (b) **recyclable waste**;
  - (c) **household rubbish**;
  - (d) **e-waste**;
  - (e) **trade waste**; and
- (3) obligations and prohibitions on all of the following:
  - (a) **owners** and **occupiers** of residential **property**;
  - (b) **owners** and **occupiers** of **commercial and industrial property**;
  - (c) other **people**; and
- (4) the safe and efficient management and collection of **waste**.

### 60. Use of approved receptacles

A person must:

- (1) not unless directed by **Council** place an **approved receptacle**, or any receptacle, outside a **property** any more than 24 hours before the scheduled collection time;
- (2) cause an **approved receptacle**, or any receptacle, to be returned to the **property** within 24 hours from the time the receptacle was emptied;
- (3) not move, or cause, allow or suffer to be moved, **approved receptacles** from the **property** to which they were provided;
- (4) not use **approved receptacles** for any purpose other than the purpose for which they are provided; and
- (5) not place or cause to be placed in any **approved receptacle** any items identified in **Council Policy** as not suitable for collection.

Penalty: 5 **Penalty Units**

### 61. Prohibited use of approved receptacles

A **person** must not place or cause to be placed in any **approved receptacle** any of the following:

- (1) **e-waste**;
- (2) automobile components and engines;
- (3) **animal** carcasses;
- (4) hot ashes;
- (5) slops, liquid **waste** or offensive material;

- (6) syringes or other sharp objects that may be contaminated with infectious **waste** including blood;
- (7) oil, paint, solvents, flammable liquid or similar substances;
- (8) **trade waste** or **domestic building waste**;
- (9) other **waste prescribed** by **Council**;
- (10) **household rubbish** or **recyclable waste** exceeding a total weight of 70 kilograms for a 140 litre bin and 100 kilograms for a 240 litre bin;
- (11) human excrement (other than in the case of disposable nappies that have been cleaned of solids and wrapped in impervious material);
- (12) unless securely wrapped in impervious material, any of the following:
  - (a) dirt, dust, hair or other like substance;
  - (b) glass, wire, or other jagged or rough edged material or object;
  - (c) **animal** faeces.

Max penalty: 10 **Penalty Units**

## 62. Collection of approved receptacles

When a **person** places an **approved receptacle** for emptying, the **approved receptacle** must be placed:

- (1) with the lid of the **approved receptacle** fully closed; and
- (2) at least one 1 metre clear of any obstruction or parked **vehicle**; and
- (3) facing the **road**, near the kerb at the front of the **property** in a manner that conveniently facilitates the usual form of collection of that type of **approved receptacle**; and
- (4) if applicable:
  - (a) if the **road** is a one-way road, on the left hand side of the **road** (when facing the direction of travel); or
  - (b) if the **road** is a cul-de-sac, at the entrance to the bowl or hammerhead of the cul-de-sac; or
  - (c) as otherwise **prescribed** by **Council** for reasons of health and safety.

Max penalty: 5 **Penalty Units**

## 63. Interference with collection of approved receptacles

- (1) A **person** must not remove or interfere with any **household rubbish**, **recyclable waste** or **organic waste** that has been placed out for collection in accordance with this Local Law.

Max penalty: 10 **Penalty Units**

- (2) Subclause (1) does not apply to a **person** employed or engaged by **Council** while acting in the course of their duties or an **occupier of property** recovering, before collection, any material he or she has placed out, or caused to be placed out, for collection.



#### 64. Improper use of Council litter bins

A **person** must not, without the consent of **Council** in writing, use a **Council litter bin**, for the deposit of any **household rubbish, domestic building waste, e-waste or trade waste**.

Max penalty: Individual 5 **Penalty Units**

**Body Corporate 10 Penalty Units**

#### 65. Trade waste receptacle

The **owner** or **occupier** of every **commercial and industrial property** that stores **trade waste** must provide **trade waste** storage containers that are constructed of impervious materials; and water tight; and pest proof.

Max penalty: 10 **Penalty Units**

#### 66. Storage and washing of trade waste receptacles

- (1) The **owner** or **occupier** of any **commercial and industrial property** must not place, or cause, allow or suffer to be placed, or allow to remain on any land outside the **property**, any container for the storage of **trade waste** and must wash **waste** receptacles in an appropriate manner.

Max penalty: 10 **Penalty Units**

- (2) For the purposes of subclause (1), storage and washing **waste** receptacles in an appropriate manner include all of the following:
- (a) empty all **trade waste** containers before they overflow;
  - (b) **waste** and **waste** receptacles are stored completely within the **property**;
  - (c) there are sufficient wash facilities on the **property** to enable **waste** receptacles to be thoroughly cleaned;
  - (d) the wash facilities are well maintained appropriately plumbed and connected to sewer.

#### 67. Collection of trade waste

- (1) A **person** must not, without a **permit**, collect, or cause, allow or suffer to be collected, from any **commercial and industrial property** any **trade waste** or **recyclable waste**, except between the hours of:

- (a) 6.00 am and 8.00 pm Monday to Saturday; or
- (b) 9.00 am and 8.00 pm Sundays and Public Holidays.

Max penalty: 20 **Penalty Units**

- (2) A **person** must not emit, or cause, allow or suffer to be emitted, unreasonable noise from any collection of **trade waste** or **recyclable waste** from **commercial and industrial property**.

Max penalty: 20 **Penalty Units**

- (3) For the purposes of subclause (2), noise will be deemed to be unreasonable if it is unreasonable having regard to all of the following:
- (a) its volume, intensity, time, place and other circumstances in which it is emitted;
  - (b) any relevant **Government Act, regulation or policy**;
  - (c) any relevant **Council policy**.

## PART 7: ASSET PROTECTION

### 68. Objectives

The objectives of this Part are to provide for:

- (1) protection of **public assets**; and
- (2) regulation and control of the location, size, standard and maintenance of **vehicle crossings**; and
- (3) the appropriate use of **vehicle crossings**; and
- (4) for the safety of persons on, adjacent to, opposite, or passing a building site.

### 69. Permit required for vehicle crossing

- (1) A **person** must not, without a **permit**, construct, install, remove or alter a **vehicle crossing**.

Max penalty: 10 **Penalty Units**

- (2) When considering an application for a **permit** under subclause (1), **Council** must consider all of the following:
  - (a) the impact on the amenity of the area;
  - (b) the ability of the proposed **vehicle crossing** to provide for safe **vehicle** movements;
  - (c) any relevant **Government Act, regulation or policy**;
  - (d) **the Scheme**;
  - (e) any relevant **Council policy**;
  - (f) any other relevant matter.

