

# COMMUNITY LOCAL LAW 2019

## **COMMUNITY LOCAL LAW 2019 JULY 2019**

### **PREAMBLE**

Buloke Shire Council's Community Local Laws are designed to secure community safety, protect public assets, and enhance community amenity, whether in townships or rural areas.

These Local Laws embrace best practice local law making by employing the principles of accessibility, accountability, compliance, consistency, efficiency, enforceability, education, necessity and transparency.

The Local Laws are also consistent with the principles of justice and fairness. Community consultation has been undertaken in the preparation of this Local Law.

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# PART 1 – PRELIMINARY, OBJECTIVES AND DEFINITIONS

## 1. TITLE

This is the Buloke Shire Council Community Local Law 2019 and is referred to below 'this Local Law'.

## 2. OBJECTIVES

The objectives of this Local Law are to provide for the peace, order and good government of the Buloke Shire by:

- (1) Regulating and controlling uses and activities on Council land and roads so that the Council is aware of uses or activities which may:
  - (a) Be detrimental to the amenity of the area or the enjoyment of facilities on land or roads;
  - (b) Cause damage to Council and community assets;
  - (c) Create a danger or expose others to risk;
  - (d) Interfere with the safety and convenience of people travelling on or using Council land or roads; and
  - (e) Impede free and safe access for people, in particular those with sight and movement impairment or disabilities; and
- (2) Managing, regulating and controlling activities and uses on any land which:
  - (a) May be dangerous, cause a nuisance or be detrimental to the amenity of the area or the environment;
  - (b) Are directed at maintaining a healthy and safe environment for residents and visitors;
  - (c) Promotes community expectations and demands about their lifestyle and the availability of goods and services provided to them; and
  - (d) Creates a sense of community pride in the municipal district and which promotes Buloke Shire as a place to live and do business;
- (3) Identifying activities and uses that are not permitted so as to achieve the purposes in sub-clauses (1) and (2); and
- (4) Providing for the administration of the Council's powers and functions.

## 3. AUTHORISING PROVISION

The Council's authority to make this Local Law is contained in section 111(1) of the *Local Government Act 1989* and section 42 of the *Domestic Animals Act 1994*.

## 4. COMMENCEMENT, REVOCATION AND AREA OF OPERATION

This Local Law:

- (a) Commences on 1 July 2019;
- (b) Ceases to operate on 30 June 2029, unless revoked sooner; and
- (c) Operates throughout the whole municipal district.

## 5. REPEAL OF OTHER LOCAL LAWS

From the date of commencement of this Local Law Community Local Law No. 10 of 2011 will cease to operate and is revoked.

## 6. SCOPE OF THIS LOCAL LAW

- (1) Where this Local Law applies to a Road, it applies to all parts of the Road.
- (2) The provisions of this Local Law apply to the extent that they are not inconsistent with any Act or Regulation applicable to the Council or its Municipal District.
- (3) Where this Local Law prohibits any act, matter or thing or provides that such act, matter or thing can only be done or exist with a permit, that prohibition or provision will not apply if the act, matter or thing can be done or can exist by reason of the Municipal Planning Scheme.
- (4) References to any land in this Local Law include buildings and other structures permanently affixed to the land and any land covered with water.

## 7. INCORPORATED DOCUMENTS

Reference is also made throughout this Local Law to the following Acts, regulations, rules and other documents as amended from time to time.

1. *Australian Standard 4970-2009: Protection of Trees on Development Sites (2009)*
2. *Building Act 1993*
3. *Catchment and Land Protection Act 1994*
4. *Catchment and Land Protection Regulations 2002*
5. *Country Fire Authority Act 1958*
6. *Crown Land (Reserves) Act 1978*
7. *Disability Discrimination Act 1992 (Cth)*
8. *Domestic Animals Act 1994*
9. *Filming Approval Act 2014*
10. *Firearms Act 1996*
11. *Food Act 1984*
12. *Gambling Regulation Act 2003*
13. *Geographic Place Names Act 1998*
14. *Impounding of Livestock Act 1994*
15. *Infringements Act 2006*
16. *Land Act 1958*
17. *Liquor Control Reform Act 1998*
18. *Local Government Act 1989*
19. *Livestock Disease Control Act 1994*
20. *Monetary Units Act 2004*
21. *Planning and Environment Act 1987*
22. *Prevention of Cruelty to Animals Act 1986*
23. *Public Health and Wellbeing Act 2008*
24. *Road Management Act 2004*
25. *Road Safety Act 1986*
26. *Road Rules 2017*
27. *Sentencing Act 1991*
28. *Summary Offences Act 1966*
29. *Tobacco Act 1987*
30. *VicRoads Code of Practice for Placement of Waste Bins on Roadsides (VicRoads Publication No. 00623) 2001*
31. *Victorian Government Gazette*

If a provision of any document incorporated by, or referred to, in this Local Law is inconsistent with any provision in this Local Law (excluding State and Commonwealth Legislation and the Regulations made under that Legislation and any relevant Municipal Planning Scheme), the provision in this Local Law prevails.

## 8. DEFINITIONS

In this Local Law, unless the context or subject matter indicates otherwise, definitions are as in *the Local Government Act 1989* indicated by the words 'as in the Act'. Other words and phrases have the respective meanings assigned:

Act	Means the <i>Local Government Act 1989</i> .
Advertising Sign	Means any board, notice, structure, banner or other similar device used for the purposes of soliciting sales or notifying people of the presence of an adjacent property or other address, whether real, internet based or otherwise electronic and where goods or services may be obtained.
Abandoned Vehicle	Means a vehicle left on Council Land that has been abandoned.
Alcohol	Means a beverage intended for human consumption with an alcohol content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius.
Animal	Includes every species of quadruped and every species of bird.
Applicant	Means a person who applies for a Permit under this Local Law.
Appropriate Fee	Means the appropriate fee determined by the Council in accordance with this Local Law.
Authorised Officer	Means an Authorised Officer appointed under section 224 of the Act.
Camp	Means using a tent, caravan, mobile home or any other movable temporary form of accommodation including sleeping bags or swags.
Chief Executive Officer	Means the person appointed as the Chief Executive Officer of the Council.
Clause	Means a Clause of this Local law and <b>Subclause</b> has a corresponding meaning.

Collectable Waste	Includes domestic waste or other waste of a nature and quantity usually expected to be accumulated from residential premises but does not include: <ul style="list-style-type: none"> <li>(a) liquid waste, slops or any offensive material;</li> <li>(b) any ash unless the ash has been effectually dampened so as to be non-combustible or vacuum cleaner waste unless it has been wrapped;</li> <li>(c) any oil, solvent, flammable liquid;</li> <li>(d) glass or other sharp objects unless they are wrapped or treated so that they are harmless or inoffensive; or</li> <li>(e) trade waste of any kind.</li> </ul>
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Council	Means Buloke Shire Council.
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Council Land	Means land, buildings and facilities which are owned, occupied or vested in the Council or in respect of which the Council has the care and management and to which the public has access (whether an entry fee is paid or not) and includes a Public Place.
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Delegated Officer	Means a member of the Council's staff to whom a function or power under this Local Law has been delegated.	Motor Vehicle	Means a Vehicle that is used or intended to be used on a highway and that is built to be propelled by a motor that forms part of the Vehicle but does not include—  (a) a Vehicle intended to be used on a railway or tramway;  (b) a motorised wheel-chair capable of a speed of not more than 10 kilometres per hour which is used solely for the conveyance of an injured or disabled person; or  (c) a Vehicle that is not a motor vehicle by virtue of a declaration under subsection (2)(b) of <i>the Road Safety Act 1986</i>
Dwelling	Means a building used as a self-contained residence which includes a bath or shower, water closet and wash basin, and out-buildings and works normal to a dwelling.	Municipal District	Means the district under the local government of the Council (as in the Act).
Footpath	Means a pathway or other area within a Road constructed or developed by a public authority (including the Council) for use by pedestrians.	Municipal Place	Means any place within the Municipal District, which is owned or occupied by the Council and/or controlled or managed by the Council, to which the public may or may not have access (whether an admittance fee is required or not), and includes a municipal reserve, library, municipal building and Road.
GVM	Means the Gross Vehicle Mass of a Vehicle, which means the maximum loaded mass of the Vehicle:  (a) as specified by the Vehicle's manufacturer  (b) as specified by VicRoads if –  (i) the manufacturer has not specified a maximum loaded mass or  (ii) the manufacturer cannot be identified  (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate (as in <i>the Road Safety Act 1986</i> ).	Municipal Planning Scheme	Means the Planning Scheme operating in the Buloke Shire that is made under <i>the Planning and Environment Act 1987</i> .
Heavy Vehicle	Means a Vehicle that has a GVM of more than 4.5 tonnes.	Owner (Land)	Means in relation to:  (a) land under the Transfer of Land Act 1958 (other than land in an identified folio under that Act), the registered proprietor of the fee simple in the land, or a person who is empowered by or under an Act to execute a transfer of the land; and  (b) land in an identified folio under the Transfer of Land Act 1958 or land not under the Transfer of Land Act, a person who has an estate in fee simple in the land (except a mortgagee), or is empowered by or under an Act to convey an estate in fee simple in the land.
Infringement Notice	Means an infringement notice issued by the Council or an Authorised or Delegated Officer under this Local Law.		
Livestock	Means an Animal (including a bird) of any species used in connection with primary production or kept or used for recreational purposes other than a dog or cat.		
Long Vehicle	Means a Vehicle that, together with any load or projection, is 7.5 metres in length or longer.		