### 70. Servicing of vehicle crossing

Where a **vehicle crossing** has been constructed as a bridge or driveway over the channel in the **road**, the **owner** or **occupier** of the **property** served by the **vehicle crossing** must keep the channel under the bridge or driveway clear of obstructions.

Max penalty: 5 **Penalty Units**

### 71. Requirements concerning vehicle crossings

- (1) An **owner** or **occupier** of **property** must:
  - (a) where necessary to allow **vehicle** movements between the **property** and a **road**, provide a **vehicle crossing**; and
  - (b) maintain all existing **vehicle crossings** in a safe state; and
  - (c) remove any redundant **vehicle crossings**.
- (2) If an **Authorised Officer** serves a **notice to comply** in relation to a contravention of subclause (1), the **works required** to correct the contravention may include any of the following:
  - (a) construction of a **vehicle crossing**;
  - (b) repair of a **vehicle crossing**;
  - (c) removal of a **vehicle crossing**, and reinstatement of the kerb and channel, nature strip and footpath.

- (3) If a **person** is given a **notice to comply** in relation to a contravention of subclause (1) the **person** must not undertake any works without first applying for, and obtaining, written consent from the coordinating road authority under the *Road Management Act 2004*.

Max penalty: 10 **Penalty Units**

## 72. Permit required for building works

- (1) Subject to subclause (2) a person must not without a **permit** carry out any **building work**.
- Max penalty: 20 **Penalty Units**
- (2) A **person** may carry out **Building work** on a **property** without first obtaining a **permit** if none of the following asset categories exist on **Council land** adjacent to the **property** where the **Building work** is being carried out:
- (a) constructed footpath or walkways;
  - (b) kerb and channel;
  - (c) storm water drains and pits;
  - (d) formed and or constructed vehicle crossings;
  - (e) formed urban nature strips including street trees and street signage.
- (3) A **permit** issued under or for the purposes of this clause is valid for 3 years from the date of issue.
- (4) If a **permit** issued under or for the purposes of this clause expires before an Occupancy Permit or Final Certificate for the **Building works** is issued the **person** carrying out the **Building works** must cease the **Building work** and not carry out any further **Building work** without obtaining new **permit**.
- (5) An application for a **Permit** under or for the purposes of this clause must detail if any damage already exists to any of the asset categories listed in subclause (2) as well as any obvious damage to assets on **property** directly adjacent to the **property** where the **Building works** is to be carried out.
- (6) The **person** responsible for the **Building work** must repair any damage, other than damage identified in accordance with subclause (5), to the existing road, kerb, drains or footpaths to the satisfaction of the **Council**.
- (7) The **permit holder** may be required to undertake specified protection works, including tree protection works.
- (8) Except, as provided in subclause (9) or in the case of an emergency or in accordance with a **permit**, an **owner**, the **owner's** builder or the **owner's** agent must not undertake any **building works** outside of the following hours:
- (a) 7 am and 8 pm – Mondays to Fridays;
  - (b) 9 am and 6 pm – Saturdays.
- Max penalty: 10 **Penalty Units**
- (9) An **owner** or **occupier** is permitted to undertake **Building works** on a Sunday between 9 am and 6 pm on **property** that they are living in.
- (10) The **permit** holder must, within 7 days of completion of the **Building works** to Occupancy Permit or Final Certificate stage, arrange with the **Council** for an inspection of the site.

### 73. Stormwater protection

- (1) Where any building work is being carried out on any **property**, the **owner**, builder or appointed agent must ensure that the site is developed and managed to minimize the risks of stormwater or creek pollution.

Max penalty: 10 **Penalty units**

- (2) Stormwater or creek pollution occurs through builders' refuse or the contamination of run-off by chemicals, sediments, **animal** wastes or gross pollutants in accordance with currently accepted best practice. This includes adoption of measures to:
  - (a) minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting roads or washed into the stormwater system or directly into creeks; and
  - (b) prevent building clean up, wash down or other wastes being discharged offsite or allowed to enter the stormwater system or directly into creeks.
- (3) **Council** from time to time may provide guidelines to assist **owners**, builders or their appointed agents in complying with subclause (1).

### 74. Containment of refuse

- (1) Where any building work is being carried out on any **property**, the **owner**, builder or appointed agent must contain all refuse to the site.

Max penalty: 10 **Penalty Units**

- (2) Refuse is contained by:
  - (a) Provide a facility for the purpose of disposal of builders' refuse and provided the facility contains all builders' refuse on the **property** to the satisfaction of **Council**, its size, design and construction will be at the discretion of the builder;
  - (b) Place the facility on the **property** and keep it in place (except for such periods as are necessary to empty the facility) for the duration of the building work;
  - (c) Do not place the facility on any **Council land, road**, including a nature strip without a **Permit** from **Council**;
  - (d) Empty the facility whenever full and if necessary, a replacement facility should be provided during the emptying process.
- (3) The requirement to provide a facility may be waived at the discretion of an **Authorised Officer**.

### 75. Removal of builders' refuse

- (1) On any **property** where building work is being, or has been carried out, the **owner**, builder or appointed agent must remove and lawfully dispose of all refuse within 7 days of completion of the building work or issue of an occupancy permit, whichever occurs last.

- (2) The driver of any **vehicle** involved in placing or removing builders' refuse facilities must access the building site by way of a temporary vehicle crossing unless otherwise permitted by **Council** and in accordance with that permission.

#### 76. Sanitary facilities

- (1) The **owner**, builder or appointed agent must not undertake or carry out any building, engineering or other work necessitating the employment of **persons** on a site unless a sewered toilet or a portable toilet (closet) system is provided for the use of the **persons** on that site to the satisfaction of **Council**.
- (2) Notwithstanding subclause (1) where **buildings** are being constructed on adjacent sites simultaneously by the same **person** and **Council** allows one sewered toilet or one portable toilet (closet) system for every 3 adjoining sites, no offence will arise.
- (3) No portable toilet is to be located next to **dwellings** on adjoining **property**.

#### 77. Building material and equipment

- (1) All building materials and equipment to be kept/stored on building sites in a manner to ensure that no damage is caused to adjoining properties.  
Max penalty: 10 **Penalty Units**
- (2) No building materials or equipment to be placed or stored on **Council land, road**, including nature strip without a **Permit** from **Council**.

## PART 8: PERMITS

### 78. Objectives

The objectives of this Part are to provide for all of the following:

- (1) applications for **permits**;
- (2) regulation and control of the manner and content of **permit** applications;
- (3) issue of **permits**.

### 79. When a permit is required

When in this Local Law, a condition is placed on a **person** not doing a thing or taking an action by words "without a **permit**", or words to that effect, then unless an exemption applies, that **person** must obtain a **permit** before doing that thing or taking that action.

### 80. Application for a permit

- (1) Unless otherwise provided in this Local Law, or otherwise determined by **Council**, an application for a **permit** must be on a form approved by Council;
- (2) A **permit** application must be accompanied by the **prescribed** fee;
- (3) A **permit applicant** must provide to **Council** all information that is necessary to allow for the processing of the application.

### 81. Power to obtain necessary information

**Council** may require a **permit applicant** to provide additional information before dealing with an application for the **permit**.

### 82. Permit may be conditional

- (1) A **permit** under this Local Law may be issued subject to conditions, including conditions relating to any of the following:
  - (a) the payment of a fee, charge or lodgment of a guarantee or bond;
  - (b) a standard to be applied;
  - (c) a time limit to be applied or specifying the duration, commencement or completion date;
  - (d) the happening of an event;
  - (e) the rectification, remedying or restoration of a situation or circumstance;
  - (f) where the **permit applicant** is not the **owner** of the relevant **property**, the requirement that the **permit applicant** obtain the consent of the **owner**;
  - (g) the requirement to comply with any **Government Act, regulation or policy**, or **Council policy**;
  - (h) the granting of some other **permit** or authorisation, as required by **Council** whether under this Local Law or otherwise;
  - (i) the requirement that specified things are done to the satisfaction of **Council**;
  - (j) the manner and method of undertaking any activity or works associated with the **permit**;

- (k) the requirement that the **permit applicant** give notice in the manner specified by **Council**.
- (2) A **person** must comply with all conditions of a **permit**.  
Max penalty: 10 **Penalty Units**

### 83. Duration of permits

Except where expressly stated in this Local Law or in the **permit**, a **permit** will operate from the date it is issued and will expire one year after the date of issue.

### 84. Transfer of permits

A **permit** is not transferable by the **permit holder** to any other **person** without the consent in writing of **Council**.

### 85. Amendment of permits

- (1) **Council** may, during the term of a **permit**, amend the conditions of the **permit** if it is appropriate to do so, including in the event of any of the following:
  - (a) the **permit** contains a material miscalculation or material mistake;
  - (b) the application for the **permit** contains a material misstatement or concealment of fact;
  - (c) the **permit** contains an unintentional error or an omission;
  - (d) since the **permit** was issued, there has been a material change of circumstances.
- (3) **Council** shall notify the **permit holder** in writing of any correction or amendment to the **permit**.
- (4) The amendment will take effect from the date the **permit holder** is notified of the correction or amendment to the **permit**.

### 86. Cancellation of permits

- (1) **Council** may, during the term of a **permit**, cancel a **permit** if it is appropriate to do so, including in the event of any of the following:
  - (a) there has been a serious or ongoing breach of the conditions of the **permit**;
  - (b) a **notice to comply** has been issued, but has not been complied with 7 days after the time specified for compliance in the **notice to comply**;
  - (c) there was a material misstatement or concealment of fact in relation to the application for the **permit**;
  - (d) since the **permit** was issued, there has been a material change of circumstances;
  - (e) in the circumstances, the **permit** should be cancelled.
- (2) Before cancelling a **permit**, **Council** shall do all of the following:
  - (a) notify the **permit holder**;
  - (b) allow the **permit holder** the opportunity to make both written and oral submissions to **Council**;
  - (c) consider any submissions.
- (3) For the purposes of subclause (2), written and oral submissions must be made within 14 days of notification, and must be made in the manner specified in the notice.

- (4) **Council** will notify the **permit holder** in writing of any cancellation of a **permit**.
- (5) The cancellation will take effect from the date the **permit holder** is notified of the cancellation of the **permit**.

**87. Council exempt from obtaining permits**

Unless otherwise provided for in this Local Law, **Council** is exempt from the need to obtain any **permit** required by this Local Law.

**88. Misleading conduct**

A **person** must not obtain or attempt to obtain a **permit** by willfully making or causing to be made, any false or misleading oral or written representation.

Max penalty: 20 **Penalty Units**



## PART 9: ADMINISTRATION

### 89. Objectives

The objectives of this Part are to provide for all of the following:

- (1) administration and enforcement of this Local Law;
- (2) requests for review of notices issued under this Local Law;
- (3) delegation of **Council** and **Chief Executive Officer** powers, functions and duties under this Local Law to members of **Council's** staff;
- (4) processes for:
  - (a) setting of fees and charges payable under this Local Law; and
  - (b) adoption of **Council policies** under this Local Law.

### 90. Exercise of Discretion

In exercising any discretion contained in this Local Law, an **Authorised Officer** must have regard to:

- (1) the objectives of this Local Law and any applicable Policy, Standard or Guideline incorporated by reference in this Local Law;
- (2) any operating procedures applicable to the Local Law; and
- (3) any other relevant matter.

### 91. Infringement notices

- (1) If an **Authorised Officer** has reason to believe that a **person** has committed an offence against this Local Law, the **Authorised Officer** may, as an alternative to prosecution, serve an **infringement notice** on the **person**.
- (2) The requirements of the *Infringements Act 2006* apply to an **infringement notice** issued under this Local Law.

### 92. Penalties

- (1) Where a penalty for an offence against this Local Law appears at the foot of a clause of this Local Law. That penalty is the maximum penalty that may be imposed by a Court.
- (2) The **infringement notice** penalties for offences in respect of which **infringement notices** can be served are set out in Column 3 of Schedule 1.
- (3) A **person** found guilty of an offence against this Local Law is liable to a penalty of the amount set out as the maximum penalty in Column 4 of Schedule 1 (and in some cases, at the foot of the relevant clause of this Local Law). If a penalty is not listed in Column 4 of Schedule 1 (or at the foot of the relevant clause of this Local Law) then the maximum penalty is two (2) **Penalty Units**.
- (4) A **person** found guilty of an offence against this Local Law is liable for two (2) **Penalty Units** for each day during which the contravention continues.