Owner (Motor Vehicle)	<p>In relation to a Motor Vehicle or trailer, includes a part owner and also—</p> <p>(a) includes a person who has the possession and use of it under or subject to a hire-purchase agreement or a bill of sale or like instrument or under or subject to a written hiring agreement (not being a hire-purchase agreement) which requires that person to register the Motor Vehicle or trailer in that person's name; but</p> <p>(b) does not include a person in whom the property in the Motor Vehicle or trailer or any absolute or conditional right or licence to take possession of the Motor Vehicle or trailer is vested under or subject to a hire-purchase agreement or a bill of sale or like instrument or written hiring agreement which requires another person to register the Motor Vehicle or trailer in the name of that other person but who has not for the time being the possession and use of the Motor Vehicle or trailer</p>	Public Place	<p>Includes—</p> <p>(a) any public highway, Road, street, bridge, footway, footpath, court, alley, passage or thoroughfare notwithstanding that it may be formed on private property;</p> <p>(b) any park, garden, reserve or other place of public recreation or resort;</p> <p>(c) any railway station platform or carriage;</p> <p>(d) any wharf, pier or jetty;</p> <p>(e) any passenger ship or boat plying for hire;</p> <p>(f) any public vehicle plying for hire;</p> <p>(g) any church or chapel open to the public or any other building where a divine service is being publicly held;</p> <p>(h) any Government school or the land or premises in connexion therewith;</p> <p>(i) any public hall, theatre or room while members of the public are in attendance at, or are assembling for or departing from, a public entertainment or meeting therein;</p> <p>(j) any market;</p> <p>(k) any auction room or mart or place while a sale by auction is there proceeding;</p> <p>(l) any licensed premises or authorised premises within the meaning of <i>the Liquor Control Reform Act 1998</i>;</p> <p>(m) any race-course, cricket ground, football ground or other such place while members of the public are present or are permitted to have access thereto whether with or without payment for admission;</p> <p>(n) any place of public resort;</p> <p>(o) any open place to which the public (whether upon or without payment for admittance) have or are permitted to have access; or</p> <p>(p) any public place within the meaning of <i>the Summary Offences Act 1966</i>;</p>
Owner (Other)	Means, other than in relation to land or a Motor Vehicle, any person with a proprietary interest in the thing.		
Notice to Comply	Means a Notice to Comply issued by the Council or an Authorised or Delegated Officer under this Local Law.		
Noxious Weed	<p>Means:</p> <p>(a) a State prohibited weed;</p> <p>(b) a regionally prohibited weed;</p> <p>(c) a regionally controlled weed; or</p> <p>(d) a restricted weed.</p>		
Penalty Unit	Has the same meaning as in <i>the Sentencing Act 1991</i> .		
Permit	In relation to a use or activity, means a permit issued under this Local Law which authorises that use or activity.		
Poultry	Means birds kept for the production of eggs or meat for human consumption but does not include roosters.		

Private Land	Means any land other than Council Land.	Wildlife	Means:
Recreational Vehicle	Includes mini bikes, trail bikes, motor bikes, motor cars, motor scooters and go karts but does not include motorised Vehicles being used for farming purposes or a motorised wheelchair.		(a) any animal of a vertebrate taxon other than mankind which is indigenous to the whole or part or parts of Australia or its territories or territorial waters, whether or not it occurs elsewhere;
Road	As in the Act (and therefore includes streets and footpaths) and applies to roads for which the Council has responsibility under <i>the Road Management Act 2004</i> but does not include a State road under the Road Management Act unless a provision in the Local Law is expressly applied to a State road.		(b) all kinds of deer, non-indigenous quail, pheasants, and partridges and any other taxon of animal which the Governor in Council by Order published in the Government Gazette declares to be wildlife for the purposes of <i>the Wildlife Act 1975</i> ;
Senior Officer	As in the Act.		(ba) any taxon of terrestrial invertebrate animal which is listed under <i>the Flora and Fauna Guarantee Act 1988</i> ; and
Township	Means a township shown in any of the Township Maps in Schedule 5.		(c) any hybrids of a kind or taxon of animal specified in or pursuant to paragraphs (a) and (b)— and except as is otherwise expressly provided in any such Order includes any such animal or any member of a taxon which is bred or kept in captivity or confinement but in Parts I to VI and Parts IX and XI does not include a whale within the meaning of section 75 of <i>the Wildlife Act 1975</i>
Unregistered	Means not having current registration under <i>the Road Safety Act 1986</i> .		
Vehicle	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 a bicycle or other pedal-powered vehicle, trailer, tram-car and air-cushion vehicle but does not include a railway locomotive or railway rolling stock.		

# PART 2 – ADMINISTRATION AND ENFORCEMENT

## DIVISION 1 – PERMITS, FEES AND DELEGATIONS

### 9. APPLYING FOR A PERMIT

- (1) A person who wishes to apply for a Permit may do so by:-
  - (a) lodging with the Council an application in the form of Schedule 1; and
  - (b) paying to the Council the Appropriate Fee.
- (2) The Council may require an Applicant to provide additional information before dealing with an application for a Permit or for exemption.
- (3) The Council may require an Applicant of the application to give public notice, which will entitle any person to make a submission and to be heard in accordance with procedures consistent with section 223 of the Act.
- (4) In deciding whether to grant a Permit the Council may take into consideration whether the proposed activity or use will:
  - (a) conform with any related policies of the Council;
  - (b) cause a danger or hazard to pedestrians or Vehicles;
  - (c) disturb, annoy or disrupt adjacent property Owners or occupiers;
  - (d) be detrimental to the amenity of the area;
  - (e) destroy native vegetation on Council Land or Roads;
  - (f) cause damage to Council assets;
  - (g) require the consent or should be referred to obtain the opinion of any other public authority or individual;
  - (h) require additional arrangements to be made for waste water disposal, litter and garbage disposal, lighting and security;
  - (i) obstruct a Footpath so that it will not be possible to maintain a clear walkway at all times;
  - (j) necessitate the applicant to have insurance against any risk; or
  - (k) necessitate a written indemnification of the Council against liability arising from activities authorised by the Permit;

and may take into consideration any other matters relevant to the circumstances of the application.

### 10. ISSUE OF PERMITS

The Council may:

- a. issue a permit with or without conditions; or
- b. refuse to issue a permit.

### 11. RIGHT OF APPEAL

- (1) A person who has applied for a Permit may appeal in writing to Chief Executive Officer against the decision of an Authorised Officer to refuse to grant a Permit within 21 days of being notified of the decision.
- (2) The Chief Executive Officer may obtain any additional information to assist with the determination of the appeal.
- (3) The Chief Executive Officer will advise the Applicant in writing of the decision and the reasons for it within one month of receiving the request to review the decision of the Authorised Officer or within one month of receiving any additional information requested of the Applicant.

### 12. DURATION OF PERMITS

- (1) A Permit is in force until the expiry date indicated on the Permit, unless it is cancelled before the expiry date.
- (2) If no expiry date is indicated on the Permit, the Permit expires twelve months after the date on which it is issued.
- (3) Before the Permit expires, a person may request the Council to extend the Permit for a further period of time.

### 13. CONDITIONAL PERMITS

- (1) A conditional Permit may be subject to conditions which the Council considers to be appropriate in the circumstances, including:
  - (a) the payment of a fee or charge; and
  - (b) the payment of a security deposit, bond or guarantee to the Council to secure the proper performance of conditions on a Permit or to rectify any damage caused to Council assets as a result of the use or activity allowed by the Permit; and
  - (c) a time limit to be applied either specifying the duration, commencement or completion date; and
  - (d) that the Applicant be insured against the risk and to provide a written indemnification of the Council against liability arising from the activity or use; and
  - (e) the rectification, remedying or restoration of a situation of circumstance; and
  - (f) where the Applicant is not the Owner of the subject property, the consent of the Owner; and
  - (g) the granting of some other permit or authorisation.
- (2) The conditions of a Permit must be set out in the Permit.

### 14. CANCELLATION OF PERMIT

- (1) The Council may cancel a Permit if it considers that:
  - (a) there has been a serious or ongoing breach of the conditions of the Permit;
  - (b) a Notice to Comply has been issued, but not complied with within seven days after the time specified in the Notice to Comply for compliance;
  - (c) there was a significant error or misrepresentation in the application for the Permit;
  - (d) in the circumstances, the Permit should be cancelled.
- (2) Before it cancels a Permit, the Council must provide the permit holder an opportunity to make comment on the proposed cancellation.
- (3) If a permit holder is not the Owner of the land and the Owner's consent was required to be given to the application for the Permit, the Owner must be notified of any Notice to Comply and of the reason why it has been served.

### 15. CORRECTION OF PERMITS

- (1) The Council may correct a Permit in relation to:
  - (a) an unintentional error or an omission; or
  - (b) an evident material miscalculation or an evident material mistake in the description of a person, thing or property.
- (2) The Council must notify a permit holder in writing of any correction.
- (3) If the permit holder is not the Owner of the land and the Owner's consent was required to be given to the application for the Permit, the Owner must be notified of any correction to a Permit.

### 16. FEES

- (1) The Council may, from time to time, by resolution determine fees for the purposes of this Local Law.
- (2) In determining any fees and charges the Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.
- (3) The Council may waive, reduce or alter a fee with or without conditions.

### 17. REGISTERS

- (1) The Council must maintain a register of Permits granted, including details of corrections and cancellations.
- (2) The Council must maintain a register of determinations made and of guidelines or procedures prepared for the purposes of this Local Law.
- (3) The Council must ensure that the registers are available for public inspection at the office of the Council during normal business hours.

## 18. EXEMPTIONS

- (1) The Council may by written notice exempt any person or class of persons from the requirement to have a Permit, either generally or at specified times.
- (2) In determining whether to grant an exemption to the requirement to obtain a Permit, an Authorised Officer will have regard to:
  - (a) the circumstances of the application;
  - (b) whether the application is to raise funds for community or charitable purposes;
  - (c) whether the proposed activity or use will have an overall community benefit;
  - (d) whether the proposed activity or use could have a detrimental effect on adjoining properties;
  - (e) whether the Applicant will be given an unfair advantage over any other person or organisation; and
  - (f) any other matters relevant to the circumstances of the application.
- (3) An exemption may be granted subject to conditions.
- (4) A person must comply with the conditions of an exemption.
- (5) An exemption may be cancelled or corrected as if it were a Permit.

## DIVISION 2 – ENFORCEMENT

### 19. COMPLIANCE WITH DIRECTIONS

A person must comply with any reasonable direction or instruction of an Authorised Officer when requested to do so in urgent circumstances or for public safety reasons, whether or not the person has a Permit under this Local Law.