### 93. Notices to comply

- (1) Either as an alternative to, or in addition to, an **infringement notice** or any other enforcement action under this Local Law, an **Authorised Officer** may serve a **notice to comply** under this clause to any **person** who contravenes this Local Law.
- (2) The **notice to comply** must be in writing, and generally in accordance with the form of Schedule 2 to this Local Law.
- (3) A **notice to comply** must comply with all of the following:
  - (a) specify the clause of this Local Law that has been contravened;
  - (b) specify the act, omission, matter or thing that constitutes the contravention;
  - (c) specify the **works required**;
  - (d) specify the time within which the **person** named on the **notice to comply** is required to complete the **works required**;
  - (e) be signed by an **Authorised Officer**;
  - (f) be served on the **person** named on the **notice to comply** in accordance with clause 10.
- (4) The time within which a **person** must comply with a **notice to comply** must be reasonable in the circumstances.
- (5) For the purposes of subclause (4), in determining what is reasonable in the circumstances, an **Authorised Officer** must consider all of the following:
  - (a) the amount of work involved;
  - (b) the degree of difficulty of undertaking the work;
  - (c) the availability of necessary materials or other necessary items;
  - (d) climatic conditions;
  - (e) the degree of risk or potential risk;
  - (f) any other relevant factor.
- (6) A **person** on whom a **notice to comply** is served under subclause (1) must comply with the **notice to comply**.  
Max penalty: 10 **Penalty Units**
- (7) If a **person** on whom a **notice to comply** is served fails to comply with the **notice to comply**, **Council** or an **Authorised Officer**, or any employee or any other **person** authorised by **Council**, may enter upon any land on which there is a failure to comply with the **notice to comply** and do all such acts, matters and things that are necessary to effect the **works required**.

### 94. Impounding

- (1) Where any **goods**, items, **animals** or equipment have been placed or left in any **public place, road** or land in contravention of this Local Law or a **permit** issued under this Local Law, an **Authorised Officer** may impound those **goods**, items,

**animals** or equipment and they must be dealt with in accordance with the requirements of this Local Law.

- (2) As soon as practicable after an item has been impounded under subclause (1), **Council** or an **Authorised Officer** must serve a notice of impounding personally or by ordinary mail on the **person** who appears to be the owner or the **person** responsible for the impounded item, setting out the fees and charges payable and the time by which the item must be retrieved.
- (3) A notice of impounding must set out the fees and charges payable and the time by which the **animal** or thing must be collected (being a time not less than 7 days from the date the **animal** or thing is impounded).
- (4) An impounded item must be surrendered to its **owner**, or a **person** acting on behalf of its **owner** who provides evidence to the satisfaction of an **Authorised Officer** of their authority from the **owner**; the **owner** or person acting on behalf of the **owner**:
  - (a) Provides the Authorised Officer with evidence that satisfies the **Authorised Officer** the **owner's** right to the item; and
  - (b) Pays any prescribed fee the cost to **Council** of impounding, moving, keeping and releasing the **animal** or thing (including any relevant overhead, administration or other indirect costs).

#### 95. Disposal

- (1) An **Authorised Officer** may sell, destroy, dispose of or give away any item impounded under the provisions of this Local Law if the **person** served with the notice under clause 93 has not paid the fee within the time specified in the notice.
- (2) In the case that the impounded items are perishable and will not survive the period specified in subclause (1), the **Authorised Officer** may dispose of the items sooner.
- (3) **Council** is entitled to retain from the proceeds of sale of any impounded item or its reasonable costs incurred in impounding, keeping or selling the item.
- (4) **Council**, and anyone who obtains any impounded or confiscated **animal** or thing, is not liable to the **owner** of the **animal** or thing or any other **person** in respect of any action taken under subclause (1).

#### 96. Recovery of expenses

All costs and expenses incurred by **Council** in consequence of a contravention of this Local Law (including any administration costs) or in the execution of work directed under this Local Law to be executed by any **person**, (pursuant to a **notice to comply** or otherwise) and not executed by the **person**, must be paid immediately on demand to **Council** by the **person** committing the contravention or failing to execute the work and is recoverable by **Council** as a debt due summarily. Until paid, such debt will bear interest at the penalty interest rate prescribed by **Council** under section 227A of **the Act** from time to time.

## 97. Urgent powers

- (1) An **Authorised Officer** may, in urgent circumstances arising from a contravention of this Local Law, without serving a **notice to comply**, take action to address the contravention.
- (2) For the purposes of subclause (1), urgent circumstances include when the time involved in, or difficulties associated with, serving a **notice to comply**, may place a **person, animal**, property or thing at risk or in danger.
- (3) If an **Authorised Officer** takes action in accordance with subclause (1):
  - (a) the action taken must not extend beyond what is necessary to avert the immediate risk or danger involved; and
  - (b) notification of the circumstances and action taken must be forwarded to the **person** on whose behalf the action was taken.
- (4) Notification under subclause (3)(b) must be made in writing and must be served in accordance with clause 10 within 5 business days of the action being taken.

## 98. Requests for review

- (1) Where a **person** has been issued with an **infringement notice** the **person** may apply for an internal review of the decision to issue the **infringement notice** and the provisions of Division 3 of the *Infringements Act 2006* shall apply.
- (2) Where a **person** has been issued with a **notice to comply**, the **person** may, before the expiration of the time within which the **person** must comply with the **notice to comply**, request an internal review of the **notice to comply**.
- (3) Where a **permit applicant** has been:
  - (a) refused a **permit**; or
  - (b) granted a **permit** subject to a condition or conditions;the **permit applicant** may, within 28 days of notification of **Council's** decision to refuse the **permit**, or to grant the **permit** subject to a condition or conditions, request an internal review of the decision to refuse the **permit**, or to grant the **permit** subject to a condition or conditions.
- (4) A request for review made under subclause (2) must be in writing and may seek any of the following:
  - (a) withdrawal of the **notice to comply**;
  - (b) variation of the **works required**;
  - (c) extension of the time within which the **person** must comply with the **notice to comply**.
- (5) A request for review made under subclause (3) must be in writing and may seek any of the following:
  - (a) reversal of the decision to refuse the **permit**;
  - (b) variation or removal of the condition or conditions.
- (6) A **person** requesting a review under subclause (2) or (3) must do everything practicable to cooperate in the review.

- (7) When a **person** requests a review of a **notice to comply** under subclause (2) the **Chief Executive Officer, Authorised Officer** or a delegate will conduct the review and, upon completion of the review, must:
- (a) notify the **person** who requested the review of the outcome of the review; and
  - (b) unless the **notice to comply** is withdrawn, or the contravention of the Local Law has been otherwise remedied, issue an amended **notice to comply** that complies with clause 93.
- (8) When a **permit applicant** requests a review of a decision to refuse a **permit**, or a decision to grant a **permit** subject to a condition or conditions, under subclause (3) the **Chief Executive Officer, Authorised Officer** or a delegate will conduct the review and, upon completion of the review, must:
- (a) notify the **person** who requested the review of the outcome of the review; and
  - (b) if the outcome of the review is such that a **permit**, or an amended **permit**, is to be granted, issue a **permit**, or amended **permit** that complies with part 9.
- (9) A **person** may not seek a review:
- (a) under subclause (2), of an amended **notice to comply** issued under subclause (7)(b); or
  - (b) under subclause (3), of a **permit**, or amended **permit**, issued under subclause (8)(b).

## 99. Council policies

- (1) In addition to the controls provided in this Local Law, **Council** may **prescribe** a **Council policy** in relation to any of the following:
- (a) management of private **property**;
  - (b) activities in, and management of, **public places** and **municipal buildings**;
  - (c) protection and enhancement of natural habitats;
  - (d) **keeping** and control of **animals**;
  - (e) **vehicles** in or on **public places**;
  - (f) the handling of **waste**;
  - (g) municipal health and amenity;
  - (h) **vehicle crossings**;
  - (i) any other matter dealt with under this Local Law.
- (2) A **person** must comply with a provision of a **Council policy prescribed** by **Council** under subclause (1).
- Max penalty: 10 **Penalty Units**

- (3) For the purposes of subclause (1), a **Council policy** may set standards; prohibit; further regulate; limit or guide in relation to any act matter or thing dealt with under this Local Law.

### 100. Fees and charges

- (1) **Council** may from time to time by resolution determine the fees, charges, guarantees or bonds to apply under this Local Law.
- (2) For the purposes of subclause (1), a resolution relating to fees, charges, guarantees or bonds to apply under this Local Law may:
- (a) include an administrative or processing fee or charge; and
  - (b) establish a system or structure of fees and charges including any of the following:
    - (i) specific fees or charges;
    - (ii) minimum and / or maximum fees or charges;
    - (iii) scales of fees according to the value of **goods** or services provided for the fees or the project being assessed;
    - (iv) the payment of fees either generally or under specified conditions or in specified circumstances;
    - (v) the reduction, waiver or refund, in whole or in part, of the fees.

## SCHEDULE 1 – PENALTIES

Column 1	Column 2	Column 3	Column 4
Clause	Offence	Penalty ( <i>Penalty Units</i> ) <i>Infringement Notice</i>	Maximum Court
12	<b>Owner</b> or <b>occupier</b> of <b>property</b> failed to display at the front of their <b>property</b> in a manner other than prescribed by <b>Council</b> .	1	5
13(1)	Without a <b>permit</b> , a <b>person</b> did <b>camp</b> on <b>property</b> without a <b>dwelling</b> on the <b>property</b>	2	10
13(2)	Without a <b>permit</b> a <b>person</b> did <b>camp</b> for more than 6 weeks on a <b>property</b>	2	10
14(1)	A <b>person</b> did create a nuisance when using a <b>recreation vehicle</b> .	1	5
16(1)	Without a <b>permit</b> , park, keep, store, repair or allow to remain on any residential <b>property</b> or vacant <b>property</b> less than 2,023 sqm, a <b>heavy vehicle</b>	1	5
17(1)	<b>Owner</b> or <b>occupier</b> of <b>property</b> causes, allows or suffers the <b>property</b> to be unsightly and detrimental to the amenity of the neighbourhood in which the <b>property</b> is located	1 <sup>st</sup> Offence 1 Subsequent Offence 2	1 <sup>st</sup> Offence 5 Subsequent Offence 10
18(1)	<b>Owner</b> or <b>occupier</b> of <b>property</b> causes, allows or suffers the <b>property</b> to be dangerous or likely to cause danger to life or property.	2	20
19	An <b>owner occupier</b> of <b>property</b> did allow cause or suffer the <b>property</b> to have upon it <b>noxious weeds</b>	2	10
20(1)	<b>Owner</b> or <b>occupier</b> of <b>property</b> causes, allows or suffers the <b>property</b> to be kept in a manner that harbours or is likely to harbour vermin is likely to cause a health hazard.	2	10
20(2)	Without authority from <b>Council</b> or a <b>Statutory Authority</b> , <b>Owner</b> or <b>occupier</b> of <b>property</b> causes, allows or suffers any substance other than storm water to be discharged from the <b>property</b> into a drain that is a <b>Council asset</b> .	2	10

Column 1	Column 2	Column 3	Column 4
Clause	Offence	Infringement Notice	Maximum Court
20(3)	<b>Owner</b> or <b>occupier</b> of <b>property</b> causes, allows or suffers any vegetation or sign on the <b>property</b> to overhang a <b>road</b> at a height of less than 3 metres, or to such an extent that it interferes with or obstructs the clear passage of pedestrians or <b>vehicles</b> .	2	10
20(4)	<b>Owner</b> or <b>occupier</b> of <b>property</b> causes, allows or suffers any building or vegetation to causes a danger to traffic, drivers or other <b>road</b> users by preventing a clear view of other <b>vehicles</b> , objects or <b>traffic control devices</b> .	2	10
20(5)	<b>Owner</b> or <b>occupier</b> of <b>property</b> causes, allows or suffers any <b>barbeque</b> to be used for any purpose other than for the preparation of food.	2	10
20(6)	<b>Owner</b> or <b>occupier</b> of <b>property</b> causes, allows or suffers any outdoor lighting installed on the <b>property</b> , be designed or located to effect the amenity of any person on adjoining <b>property</b> or <b>property</b> in the vicinity	2	10
21	An <b>owner</b> of <b>property</b> must not allow, cause, or suffer a <b>shipping container</b> to be placed on the <b>property</b> .	2	10
22(1)	An <b>owner</b> or <b>occupier</b> of <b>property</b> must not cause, allow or suffer any fire in the open air to be lit or remain alight on the <b>property</b> .	1 <sup>st</sup> Offence 1 Subsequent Offence 2	1 <sup>st</sup> Offence 5 Subsequent Offence 10
24(1)	A <b>person</b> did use, allow or authorise others to use a <b>scaregun</b> without all conditions of the <i>Environment Protection Authority Noise Control Guidelines</i> are satisfied:	1	5
24(2)	<b>Scaregun</b> not used for the bona fide purpose of scaring birds from crops during a recognised crop growing period.	1	5
24(3)	<b>Scaregun</b> is not used on land zoned farming pursuant to <b>the Scheme</b> or located in the crop that it is protecting.	1	5
24(4)	A sign not displayed in a conspicuous position at all times that a <b>scaregun</b> is in use, containing the prescribed details.	1	5
24(5)	Using more that the number of prescribed <b>scareguns</b> on the <b>property</b>	1	5