**Penalty: 5 Penalty Units**

### 20. WARNING TO OFFENDERS

- (1) Where there is a breach of this Local Law an Authorised Officer may request the person breaching the Local Law to stop or remedy the breach.
- (2) If there is a breach of this Local Law after an Authorised Officer has requested a person to remedy or stop the breach, the Authorised Officer may issue an official warning which must comply with the requirements of the *Infringements Act 2006*.

### 21. POWER OF AUTHORISED OFFICER – NOTICE TO COMPLY

Where there is a breach of this Local Law, an Authorised Officer may serve a Notice to Comply on the person who is breaching the Local Law in the form of Schedule 2.

### 22. TIME TO COMPLY

- (1) A Notice to Comply must state the time and date by which the situation must be remedied.
- (2) The time required by a Notice to Comply must be reasonable in the circumstances having regard to:
  - (a) the amount of work involved;
  - (b) the degree of difficulty;
  - (c) the availability of necessary materials or other necessary items;
  - (d) climatic conditions;
  - (e) the degree of risk or potential risk; and
  - (f) any other relevant factor.

## 23. FAILURE TO COMPLY WITH A NOTICE TO COMPLY

- (1) A person who fails to comply with a Notice to Comply served on that person is guilty of an offence.

**Penalty: 10 Penalty Units**

- (2) Where a Notice to Comply requiring works to be undertaken is not complied with an Authorised Officer may cause any works to be carried out to ensure compliance and may recover the costs incurred to the Council.

## 24. POWER OF AUTHORISED OFFICERS TO ACT IN URGENT CIRCUMSTANCES

- (1) In urgent circumstances arising as a result of a failure to comply with this Local Law, an Authorised Officer may take action to remove, remedy or rectify a situation without first serving a Notice to Comply if:
- (a) the Authorised Officer considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice, may place a person, Animal, property or thing at risk or in danger; and
  - (b) wherever practicable, a Senior Officer is given prior notice of the proposed action.
- (2) In deciding whether circumstances are urgent, an Authorised Officer must take into consideration, to the extent relevant:
- (a) whether it is practicable to contact:-
    - (i) the person by whose default, permission or tolerance the situation has arisen; or
    - (ii) the Owner or the occupier of the premises or property affected; and
  - (b) whether there is an urgent risk or threat to public health, public safety, the environment or Animal welfare.
- (3) The action taken by an Authorised Officer under subclause (1) must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
- (4) An Authorised Officer who takes action under subclause (1) must ensure that, as soon as practicable:
- (a) details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and
  - (b) a report of the action taken is submitted to the Chief Executive Officer.

## 25. POWER OF AUTHORISED OFFICERS TO IMPOUND

- (1) Where any items, goods and equipment are used or Animals are kept in contravention of this Local Law an Authorised Officer may remove and impound them.
- (2) Where any items, goods, equipment or Animals are impounded under this provision, an Authorised Officer must as soon as possible and where practicable, serve a Impounding Notice in the form of Schedule 3 on the Owner or the person responsible for the thing setting out the fees and charges payable and the time by which the item, good, equipment or Animal must be retrieved.
- (3) Where the identity or whereabouts of the person responsible for the impounded thing is unknown, the Authorised Officer must take reasonable steps to establish the identity or whereabouts of the person and may dispose of the impounded thing in the following way:
- (a) where the thing is declared by a Senior Officer or another member of Council's staff authorised for the purpose to have no saleable value, it may be disposed of in the most economical way determined by that Senior Officer or other member of Council's staff;
  - (b) where the thing is declared by a person in paragraph (a) to have some saleable value the thing may be disposed of by tender, public auction or private sale but may be given away or disposed of if the sale is unsuccessful.
- (4) Any proceeds from the disposal of an impounded thing will be paid to the Owner or the person who in the opinion of the Council appears to be authorised to receive the money, except for the reasonable costs incurred to the Council in the administration of this Local Law.
- (5) If the person described in subclause (4) cannot be identified or located within one year of serving the Impounding Notice, any proceeds of sale cease to be payable to that person and may be retained for municipal purposes.
- (6) If an Authorised Officer has impounded any thing in accordance with this Local Law, the Council may refuse to release it until the Appropriate Fee or charge for its release has been paid to the Council.

## 26. OFFENCES AND PENALTIES

- (1) A person who makes a false representation or declaration (whether oral or in writing), or who intentionally omits relevant information in an application for a Permit or exemption, is guilty of an offence.

### Penalty: 5 Penalty Units

- (2) A person who fails to obtain a Permit for any use that requires a Permit is guilty of an offence against this Local Law and is liable to the penalty stated in the provision or, if no penalty is stated, a penalty of **10 Penalty Units**.
- (3) A person must comply with
  - (a) any condition of a Permit; and
  - (b) any conditions or requirements that this Local Law stipulates.

### Penalty: 10 Penalty Units

- (4) Any person who otherwise contravenes or fails to comply with any clause in this Local Law, including whether wilfully or not –
  - (a) failing to do anything directed or required to be done; or
  - (b) doing anything forbidden

is guilty of an offence against this Local Law and is liable to the penalty stated in the provision or if no penalty is stated, to a penalty not exceeding:

**10 penalty units for a first offence,**

**20 penalty units for a subsequent offence** and with a daily penalty of 2 penalty units for each day the offence continues after conviction.

## 27. OWNER ONUS

- (1) Offences against clauses 49 and 50 in this Local Law and any other offence that may be committed by the driver or person in charge of a Motor Vehicle or trailer are owner onus offences for the purposes of Part 6AA of *the Road Safety Act 1986*.
- (2) The owner of the Motor Vehicle or the responsible person is liable for the offence and the same penalty subject to the provisions of that Act. [Note: refer to s84BC(1) of *the Road Safety Act 1986*.]

## 28. NOMINATION BY OWNER

The Owner or operator of any Vehicle or trailer must provide all information in their possession or knowledge to an Authorised Officer within 14 days after being requested any information that will identify the driver or person in charge of the Vehicle or trailer at the time that the Authorised Officer

believes that an offence has been committed provided that the Authorised Officer provides sufficient details to enable the person to sufficiently identify the time, place and nature of the offence that the Authorised Officer believes has been committed.

## 29. INFRINGEMENT NOTICES

- (1) As an alternative to prosecution an Authorised Officer may issue an Infringement Notice to any person whom the Authorised Officer reasonably considers has committed an offence against this Local Law.
- (2) A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.
- (3) The penalty fixed in respect of an infringement for which an Infringement Notice is issued is the amount set out in Schedule 4. If a penalty is not listed in Column 3 of Schedule 4, the Infringement Notice penalty is two (2) Penalty Units.
- (4) A person issued with an Infringement Notice may pay the penalty amount to the Council at the address indicated in the notice.
- (5) To avoid prosecution and subject to *the Infringements Act 2006*, the penalty indicated in the Infringement Notice must be paid within 28 days after the day on which the Infringement Notice is issued.

## 30. WAIVER AND WITHDRAWAL

- (1) Within 28 days of receiving an Infringement Notice a person may make a written request to the Chief Executive Officer that the Infringement Notice be withdrawn.
- (2) The Chief Executive Officer may consider the written request and may make a decision or a recommendation to the Council that the Infringement Notice be withdrawn.

## 31. OFFENCES BY CORPORATIONS

- (1) If a person charged with an offence against this Local Law is a corporation, any person who is concerned or takes part in the management of that corporation may be charged with the same offence.
- (2) If the corporation is convicted of an offence against this Local Law, a person charged under subclause (1) with the same offence may also be convicted of the offence and is liable to the penalty for that offence unless that person proves that the act or omission constituting the offence took place without his or her knowledge or consent.

## PART 3 YOUR PROPERTY

### 32. NUMBERING PROPERTIES

If the Council has allocated a number to a property, the Owner or occupier of the property must ensure that:

- (a) the property is marked with the number allocated;
- (b) the numbers used are a reasonable size; and
- (c) the numbers are located so that they are free from obstructions and they can be read under all normal lighting conditions from the Road immediately adjacent to the front boundary of the property.

**Penalty: 3 Penalty Units**

### 33. UNSIGHTLY LAND

- (1) An Owner or occupier of Private Land must not cause or allow the Private Land to be kept in a manner which is unsightly or detrimental to the general amenity of the neighbourhood in which it is located.

**Penalty: 10 Penalty Units**

- (2) Factors that may be taken into consideration in determining whether there has been a contravention of subclause (1) will include whether:
  - (a) a nuisance or a health hazard could exist because of Noxious Weeds or because the conditions provide a harbour for vermin; or
  - (b) windows or doors in a building have been broken or removed and the building cannot be secured.
- (3) If an Authorised Officer considers that an Owner or occupier of Private Land is failing to comply with the requirements of subclause (1) the Authorised Officer (under direction of the Council) may serve a Notice to Comply requiring the Owner or occupier to take remedial action to limit the impact of the condition or appearance of the Private Land (or any building on the Private Land) on the overall character or amenity of the neighbourhood or to eliminate the danger, including alternative means of resolving the failure to comply such as screening the land by a fence or other methods.
- (4) An Owner or occupier of Private Land within a Township must not without a permit keep or cause or allow to be kept on that Private Land more than two Unregistered vehicles if any part of an Unregistered vehicle is, during daylight hours, normally exposed to the view of another person.

**Penalty: 10 Penalty Units**

- (5) Subclause (4) does not apply if the storage of Unregistered Vehicles is expressed as a permitted use under the Municipal Planning Scheme.

### 34. DANGEROUS LAND

An Owner or occupier of Private Land must not cause or allow the Private Land to be kept in a manner which is dangerous or likely to cause danger to life or property including, but not limited to, Private Land which is:

- (1) A haven for vermin or Noxious Weeds;
- (2) Used without a Permit for the storage of any substance which is, or any objects which are, dangerous or are likely to cause danger to a person, life or property; or
- (3) Occupied by an unsecured hole or excavation.

**Penalty: 10 Penalty Units**

## 35. DISPOSAL OF DOMESTIC WASTE

- (1) The occupier of any property to which the Council provides a waste collection service (including recyclable material and hard rubbish) must ensure that:
  - (a) only Collectible Waste is placed in a rubbish bin that has been provided or in an approved container;
  - (b) the rubbish bin or approved container is returned to the allocated property as soon as practicable after it has been emptied;
  - (c) the rubbish bin or approved container does not remain on any Road for a period exceeding 48 hours unless a Permit has been obtained; and
  - (d) The rubbish bin or approved container is maintained in a clean, inoffensive and sanitary condition.

### Penalty: 5 Penalty Units

- (2) Other than an Owner or occupier of a property to which a rubbish bin or approved container has been allocated, a person must not remove a rubbish bin or approved container left out for collection by the Council's contractors or remove any other thing left for collection under subclause (1).

### Penalty: 2 Penalty Units

## 36. RECYCLABLE MATERIAL AND HARD WASTE COLLECTION

- (1) If the Council has notified occupiers that it is providing a recycling collection, the material to be recycled must be left out for collection in accordance with the Council's directions.
- (2) Every recycling container used for the collection of recyclable material or waste must display a notice indicating the type of waste or material which is permitted and state that it is an offence to deposit any material contrary to the notice.
- (3) A person must not place any waste or material in the recycling container contrary to any notice on it.

### Penalty: 5 Penalty Units

- (4) A person must not remove or interfere with recyclable material left at any collection point.

### Penalty: 5 Penalty Units

- (5) Subclauses (4) and (5) do not apply to a person

authorised by the Council to remove such materials or an employee of the person acting in the course of employment or a person placing materials for collection or a member of the Council's staff acting in the course of their duties.

## 37. OPEN AIR BURNING

- (1) A person must not without a Permit light a fire in the open air (including in an incinerator) in a Township.

### Penalty: 8 Penalty Units

- (2) The requirement to obtain a Permit does not apply if the fire in the open air:
  - (a) is in a barbeque or some other appliance for cooking food;
  - (b) is in an incinerator that is regulated under *the Environment Protection Act 1970*; or
  - (c) has been lit by a member of the Country Fire Authority in the course of their duty or a member of the public under *the Country Fire Authority Act 1958* or in the opinion of an Authorised Officer there are exceptional circumstances.
- (3) Despite subclause (1), a person granted a Permit to light a fire in a Township must not light or allow a fire to remain alight in the open air on a Total Fire Ban Day declared under *the Country Fire Authority Act 1958*.

### Penalty: 8 Penalty Units

## 38. BURNING OFFENSIVE MATERIALS

A person must not burn offensive materials, including any of the following:

- (a) any manufactured material;
- (b) any plastic;
- (c) any petroleum or oil;
- (d) any paint or receptacle which contains or contained paint;
- (e) food waste, fish or other offensive or noxious matter; and
- (f) any material that produces excessive or noxious smoke emissions when burnt.

### Penalty: 5 Penalty Units

## PART 4 YOUR VEGETATION

### 39. CAMPING ON PRIVATE LAND

- (1) A person must not Camp on Private Land without a Permit unless the Private Land is designated by the Council as a camping area.

**Penalty: 5 Penalty Units**

- (2) Sub-clause (1) does not apply while approved works are being undertaken to construct a Dwelling.
- (3) An owner or occupier of Private Land must not without a Permit allow another person to camp on that Private Land

**Penalty: 5 Penalty Units**

- (4) Sub clause (1) does not apply where
- (a) the tent or caravan is placed on Private Land to be used by the Owner, or by another person if the Owner has obtained a Permit and has provided their consent;
  - (b) the camping does not exceed a total aggregate of 60 days in any calendar year;
  - (c) no rent, fee, licence, charge or other payment (whether in money or in kind) is paid in respect to camping;
  - (d) the camping is not offensive and does not cause a nuisance, particularly in relation to, but not limited to, noise, effluent or waste;
  - (e) any structures associated with the camping do not remain erected for more than an aggregate of 60 days in any calendar year;
  - (f) there are adequate sanitary facilities for the camping and those facilities are maintained to the satisfaction of the Council; and
  - (g) there are adequate waste water facilities for the camping and those facilities are maintained to the satisfaction of the Council.

### 40. LOCATING VEGETATION AND OTHER OBSTRUCTIONS

- (2) An Owner or occupier of land must not allow vegetation, fencing, a sign or anything on the land to be an obstruction or obstruct or interfere with pedestrian or vehicular traffic by:
- (a) overhanging a the boundary of the land onto a Footpath or other part of the Road used by pedestrians limiting safe access or likely to cause injury or damage;
  - (b) extending over any part of a Road so that it:
    - (i) obstructs the view of drivers of Vehicles at an intersection;
    - (ii) obstructs the view between drivers of Vehicles and pedestrians;
    - (iii) obscures a traffic control item from an approaching Vehicle or pedestrian;
    - (iv) obscures street lighting; or
  - (c) constitutes a danger to Vehicles or pedestrians or compromises the safe and convenient use of the Footpath or other part of the Road.

**Penalty: 5 Penalty Units**

- (3) Vegetation overhanging a boundary onto a Footpath or other part of a Road will be considered to limit safe access for pedestrians or likely to cause injury or damage if it encroaches on a Footpath or other part of a Road because it is less than 3 metres high or a pedestrian cannot continue on a Footpath or other part of a Road and needs to step off the Footpath or other part of a Road to avoid trees or plants from the abutting land.
- (4) The Council may serve a Notice to Comply on an Owner or occupier of land requiring that person to take remedial action to ensure that on that person's land do not compromise safe access for pedestrians using a Footpath or other part of a Road.

### 41. VEGETATION CAUSING DAMAGE TO A MUNICIPAL PLACE

- (1) A person must not allow any vegetation growing on Private Land owned or occupied by them to cause damage to, or interference with, any fixture or other erection in a Municipal Place or drain vested in or under the control of the Council.

**Penalty: 10 Penalty Units**

# PART 5 YOUR ANIMALS

THE OPPORTUNITY TO KEEP ANIMALS IS ONE OF THE MANY PLEASURES OFTEN ENJOYED AS PART OF A RURAL LIFESTYLE. HOWEVER THE KEEPING OF ANIMALS MUST BE BALANCED WITH THE RIGHT TO QUIET ENJOYMENT OF THE ENVIRONMENT BY INDIVIDUALS, THE COMMUNITY IN GENERAL AND ESPECIALLY OUR CLOSEST NEIGHBOURS.

## 42. KEEPING ANIMALS

(1) An Owner or occupier of land must not without a Permit keep on their land Animals in excess of the number set out in the following table:

Type of Animal	Maximum number allowed in Township without a Permit	Maximum number allowed outside of Township without a Permit
Dogs	2	5
Cats	2	2
Pigeons	10	No maximum limit
Small birds - includes canaries, finches, budgerigars	20	No maximum limit
Large birds such as cockatoos, parrots, galahs	0	10
Poultry	6 - for any combination of chickens or ducks 0 - roosters, geese or turkeys	No maximum limit
Domestic mice	10	No maximum limit
Guinea pigs	6	No maximum limit
Domestic rabbits	6	No maximum limit
Horses/donkeys	0	No maximum limit
Cattle	0	No maximum limit
Sheep/goats/alpacas	0	No maximum limit
Pigs	0	No maximum limit
Any other livestock	0	No maximum limit

### Penalty: 8 Penalty Units

- (2) The requirement to obtain a Permit under this provision does not apply where a Planning Permit and a Domestic Animal Business Permit have been obtained for animal breeding or boarding.
- (3) A person may only keep Wildlife in accordance with the requirements of *the Wildlife Act 1975* and any Regulations made under that Act.
- (4) For the purpose of calculating the Animal numbers kept, the progeny of any Animal lawfully kept will be exempt for a period of 12 weeks after their birth.

### 43. ANIMAL ACCOMMODATION

- (1) Whether a Permit is required or not, a person keeping Animals must provide shelter for them that is reasonable and appropriate for the type of Animal being kept and having regard to it having:
  - (a) the capacity to protect neighbours from any noise or nuisance from the Animals; and
  - (b) the capacity to maintain the housing in an inoffensive and sanitary condition.

**Penalty: 5 Penalty Units**

- (2) All animal shelters must be maintained by the Owner or occupier of a property so that a nuisance or offensive condition is not caused to adjoining properties by:
  - (a) manure and other waste on the land;
  - (b) a failure to keep food and other materials in fly and vermin proof containers;
  - (c) inadequate drainage of the property;
  - (d) allowing grass, weeds, refuse, rubbish and other material to build up within three metres of the animal shelter;
  - (e) a failure to keep the animal shelter and the land in a clean and sanitary condition; or
  - (f) keeping any Animal in a way that would create a nuisance, be offensive, dangerous or injurious to the health of another person.

**Penalty: 5 Penalty Units**

### 44. ADEQUATE FENCING

- (1) Where an Animal is kept on Private Land, the Owner or occupier of the Private Land must ensure that the Private Land is fenced and gated in a way that will prevent the Animal from straying or escaping from the Private Land.

**Penalty for first offence: 5 Penalty Units**

**Penalty for continuation of offence: 10 Penalty Units**

### 45. ANIMAL EXCREMENT

- (1) A person in charge of any dog or cat on Council Land must not allow any part of the excrement of the dog or cat to remain on the Council Land.

**Penalty: 5 Penalty Units**

- (2) A person in charge of any dog or cat on Council Land must carry a litter device suitable to clean up any excrement left by their dog or cat and must produce such litter device upon request of an Authorised Officer.

**Penalty: 5 Penalty Units**

### 46. BEEKEEPING

- (1) The requirement to obtain a Permit to keep bees applies where a person proposes to keep beehives in a Township.
- (2) A person keeping bees must have regard to the Apiary Code of Practice.

**Penalty: 5 Penalty Units**

# PART 6 – ROADS, LIVESTOCK MOVEMENTS AND VEHICLES

## 47. LIVESTOCK MOVEMENT WITHIN THE MUNICIPAL DISTRICT

- (1) A person may only move Livestock along a Road for the purpose of moving them from one farm or part of a farm to another or to or from any saleyards in the Municipal District on a single day provided that the requirements in subclause (2) are complied with.