Column 1	Column 2	Column 3	Column 4
Clause	Offence	Penalty ( <i>Penalty Units</i> ) <i>Infringement Notice</i>	Maximum Court
26(1)(a)	Without a <b>permit</b> , place or leave, or cause or allow to be placed or left, any obstruction or object on or in a <b>public place</b> .	2	10
26(1)(b)	Without a <b>permit</b> , conduct any activity, on or in a <b>public place</b> .	2	10
26(1)(c)	Without a <b>permit</b> , undertake any works on or in a <b>public place</b> .	2	10
27	Did make noise that was considered unreasonable by an <b>Authorised Officer</b> .	2	10
28(1)(a)	A <b>person</b> must not use a <b>recreation conveyance</b> in an area for which its use is prohibited.	1	5
28(1)(b)	A <b>person</b> must not use a <b>recreation conveyance</b> in a manner that is likely to cause a <b>nuisance</b> or danger to any other <b>person</b>	1	5
29	Enter any <b>public place</b> or <b>municipal building</b> in respect of which <b>Council</b> has <b>prescribed</b> an entry fee without paying the entry fee.	1	5
30	Except on a boundary that adjoins a <b>road</b> and without a <b>permit</b> , construct, make or allow to be constructed or made any gate or opening in any fence on the boundary of a <b>public place</b> .	1	5
31(1)	Did leave a <b>shopping trolley</b> on any <b>property, road</b> or <b>public place</b>	1	5
31(2)	Did not ensure a <b>shopping trolley</b> for use by customers did remain on land owned or occupied by the retailer	1	5
32(2)(a)	In a part of the <b>municipal district</b> prescribed by <b>Council</b> did consume any <b>liquor</b> .	1	5
32(2)(b)	In that part of the <b>municipal district</b> prescribed by <b>Council</b> did have in their possession or control any <b>liquor</b> , in an unsealed container.	1	5
32(5)	Not comply with a direction given under subclause 32(4).	2	10

Column 1	Column 2	Column 3	Column 4
Clause	Offence	Penalty ( <i>Penalty Units</i> )  <i>Infringement Notice</i>	Maximum Court
33(1)(a)	On or in a <b>public place</b> , engage in, play or practice any game in such a manner as to be a danger to the safety of any <b>person</b> or to the condition of any property or to interfere with the reasonable use and enjoyment of the <b>public place</b> or any part thereof by any other <b>person</b> .	2	10
33(1)(b)(i)	On or in a <b>public place</b> , ride, drive or otherwise use any <b>animal</b> in such a manner as to be a danger to the safety of any <b>person</b> or to the condition of any property or to interfere with the reasonable use and enjoyment of the <b>public place</b> or any part thereof by any other <b>person</b> .	2	10
33(1)(b)(ii)	On or in a <b>public place</b> , ride, drive or otherwise use any <b>vehicle, recreation or vehicle</b> in such a manner as to be a danger to the safety of any <b>person</b> or to the condition of any property or to interfere with the reasonable use and enjoyment of the <b>public place</b> or any part thereof by any other <b>person</b> .	2	10
33(1)(b)(iii) )	On or in a <b>public place</b> , use any flying device as to be a danger to the safety of any <b>person</b> or to the condition of any property or to interfere with the reasonable use and enjoyment of the <b>public place</b> or any part thereof by any other <b>person</b> .	2	10
33(1)(c)	On or in a <b>public place</b> , did place a <b>Charity Clothing Bin</b>	2	10
33(1)(d)	On or in a <b>public place</b> , did place a play or practice golf	2	10
33(5)	A <b>person</b> must comply with a direction given under subclause 34(4)	2	10
34	<b>Owner</b> or <b>occupier</b> allow trees or plants on <b>property</b> to cause damage to, or interference with a <b>road</b> or <b>public places</b> .	1	5
35(1)(a)	On or in a <b>public place</b> , use indecent, insulting, offensive or abusive language.	1	5
35(1)(b)	On or in a <b>public place</b> act in a riotous way;	1	5
35(1)(c)	On or in a <b>public place</b> , cause a nuisance.	1	5
35(1)(d)	On or in a public place, interfere with another person's use and enjoyment of the public place.	2	10

Column 1	Column 2	Column 3	Column 4
Clause	Offence	Infringement Notice	Maximum Court
35(1)(e)	On or in a <b>public place</b> , destroy, damage, deface, write upon or interfere with any <b>public place</b> or any <b>public asset</b> .	5	20
35(1)(f)	On or in a <b>public place</b> , use any life saving or fire protection device unless during an emergency or during approved instruction.	5	20
35(1)(g)	Did enter or remain on the playing arena on any <b>public place</b> during the progress of the <b>Competitive Game or Sport</b> .	1	5
35(3)	Not comply with a direction given under clause 35(2).	5	20
36(1)	Contravene the provision of any notice or sign erected to better control, manage or preserve a <b>public place</b> or any part thereof or any specified activity to be allowed, prohibited or otherwise controlled	1	5
36(2)	Remove any sign except with the authority of <b>Council</b>	1	5
37(1)	Without the prior consent of a <b>manager</b> , bring into or cause or allow to remain in any part of a <b>municipal building</b> a prohibited item or thing.	2	10
37(4)	Not comply with a direction given under clause 37(3).	5	20
42(1)(a)	Without a <b>permit</b> , <b>keep</b> on any <b>property</b> any more in number of each type of <b>animal</b> or groups of <b>animals</b> than is set out in Table 1.	2	10
42(1)(b)	Without a <b>permit</b> , <b>keep</b> on any <b>property</b> , any <b>animal</b> , other than fish or an <b>animal</b> prescribed by <b>Council</b> , not referred to in Table 1.	2	10
45(1)(a)	<b>Occupier</b> of <b>property</b> <b>keeps</b> an <b>animal</b> on the <b>property</b> in a kennel, house, aviary, shelter or other enclosure that is not constructed to the satisfaction of an <b>Authorised Officer</b> .	2	10
45(1)(b)	<b>Occupier</b> of <b>property</b> <b>keeps</b> an <b>animal</b> on the <b>property</b> in a kennel, house, aviary, shelter or other enclosure that does not prevent, as far as practicable, the wandering or escape of such <b>animal</b> beyond the boundaries of the <b>property</b> .	2	10