### Penalty: 8 Penalty Units

- (2) The requirements that must be complied with are that:
  - (a) the Livestock are moved on a Road only between sunrise and sunset and in weather conditions for the duration of each movement where the visibility for Road users is at least 300 metres;
  - (b) there is a person in charge of the Livestock at all times who is competent in handling the Livestock being moved and who supervises the Livestock for the duration of the movement;
  - (c) there are adequate alerts to motorists, including the presence of an amber flashing light and signs which are placed ahead and behind the Livestock while they are being moved and which remain in place until the Livestock are confined on the destination property;
  - (d) the signs referred to in paragraph (c) comply with the requirements of the Road Safety Road Rules 2017 and are removed at completion of the movement between farming properties; and
  - (e) stock are not allowed to graze the roadsides.

Examples of appropriate signs for livestock on roads from Schedule 3 of the Road Safety Road Rules 2017 appear below:



## 48. WASTE AND WASTE SKIP BINS

- (1) An Owner or occupier of land who arranges for the collection of waste or for a waste skip to be provided to the land must ensure that the requirements of this Local Law are complied with.

### Penalty: 5 Penalty Units

- (2) Skip bins or containers used for the collection and storage of waste that contains perishable goods, food waste, or other material that could attract flies and vermin must:
  - (a) be constructed of approved impervious material to the satisfaction of an Authorised Officer to prevent leakage, absorption, or accumulation of any refuse or rubbish that may be deposited in it;
  - (b) be watertight, fly and vermin proof;
  - (c) contain a removable drainage plug so that it can be cleaned; and
  - (d) be fitted with fly and vermin proof lid with overlapping flanges which must be kept closed when not in use.
- (3) Skip bins or containers must be emptied regularly to avoid the likelihood of an Authorised Officer forming the view the bin is becoming offensive.
- (4) A person using a skip bin or container must ensure that the container:
  - (a) is stored on an impervious surface so that it can be washed and waste water is drained to an approved outlet; and
  - (b) is stored and maintained in a clean, sanitary and inoffensive condition at all times to the satisfaction of an Authorised Officer.

## 49. RECREATION VEHICLES

- (1) A person must not without a Permit use a Recreational Vehicle on Council Land that has not been designated by the Council for that purpose.

### Penalty: 5 Penalty Units

- (2) It is an offence to use a Recreational Vehicle without a Permit on Council Land on a declared Total Fire Ban Day.

### Penalty: 5 Penalty Units

## 50. PARKING OR LEAVING LONG VEHICLES ON A ROAD

A person must not without a Permit park or leave standing a Heavy Vehicle or a Long Vehicle on a Road in a Township unless:

- (a) the Council has designated that area as an area in the Township where a person can park or leave standing a Heavy Vehicle or a Long Vehicle; or
- (b) the driver of the Heavy Vehicle or the Long Vehicle is involved in dropping off or picking up goods.

**Penalty: 8 Penalty Units**

## 51. STREET FESTIVALS: PERMIT

- (1) A person must not without a Permit hold a street festival or procession on a Road.

**Penalty: 10 Penalty Units**

- (2) An application to conduct an event on any Road must be made 21 days before the street party or procession is to take place unless exceptional circumstances necessitate an application being made closer to the proposed date of the street party or procession.

## 52. COLLECTING FIREWOOD ON COUNCIL ROADS

- (1) A person must not without a Permit collect firewood from any Road.

**Penalty: 5 Penalty Units**

- (2) In determining whether to grant a Permit, the Council will take into account:
  - (a) the classification of the Road in the Roadside Vegetation Guidelines;
  - (b) any other environmental considerations the Council has determined in relation to the Road;
  - (c) whether the firewood collection is consistent with fire fuel hazard reduction; and
  - (d) any other matters considered relevant to the application.

# PART 7 – BUSINESS AND BUILDERS

## 53. USING ROADS AND COUNCIL LAND FOR COMMERCIAL ACTIVITIES

- (1) A person must not without a Permit use a Footpath, other part of a Road or Council Land for:
  - (a) outdoor eating;
  - (b) displaying goods for sale;
  - (c) displaying Advertising Signs that are not of a size or type where a permit is required under the Municipal Planning Scheme; or
  - (d) trading from a stall, stand, motor vehicle, trailer, barrow or similar device.

**Penalty: 5 Penalty Units**

- (2) In addition to complying with any conditions of a Permit, a person using a Footpath for any of the activities described in subclause (1) or any other commercial activities must comply with any requirements of an Authorised Officer.

**Penalty: 5 Penalty Units**

- (3) The requirement under subclause (1) to obtain a Permit to trade from a Footpath, other part of a Road or Council Land applies where trading is to be done from a vehicle, stall or any other temporary structure and irrespective of whether trading is on a permanent or casual basis.

## 54. TRADING, COLLECTIONS OR SUBSCRIPTIONS

A person must not without a Permit solicit collections, gifts of money or subscriptions from any Road or from house to house.

**Penalty: 5 Penalty Units**

## BUILDERS

### 55. WORKS ON ROADS

- (1) A person must not without a Permit carry out works on a Road where access for other users of the Road will be interfered with or restricted because of:
  - (a) works to be undertaken on the Road, such as excavating, digging holes, occupying or fencing off part of the Road; or
  - (b) works to be undertaken on nearby land, such as erecting hoardings or scaffolding or using cranes, storing building materials or locating bulk rubbish containers requiring a Road to be opened up or closed for a period of time.

**Penalty: 8 Penalty Units**

- (2) The requirement to obtain a permit in subclause (1) does not apply to a member of Council staff, a person contracted by the Council or an employee of a utility carrying out their duties.
- (3) A utility must comply with the Road Management Act 2004 when undertaking works on a Road

## PART 8 – ALCOHOL AND SMOKING

### 56. CONSUMPTION AND POSSESSION OF ALCOHOL

- (1) Between 11pm and 6am, a person must not consume Alcohol or have in their possession an open container of Alcohol:
  - (a) in or on any Road within the towns of Birchip, Charlton, Donald, Sea Lake and Wycheproof as described in the Township maps in Schedule 5;
  - (b) in any of the nominated recreation reserves described in Schedule 5; or
  - (c) in or on a vehicle in any of those Townships or nominated recreation reserves.

**Penalty: 5 Penalty Units**

- (2) The prohibition in subclause (1) does not apply to any part of a Road or recreation reserve which is a licensed or authorised premises under the Liquor Control Reform Act 1998.
- (3) Despite the prohibition in subclause (1) the Council may grant a Permit for the consumption of Alcohol on Roads and nominated recreation reserves within the towns of Birchip, Charlton, Donald, Sea Lake and Wycheproof.
- (4) A person must not, while present on a road (including but not limited to a road which is a State road under the Road Management Act 2004) and within 30 metres of licensed premises under the Liquor Control Reform Act 1998, consume Alcohol or have in their possession an open container of alcohol.

**Penalty: 5 Penalty Units**

### 57. SMOKING IN DECLARED SMOKE FREE AREAS

- (1) The Council may, by resolution, declare in part or whole any Municipal Place, Road or other Council Land within the Municipal District to be a Smoke Free Area.
- (2) The Council must erect and maintain or cause to be erected and maintained in those parts of the Municipal District declared smoke free, a sign which indicates that the area has been declared a Smoke Free Area.
- (3) A person must not smoke in or on any part of the Municipal District that has been declared by the Council to be a Smoke Free Area and in respect of which there is a Smoke Free Area sign erected and maintained.

**Penalty: 5 Penalty Units**

# PART 9 – PUBLIC PLACES, PARKS AND RESERVES AND COUNCIL BUILDINGS

## 58. BEHAVIOUR ON COUNCIL LAND OR ROAD

- (1) A person using Council Land must not behave in a way that could cause harm or injury or which interferes with any other person's enjoyment of the Council Land by:
  - (a) using language or behaving in a way that is indecent, offensive or abusive and which annoys, disturbs, interferes or obstructs any person's enjoyment of Council Land;
  - (b) acting in a way that could endanger any person;
  - (c) damaging, destroying, defacing, removing or interfering with anything in or on any building, improvement or other structure of any kind;
  - (d) acting contrary to any conditions or signs that contain conditions that apply to the use of Council Land; or
  - (e) acting contrary to any lawful direction of an Authorised Officer or a person in charge of a facility on Council Land.

### Penalty: 5 Penalty Units

- (2) A person must not:
  - (a) allow any tree or plant;
  - (b) use or repair any vehicle or equipment; or
  - (c) allow any other condition – on land owned or occupied by them to cause damage to, interfere with or create a risk to Council Land or a Road.

### Penalty: 5 Penalty Units

- (3) A person using Council Land or a Road:
  - (a) must comply with any conditions of use applied to that Land or Road by the Council and notified by way of signs, conditions of entry or conditions of membership; and
  - (b) must, in respect of Council Land, comply with the lawful directions of an Authorised Officer or a person in charge of the Council Land.

### Penalty: 5 Penalty Units

- (4) A person must not, unless employed, authorised or contracted by the Council for the purpose, destroy, remove or damage any tree, plant or vegetation on Council Land or a Road.

### Penalty: 10 Penalty Units

## 59. CAMPING ON COUNCIL LAND

- (1) A person must not without a Permit Camp on Council Land unless it is on land within a camping area designated by the Council or any other relevant authority for the purpose.

### Penalty: 5 Penalty Units

- (2) A person who Camps within a camping area designed by the Council or any other relevant authority must comply with the following requirements:
  - (a) The camping must be on land within a camping area designated by the Council or any other relevant authority for the purpose; and
  - (b) All grey water produced must be able to be securely caught and stored so that no grey water escapes into the environment; and

- (c) All black water produced must be contained in holding tanks or cassettes to be disposed of in an approved dump point; and
- (d) Any portable toilet in use must be manufactured for the specific purpose and utilised in such a way that no waste escapes into the environment; and
- (e) Any rubbish must be collected in a sealable container; and
- (f) The campsite must be set up in such a way as not to unreasonably affect other users of the camping area in the opinion of the Authorised Officer

### Penalty: 5 Penalty Units

## 60. FILMING ON COUNCIL LAND

- (1) A person must not without a Permit undertake any filming on any Council Land where the film is for any commercial purpose and/or television broadcasting purpose (other than news broadcasting) and involves film crews and the exclusive use of the Council Land.

### Penalty: 10 Penalty Units

- (2) In addition to the requirement to obtain a permit in accordance with subclause (1), all requirements contained in any Permit, policy or protocol adopted by the Council and relevant to that activity must be complied with.

## 61. REPAIR OF VEHICLES ON ROADS OR PUBLIC PLACES

- (1) A person must not repair, dismantle, paint, carry out maintenance on or repair a Vehicle on a Road or allow or authorise another person to do so.

### Penalty: 5 Penalty Units

- (2) Subclause (1) does not apply in respect of emergency repairs being undertaken due to a Vehicle breakdown or accident.

## 62. ABANDONED, UNREGISTERED OR DERELICT VEHICLES

- (1) A person must not without a Permit leave any derelict, abandoned or Unregistered Vehicle or allow such a Vehicle to remain on any Council Land or Road or in any Public Place.

### Penalty: 5 Penalty Units

- (2) Any Vehicle found on Council Land and considered by an Authorised Officer to be derelict, abandoned or unregistered may be dealt with under the provisions of Schedule 11 to the Act.

### Penalty: 5 Penalty Units

*Clauses 3 and 5 of Schedule 11 to the Local Government Act 1989 (relating to the power to remove unregistered and abandoned vehicles and the power to remove other obstructions), as amended from time to time are incorporated in Schedule 7 to this Local Law.*

# SCHEDULE 1 - APPLICATION FOR A PERMIT (CLAUSE 9)

I, \_\_\_\_\_  
(Name of applicant)

of \_\_\_\_\_  
(Address)

apply for a permit for \_\_\_\_\_  
(Identify use or activity)

The relevant details are:

I wish to be able to:

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For further information, I may be contacted on \_\_\_\_\_ (telephone)

between the following times: \_\_\_\_\_ and \_\_\_\_\_.

Date: \_\_\_\_\_

Signed by applicant

Fees: \_\_\_\_\_

Signature of owner where required

Paid: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Name of owner

Receipt No: \_\_\_\_\_

Address of owner

(A permit for keeping excess animals is valid for a period of three years)

# SCHEDULE 2 - NOTICE TO COMPLY (CLAUSE 21)

To: \_\_\_\_\_  
(name)

\_\_\_\_\_  
(address)  
\_\_\_\_\_

The following constituted a breach under the provisions \_\_\_\_\_ of the Council's **Community Local Law**. To remedy this breach you must carry out the following work within \_\_\_\_\_ days from the date of this Notice.

Breach \_\_\_\_\_

Work to be carried out:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You should contact \_\_\_\_\_ (contact officer) at the Council offices between the hours of \_\_\_\_\_ and \_\_\_\_\_ for further information about this Notice.

If you fail to comply with this Notice you will be guilty of an offence and liable for the payment of a penalty of \$ \_\_\_\_\_ for the offence. If you do not remedy the breach the Authorised Officer may carry out the work and you will be liable for the cost of the work in addition to the above penalty.

Date: \_\_\_\_\_

Name of Authorised Officer: \_\_\_\_\_

Phone number/contact details of Authorised Officer: \_\_\_\_\_

Note: If this Notice relates to a contravention of a permit or a condition of the permit and there is failure to comply with this Notice, the permit may be cancelled. If you do not wish to have the permit cancelled you should comply with this Notice or write to the Council about why the permit should not be cancelled.

# SCHEDULE 3 - IMPOUNDING NOTICE (CLAUSE 25)

To: \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

The following item(s) has/have been impounded in accordance with clause 25 of the Council's Community Local Law.  
Description of items impounded:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You may collect the items by attending at the Municipal Offices at \_\_\_\_\_  
\_\_\_\_\_ (insert address) between the hours of \_\_\_\_\_ to see  
\_\_\_\_\_ (contact officer) and by paying the following:

Details of fees and charges	\$
_____	_____
_____	_____
_____	_____
<b>TOTAL</b>	<b>\$</b> _____

If you fail to collect the item(s) and pay the required fees and charges by \_\_\_\_\_ (date\*),  
the Authorised Officer will proceed to dispose of the thing(s) in accordance with the Council's policy.

Date: \_\_\_\_\_

Telephone: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name of Authorised Officer)

\*(in the case of an impounded animal the collection date must be a minimum of 21 days from the date of impoundment).

# SCHEDULE 4 - PENALTIES FIXED FOR INFRINGEMENT PURPOSES (CLAUSE 29)

Provision	Offence	Maximum Penalty
Clause 19	Failure to comply with directions	5
Clause 23	Failure to comply with a Notice to Comply	10
Clause 26(1)	Makes a false representation of declaration	5
Clause 26(2) & (3)	Failure to obtain a permit or not complying with permit	10
Clause 26(4)	Failure to comply with Local law	10 for first offence 20 for subsequent offence
Clause 32	Failure to number properties	3
Clause 33	Failure to meet standard for condition of property	10
Clause 34	Allowing private land to be kept in a dangerous manner	10
Clause 35(1)	Incorrect disposal of waste	5
Clause 35(2)	Remove container or thing left out for collection	2
Clause 36	Removal or interference with recyclable material	5
Clause 37	Failure to obtain a permit to light a fire	8
Clause 38	Burning offensive materials	5
Clause 39	Camping on Private Land	5
Clause 40	Allowing vegetation to obstruct	5
Clause 41	Damage caused by vegetation to a municipal place	10
Clause 42	Keeping excess animals without a permit	8
Clause 43	Failure to provide accommodation for animals in accordance with the Local Law	5
Clause 44	Failure to provide adequate fencing for animals	5 for first offence 10 for continuation of offence
Clause 45(1)	Failure to remove animal excrement from Council Land	5
Clause 45(2)	Failure to carry a suitable litter device	5
Clause 46	Keeping bees contrary to the Local Law	5
Clause 47	Failure to observe requirements for livestock movements in accordance with the Local Law	8
Clause 48	Failure to dispose of waste in waste hoppers	5
Clause 49	Failure to obtain a permit to use a recreation vehicle	5
Clause 50	Parking a long vehicle on a road without a permit	8
Clause 51	Holding an event without a permit	10
Clause 52	Collecting firewood on a road without a permit	5
Clause 53(1)	Commercial activities on a road without a permit	5
Clause 53(2)	Failure to comply with the requirements of an authorised Officer	5
Clause 54	Soliciting, collections, gifts or subscriptions without a permit	5
Clause 55	Works on a road without a permit	8
Clause 56(1)(4)	Consuming alcohol at times and places contrary to the Local Law	5
Clause 57	Smoking in a declared smoke free area	5
Clause 58(1)(2)(3)	Behaviour on Council Land or roads contrary to the Local Law	5
Clause 58 (4)	Remove a tree, plant or vegetation on Council Land	10
Clause 59	Camping on Council Land without a permit	5
Clause 60	Filming on Council Land without a permit	10
Clause 61	Repairing a vehicle on Council Land	5
Clause 62(1)(2)	Abandon a vehicle on Council Land	5