Column 1	Column 2	Column 3	Column 4
Clause	Offence	Infringement Notice	Maximum Court
45(1)(c)	<b>Occupier of property keeps an animal on the property</b> in a kennel, house, aviary, shelter or other enclosure that does not meet the welfare needs of the <b>animal</b> .	2	10
45(1)(d)	<b>Occupier of property keeps an animal on the property</b> in a kennel, house, aviary, shelter or other enclosure that is not capable of being readily cleaned and is well drained.	2	10
45(1)(e)	<b>Occupier of property keeps an animal on the property</b> in a kennel, house, aviary, shelter or other enclosure that is not maintained in good repair at all times.	2	10
45(1)(f)	<b>Occupier of property keeps an animal on the property</b> and does not <b>keep</b> the land within 3 metres of the kennel, house, aviary, shelter or other enclosure in which the <b>animal</b> is <b>kept</b> free of dry grass, weeds, refuse, <b>waste</b> or other material capable of harbouring <b>vermin</b> .	2	10
47(1)(a)	<b>Occupier of property keeps an animal on the property</b> and does not keep all food for consumption by the <b>animal</b> in a <b>vermin</b> proof receptacle.	1	5
47(1)(b)	<b>Occupier of property keeps an animal on the property</b> and does not remove all manure, excrement, refuse or rubbish produced or accumulated by the <b>animal</b> , as soon after the production or accumulation as is reasonably practicable.	1	5
47(2)	<b>Owner or occupier of property</b> , without a <b>permit</b> , within 6 metres of a dwelling on other <b>property</b> , constructs or allows to be constructed on the <b>property</b> any enclosure in which poultry or pigeons are <b>kept</b> , or intended to be <b>kept</b> .	2	10
47(3)	<b>Occupier</b> of any <b>property</b> on which an animal is <b>kept</b> causes, allows or suffers excrement or manure to escape from the <b>property</b> .	2	10
47(4)	<b>Keep</b> an animal in a manner that causes a <b>nuisance</b> to any <b>person</b> .	2	10
48(1)	In a <b>public place</b> and have care of an <b>animal</b> and carry a means of picking up faeces deposited on or in a <b>public place</b> by the <b>animal</b> .	1	5

Column 1	Column 2	Column 3	Column 4
Clause	Offence	Penalty ( <i>Penalty Units</i> )	
		<i>Infringement Notice</i>	Maximum Court
48(2)	In a <b>public place</b> and have care of an <b>animal</b> and not remove and hygienically dispose of faeces deposited on or in a <b>public place</b> by the <b>animal</b> .	1	5
49	Did not bury or remove a deceased <b>animal</b> in a timely manner without creating a public health or environmental hazard.	1	5
50(1)	<b>Owner</b> or <b>occupier</b> of <b>property</b> allows English wasps or European wasps to nest on the <b>property</b> .	2	10
50(2)	<b>Owner</b> or <b>occupier</b> of <b>property</b> allows any <b>feral European honey bees</b> on the <b>property</b> to cause, or be likely to cause, a <b>nuisance</b> to any <b>person</b> .	2	10
51(1)	A <b>person</b> must not graze livestock on a <b>road</b> without a <b>permit</b> .	2	10
52(1)	A <b>person</b> must not engage in driving livestock on a <b>road</b> without a <b>permit</b> .	2	10
53(1)	A <b>person</b> must not ride a horse on <b>Council land</b> or a <b>road</b> , if the activity causes damage to the <b>Council land</b> or <b>road</b>	1	5
53(2))	A <b>person</b> must not ride a horse on <b>Council land</b> if the activity causes a <b>nuisance</b> to any <b>person</b>	1	5
53(3)	A <b>person</b> must not ride a horse on <b>Council land</b> where the <b>Council</b> has erected signs on that land prohibiting horse riding.	1	5
55	Leave an unregistered <b>vehicle</b> or abandon a <b>vehicle</b> on a <b>road</b> or other <b>public place</b> .	1	5
56	Did repair, paint, maintain or service a <b>vehicle</b> on any <b>road</b> or other <b>public place</b> .	1	5
57(1)	Use any <b>road</b> or other <b>public place</b> to store any <b>caravan</b> , trailer, boat or damaged <b>vehicle</b> or advertise a <b>vehicle</b> for sale.	1	5

Column 1	Column 2	Column 3	Column 4
Clause	Offence	Infringement Notice	Maximum Court
58(1)	Allow any grease, oil, mud, clay or other substance to fall or run off a <b>vehicle</b> onto a <b>road</b> or into any drain on or under the <b>road</b>	1	5
58(2)	Did not take all reasonable steps to promptly remove the substances from a <b>vehicle</b> , make good any damage and remove any consequent hazard.	1	5
60(1)	Place an <b>approved receptacle</b> , or any receptacle, outside the <b>property</b> any more than 24 hours before the scheduled collection time.	1	5
60(2)	Not cause an <b>approved receptacle</b> , or any receptacle, to be returned to the <b>property</b> within 24 hours from the time the receptacle was emptied.	1	5
60(3)	Did move, cause or allow to be moved, <b>approved receptacles</b> from the <b>property</b> to which they were provided.	1	5
60(4)	Use <b>approved receptacles</b> for any purpose other than the purpose for which they are provided.	1	5
60(5)	Did place in <b>approved receptacle</b> items identified in <b>Council Policy</b> as not suitable for collection.	1	5
61	Did place an item in any <b>approved receptacle</b> Other than that prescribed.	5	20
62	Did place an <b>approved receptacles</b> for emptying in a manner not <b>prescribed</b> by <b>Council</b> .	1	5
63(1)	Did remove or interfere with any <b>household rubbish, recyclable waste</b> or <b>organic waste</b> that has been placed out for collection.	2	10
64	Use a <b>Council litter bin</b> , for the deposit of any <b>organic waste, recyclable waste, household rubbish, domestic building waste</b> or <b>trade waste</b> .	Individual 1 Body corporate 2	Individual 5 Body Corporate 10