# SCHEDULE 5 – TOWNSHIP MAPS AND NOMINATED RECREATION RESERVES

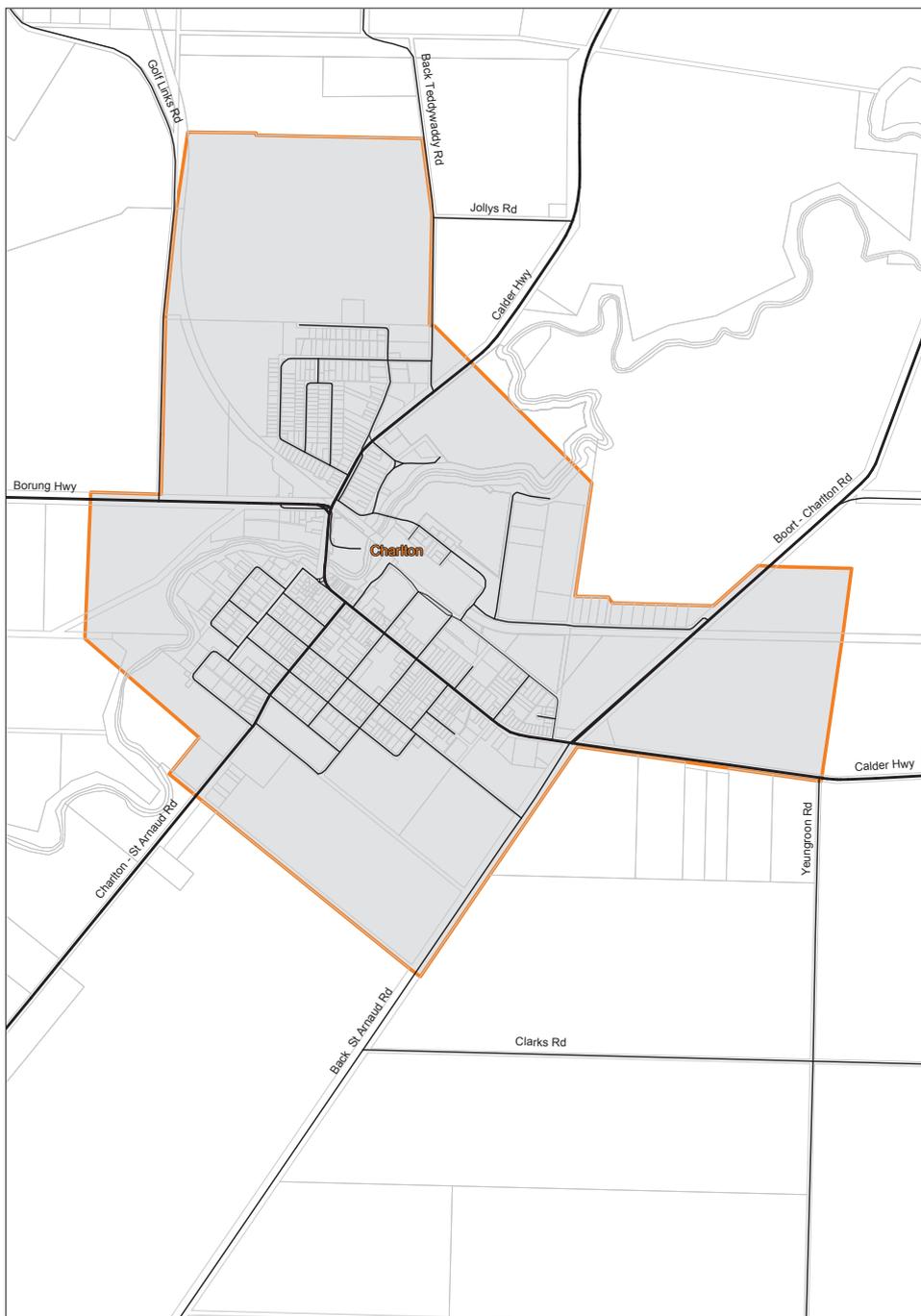
## BIRCHIP



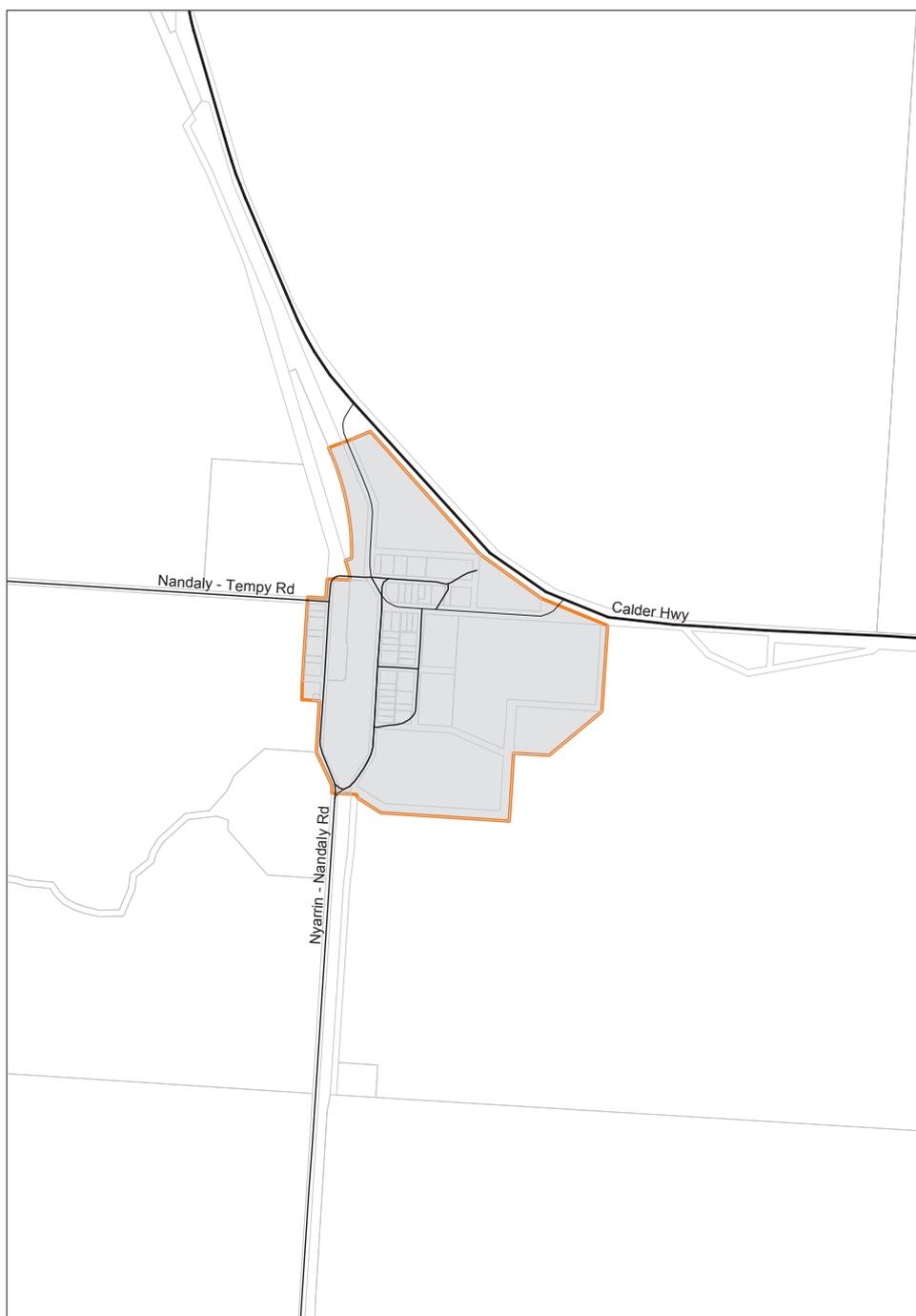
# SCHEDULE 5 – TOWNSHIP MAPS AND NOMINATED RECREATION RESERVES BERRIWILLOCK



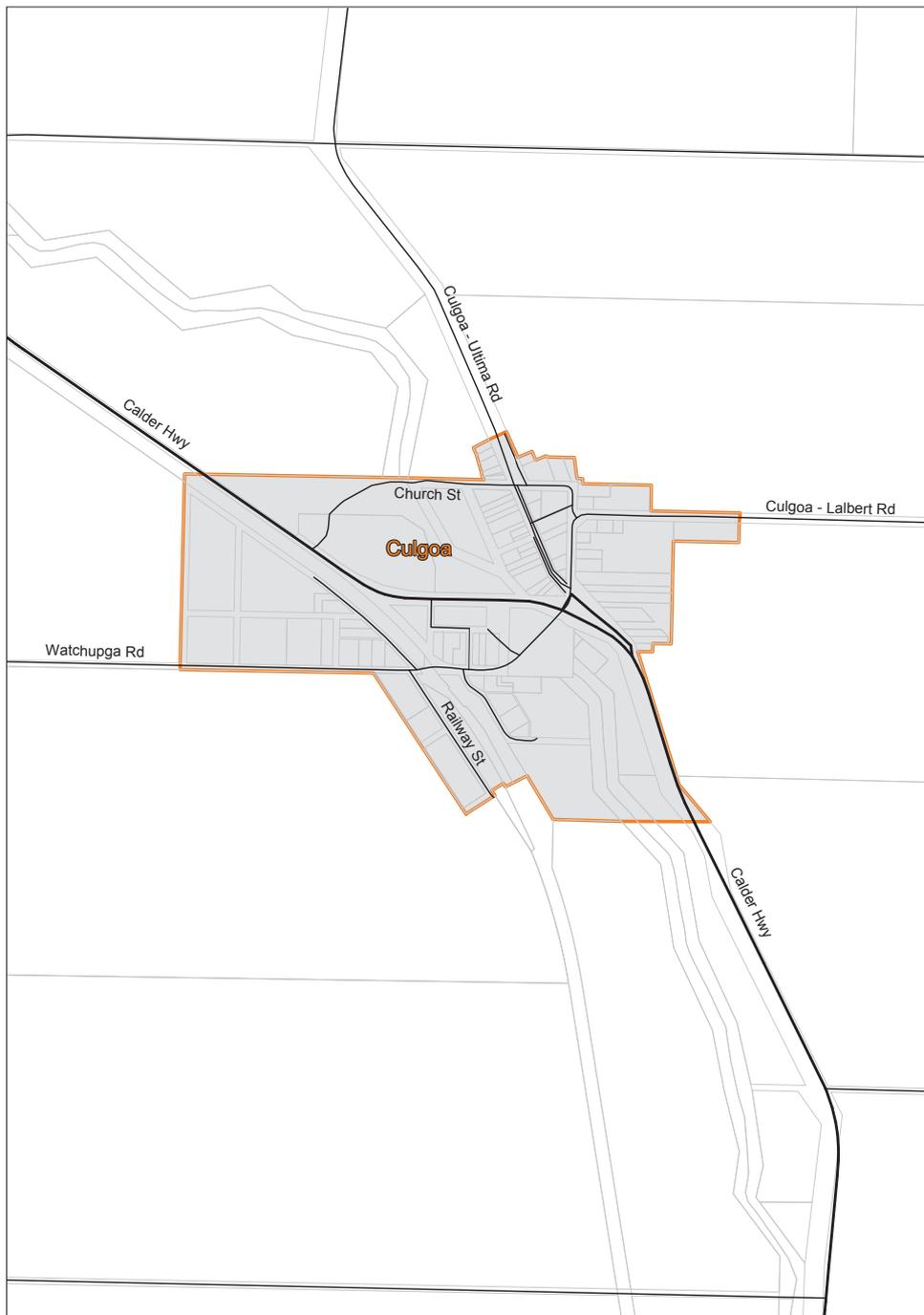
# SCHEDULE 5 – TOWNSHIP MAPS AND NOMINATED RECREATION RESERVES CHARLTON



# SCHEDULE 5 – TOWNSHIP MAPS AND NOMINATED RECREATION RESERVES NANDALY



# SCHEDULE 5 – TOWNSHIP MAPS AND NOMINATED RECREATION RESERVES CULGOA



# SCHEDULE 5 – TOWNSHIP MAPS AND NOMINATED RECREATION RESERVES DONALD



# SCHEDULE 5 – TOWNSHIP MAPS AND NOMINATED RECREATION RESERVES NULLAWIL

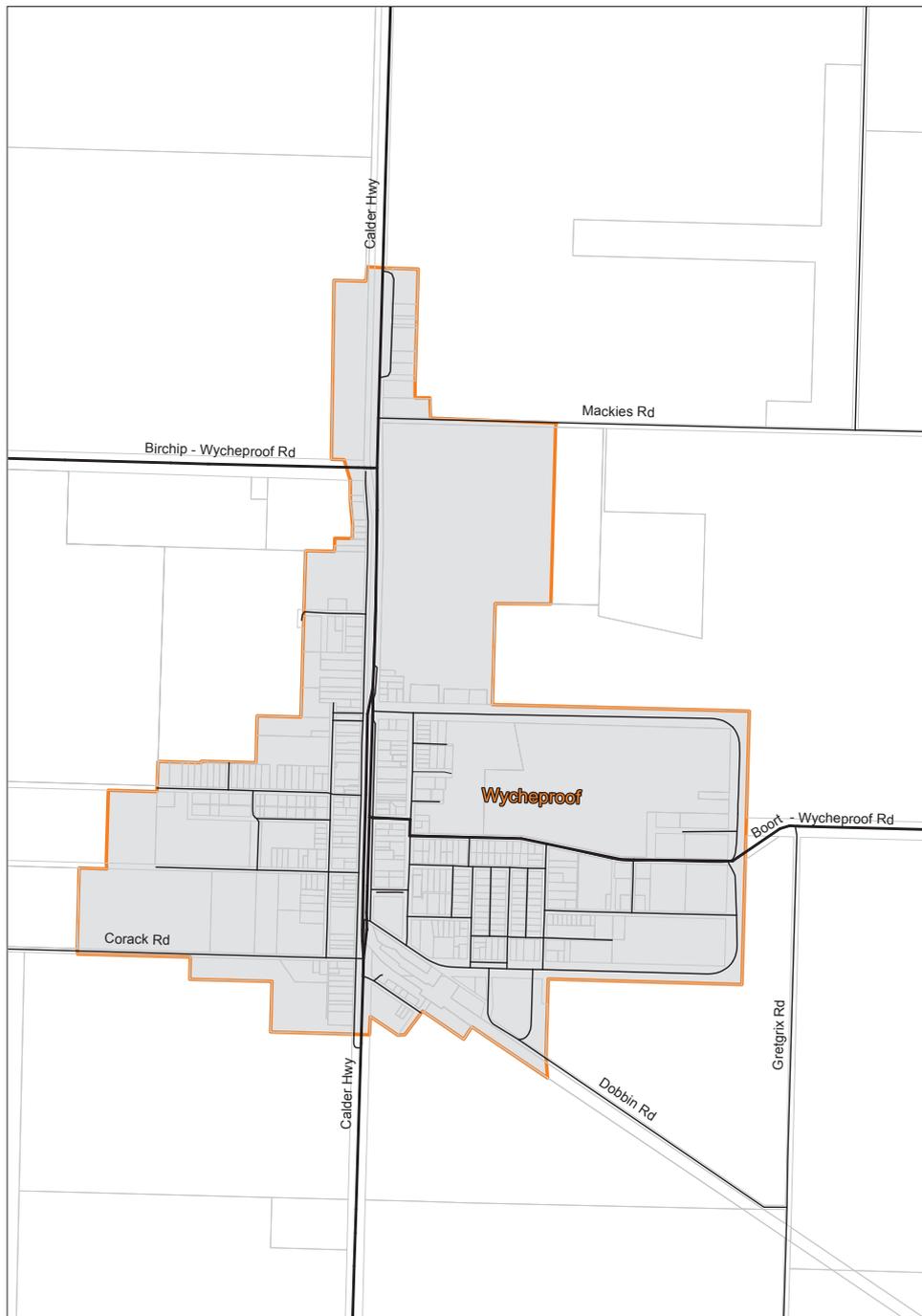


# SCHEDULE 5 – TOWNSHIP MAPS AND NOMINATED RECREATION RESERVES

## WATCHEM

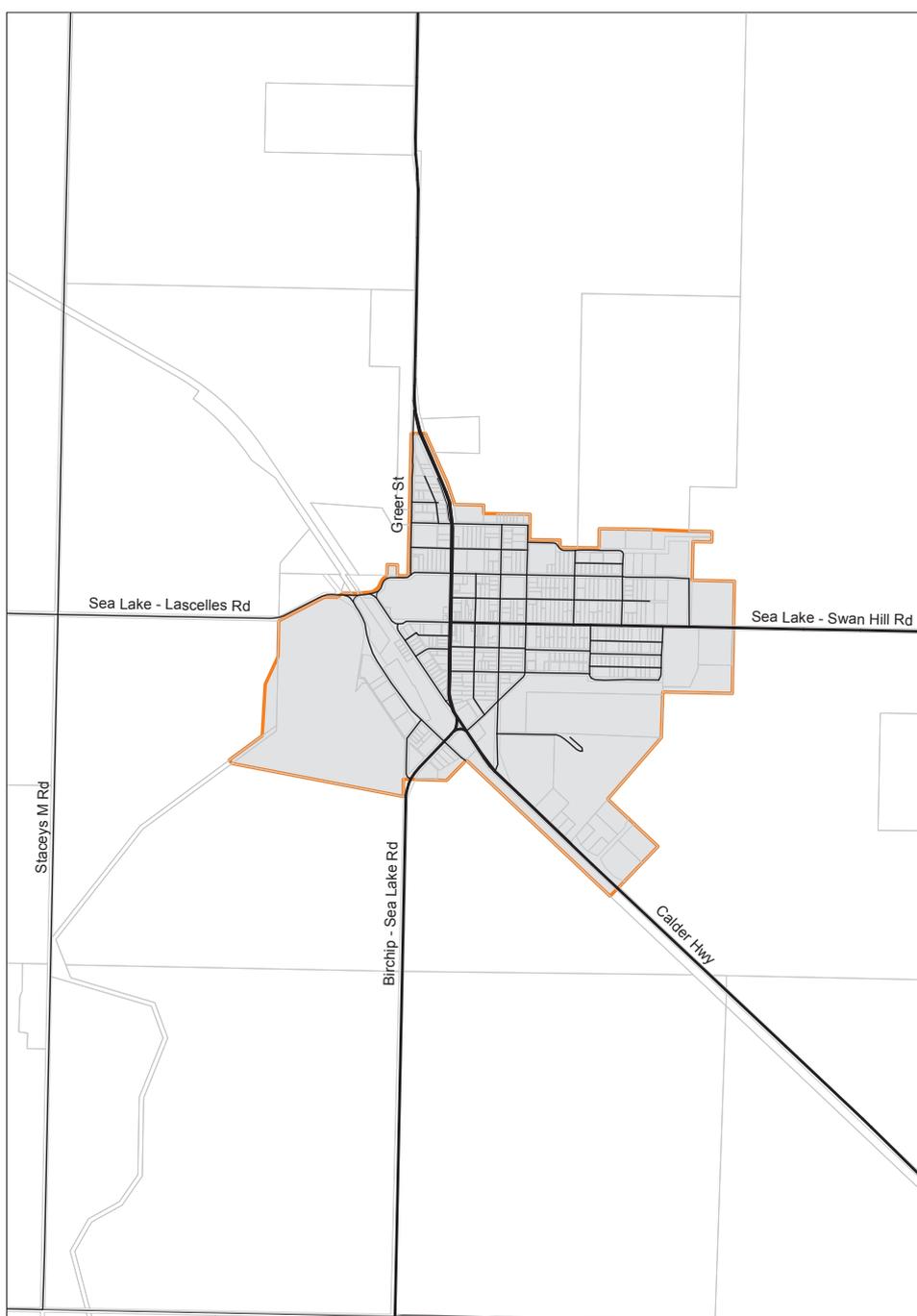


# SCHEDULE 5 – TOWNSHIP MAPS AND NOMINATED RECREATION RESERVES WYCHEPROOF



# SCHEDULE 5 – TOWNSHIP MAPS AND NOMINATED RECREATION RESERVES

## SEA LAKE



## **SCHEDULE 5 – TOWNSHIP MAPS AND NOMINATED RECREATION RESERVES**

### **RECREATION RESERVES**

#### **TOWNSHIP OF BIRCHIP**

1. Birchip Park (Soldiers Memorial Park)
2. Taylor Park
3. Lockwood Park

#### **TOWNSHIP OF CHARLTON**

1. Rotary Park
2. Gordon Park
3. Traveller's Rest

#### **TOWNSHIP OF DONALD**

1. Apex Park
2. Soldiers Memorial Park

#### **TOWNSHIP OF SEA LAKE**

1. Lions Park
2. Apex Park
3. Sea Lake Community Centre and Football Grounds
4. Sea Lake Recreation Reserve

#### **TOWNSHIP OF WYCHEPROOF**

1. Centenary Park

# SCHEDULE 6 – GUIDELINES FOR DETERMINING UNSIGHTLY LAND

## ACCEPTABLE STANDARDS FOR LOCAL LAW PURPOSES



## UNACCEPTABLE STANDARDS FOR LOCAL LAW PURPOSES



# SCHEDULE 7 - CLAUSES 3 AND 5 OF SCHEDULE 11 TO THE *LOCAL GOVERNMENT ACT 1989*

## 3. POWER TO REMOVE UNREGISTERED OR ABANDONED VEHICLES

- (1) A Council may —
- (a) move or impound any unregistered vehicle or vehicle considered by it to be abandoned (and anything in, on or attached to, the vehicle);
  - (b) keep the vehicle in the place to which it has been moved or any other place;
  - (c) return the vehicle to its owner on payment of a fee; and
  - (d) sell, destroy or give away the vehicle (and anything in, on or attached to, the vehicle) if the owner of the vehicle has not paid the fee within 14 days of the Council impounding the vehicle.
- (1A) Before exercising the power conferred by subclause (1) (d), the Council must take reasonable steps to notify the owner of the vehicle that the vehicle has been impounded and may be sold, destroyed or given away unless the specified fee is paid within 14 days.
- (2) The Council, and anyone who obtains the vehicle from the Council under subclause (1)(d), is not liable to the owner of the vehicle or any other person in respect of any action taken under that subclause.
- (3) The fee set for the purposes of subclause (1)(c) must not exceed an amount that reasonably represents the cost to the Council of impounding, moving, keeping and releasing the vehicle (including any relevant overhead and other indirect costs).
- (4) For the purposes of subclause (1), a Council may consider that a vehicle has been abandoned if the vehicle has not been moved for 2 months.

## 5 POWER TO MOVE OTHER OBSTRUCTIONS

A Council may —

- (a) move any thing that encroaches on or obstructs the free use of a road or that reduces the breadth, or confines the limits, of a road (including any thing placed on the road under clause 9, 10 or 11);
- (b) require any person responsible for, or in control of, the thing to move it