Column 1	Column 2	Column 3	Column 4
Clause	Offence	Penalty ( <i>Penalty Units</i> ) <i>Infringement Notice</i>	Maximum Court
65	<b>Owner or occupier of a commercial and industrial property</b> that stores <b>trade waste</b> does not provide <b>trade waste</b> storage containers that are constructed of impervious materials, water tight and pest proof.	2	10
66(1)	Without a <b>permit</b> , place, cause, allow or suffer to be placed or allow to remain on any land outside the <b>property</b> , any container for the storage of <b>trade waste</b> and must wash <b>waste</b> receptacles	2	10
67(1)	Without a <b>permit</b> , collect, or cause, allow or suffer to be collected from any <b>commercial and industrial property</b> any <b>trade waste</b> or <b>recyclable waste</b> , except between prescribed hours.	5	20
67(2)	Emit, or cause, allow or suffer to be emitted, unreasonable noise from any collection of <b>trade waste</b> or <b>recyclable waste</b> from <b>commercial and industrial property</b> .	5	20
69(1)	Without a <b>permit</b> , did construct, install, remove or alter a <b>vehicle crossing</b> .	2	10
70	<b>Owner or occupier</b> of the <b>property</b> served by the <b>vehicle crossing</b> does not keep the channel under the bridge or driveway clear of obstructions.	1	5
71(3)	Did undertake any works on a <b>vehicle crossing</b> without first applying for, and obtaining, written consent from the coordinating road authority under the <i>Road Management Ac 2004</i> .	2	10
72(1)	Did commence any building work on property before obtaining an Asset Protection Permit	5	20
72(7)	Without a <b>permit</b> did undertake <b>building works</b> outside of 7 am and 8 pm – Mondays to Fridays or 9 am and 6 pm – Saturdays.	2	10
73(1)	Did allow any <b>building work</b> being carried out on <b>property</b> , cause stormwater pollution	2	10
74(1)	Did not contain all refuse to the building site.	2	10
77(1)	Did allow building materials and equipment kept/stored on building sites to damage adjoining properties.	2	10

Column 1	Column 2	Column 3	Column 4
Clause	Offence	Penalty ( <i>Penalty Units</i> )  <i>Infringement Notice</i>	Maximum Court
82(2)	A <b>person</b> must comply with all conditions of <b>permit</b>	2	10
88	Obtain or attempt to obtain a <b>permit</b> by willfully making or causing to be made, any false or misleading oral or written representation.	5	20
93(6)	Not comply with a <b>notice to comply</b> .	2	10
99(2)	Not comply with a provision of a <b>Council policy prescribed</b> by <b>Council</b> under clause 99(1).	2	10



## SCHEDULE 2 – NOTICE TO COMPLY



# NOTICE TO COMPLY

**General local Law 2020**

Mount Alexander Shire Council  
 Municipal Offices  
 Cnr Lyttleton and Lloyd Streets  
 Castlemaine Victoria 3450

Postal Address  
 PO Box 185  
 Castlemaine Victoria 3450

Telephone (03) 5471 1700

Email  
[info@mountalexander.vic.gov.au](mailto:info@mountalexander.vic.gov.au)

Notice No:		Date of Issue	
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To:

Name of Owner or Occupier (as applicable)	
---	--

Of:

Address	
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I have reason to believe that on \_\_\_\_\_ you contravened clause \_\_\_\_\_ of Council's *General Local Law 2020* by:

Specify the act, omission matter or thing that constitutes the contravention	
--	--

In order to remedy this contravention you must:

Specify the works required to correct the contravention	
---	--

The works required must be completed by the following date:

Specify the date by which the works required must be done:	
--	--

Authorised Officer's details

Signature of Authorised Officer	
---------------------------------	--

Name of Authorised Officer	
----------------------------	--

This Notice to Comply is issued pursuant the *General Local Law 2020* if a person who fails to comply with a Notice to Comply that person is guilty of an offence. Maximum Penalty: 10 penalty units. Council or any person authorised by Council, may enter upon any land on which there is a failure to comply with the Notice to Comply and do all such acts, matters and things that are necessary to effect the works required. All costs and expenses incurred by Council in consequence of a contravention of this Local Law (including any administration costs) must be paid immediately on demand to Council by the person committing the contravention.

### SCHEDULE 3 – ALCOHOL FREE ZONES CASTLEMAINE

The area designated where a person must not consume liquor or have in their possession any liquor in an open container is all the land surrounded by Barker, Mostyn, Hargraves and Forest Streets Castlemaine.

Previously prescribed pursuant to s223 Local Government Act 1989.



## SCHEDULE 4 – NO GO ZONES FOR USE OF RECREATIONAL CONVEYANCES IN CASTLEMAINE

The use of Recreational Conveyances shall be prohibited between the hours of 8.30 am and 5.30 pm on Mondays to Saturdays (inclusive) in the following locations:

- (a) Barker Street, west side, between Templeton and Forest Streets
- (b) Barker Street, east side, between Templeton and Mostyn Streets
- (c) Lyttleton Street, both sides, between Barker and Hargraves Streets
- (d) Mechanic's Lane, both sides, between Barker and Frederick Streets
- (e) Frederick Street, both sides, between Mechanic's Lane and Mostyn Street
- (f) Mostyn Street, both sides, between Barker and Hargraves Streets
- (g) Hargraves Street, both sides, between Lyttleton and Forest Streets
- (h) The entire area of the Council car park off Forest Street and the Market Building and its curtilage including all footpath areas around the Market Building.

Previously prescribed pursuant to *s223 Local Government Act 1989*.



Picture is indicative only.

## CERTIFICATION OF LOCAL LAW

I certify that this is a true copy of the *General Local Law 2020* made by the Mount Alexander Shire Council on 15 September 2020 in accordance with the requirements of the *Local Government Act 1989*.

The notices required to be given by section 119(2) of **the Act** appeared in the Victorian Government Gazette on 25 June 2020 and in the Midland Express on 23 June 2020.

The notices required to be given by section 119(3) of the Act appeared in the Victorian Government Gazette on 24 September 2020 and in the Midland Express on 22 September 2020, the Castlemaine Mail on 25 September 2020 and the Tarrangower Times on 25 September 2020. A copy of this Local Law was sent to the **Minister** for Local Government on 25 September 2020.

The *General Local Law 2020* commenced operation on 15 September 2020 and will expire on 14 September 2030

**Council authorises the Chief Executive Officer to sign and affix the Common Seal to the Mount Alexander shire Council General Local Law.**

Dated this 18<sup>th</sup> day of September 2020

THE COMMON SEAL of the MOUNT ALEXANDER SHIRE COUNCIL

was affixed in the presence of

  
\_\_\_\_\_

Cr Christine Henderson **Mayor**

  
\_\_\_\_\_

Darren Fuzzard

**Chief Executive Officer**

*Being a delegated officer pursuant to the Mount Alexander Shire Council Local Law No.1 of 2018 Meeting Procedures on the 18<sup>th</sup> day of September 2020*



The Common Seal of Mount Alexander Shire Council.