



Moorabool Shire Council

General Local Law 2010

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Moorabool Shire Council

General Local Law 2010

PART 1: PRELIMINARY

1. Title

This Local Law is called the Moorabool Shire Council General Local Law 2010.

2. Objectives

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

- (a) the peace, order and good governance of the municipal district;
- (b) a safe and healthy environment so that the community of the municipal district can enjoy a quality of life that meets its expectations;
- (c) the safe, fair and reasonable use and enjoyment of public places;
- (d) the protection and enhancement of municipal buildings, public assets and Council assets and the amenity and environment of the municipal district;
- (e) the safe, fair and reasonable use and enjoyment of premises;
- (f) the uniform and fair administration of this Local Law.

3. Powers to make Local Law

This Local Law is authorised by section 111 of the Act.

4. Operational dates of this Local Law

This Local Law:

- (a) commences on 6th October 2010
- (b) unless revoked on an earlier date, ceases to operate on 6th October 2020.

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:

- (a) General Local Law 2000;
- (b) Recreational Vehicles Local Law 2003;
- (c) Shopping Trolleys - Local Law 5 of 2005;
- (d) Unsightly Property – Local Law 6 of 2005;

- (e) Consumption of Liquor in Public Places – Local Law No. 2 of 2004;
- (f) Behaviour in Public Places – Local Law 3 of 2005;
- (g) Open Air Burning – Local Law 2 of 2005;
- (h) General Works – Local Law 2 of 2005.

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.

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 required, in this Local Law.

Words	Meaning
Abut:	means to be next to, adjoin, be adjacent to or lie along side.
the Act:	means the Local Government Act 1989.
Advertising Sign:	includes any board, notice, structure, banner, letter, figure, sign, symbol, poster, message or device (other than attached to, or forming part of, a moving vehicle) in or on a public place used for the purposes of notifying people of any of the following: <ul style="list-style-type: none"> a) the existence of, or for the purposes of soliciting, the sale or use of any goods or services; b) the presence of a location or premises where goods or services may be obtained; c) the holding of an event or function; d) the promotion of any person, event, function, organisation or thing.
Amusement:	means a mechanical entertainment device designed for people to play or ride upon.
Animal:	includes birds and fish.
Apartment or Flat:	means a room or suite of rooms designed as a residence and generally located in a building occupied by more than one household and includes an apartment house, being a row of high-rise apartments.
Appointed Agent:	means a person authorised in writing by an owner of the building or land on which building work has been, is being or is to be carried out, to make an application,

	appeal, referral or representation on that person's behalf.
Approved Receptacle:	means a receptacle or container provided by Council for household rubbish, recyclable waste, green waste or any other type of waste prescribed by Council.
Associations Incorporation Act:	means the Associations Incorporation Act 1981.
Authorised Officer:	means a person appointed by Council as an authorised officer under Section 224 of the Act.
Barbeque:	means a structure, device or contraption (not enclosed in a building) that is used primarily as a cooking facility.
Builder:	means someone who contracts for and supervises construction (as of a building) or person who has applied for a building permit (from Council or any other person to whom such an application may be made) or, if no such application has been made, the person in charge of any building work.
Building:	includes a part of a building and the whole or part of any structure, temporary building or structure, fence, gate, wall, outbuilding, service installation, mast, pole and other appurtenance of a building.
Building Construction Site:	means the area in which the building is being constructed and sufficient in area to includes all building materials and other related materials such as a temporary toilet and rubbish container.
Building Site:	means premises on which building work is being or is to be carried out.
Building Work:	includes works, activities, events and practices for or in connection with: <ul style="list-style-type: none"> (a) the construction, renovation, alteration, demolition, relocation or removal of a building, including repair, maintenance, excavation, landscaping, concreting, and subdivision road construction; or (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 two hundred and forty (240) litres but excludes an approved receptacle.
Busk:	includes any of the following: <ul style="list-style-type: none"> (a) playing a musical instrument;

	<p>(b) performing;</p> <p>(c) juggling;</p> <p>(d) drawing any message, picture or representation on a wall or pavement surface;</p> <p>in a public place, whether or not the busker is soliciting for money.</p>
Camp:	<p>includes any of the following:</p> <p>(a) to live or stay in a vehicle (including a caravan);</p> <p>(b) to live or stay in a boat;</p> <p>(c) to live or stay in a tent or any portable or other structure capable of providing accommodation.</p>
Catchment and Land Protection Act:	means the Catchment and Land Protection Act 1994.
Charity Clothing Bin:	means any receptacle designed or used for the collection of donated clothing or goods for the use by another person or entity or for recycling.
Chief Executive Officer:	means the Chief Executive Officer of Council and any person acting in that role.
Commencement Date:	means the date this Local Law came into effect, as referred to in clause 4(a).
Commercial and Industrial Premises:	means premises on which a business, trade, industry or other non-residential activity (other than a rural, farming or agricultural pursuit) 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 goods or service or perform any function.
Council:	means Moorabool Shire Council.
Country Fire Authority Act:	means the Country Fire Authority Act 1958.
Council Asset:	means any asset, item or thing located in, on or under any public place, including a structure, building, fixture, freestanding object, fence, gate, appliance, equipment, drain, tree, bridge, service conduit, sign or hydrant, which is owned or operated by Council or which Council has responsibility for the care of or of which Council has the control of its operation.
Council Land:	means any of the following:

	<p>(a) any land owned, vested in or under the control of Council including land for which Council is a Land Manager or the Committee of Management or a Joint Trustee under the Crown Land (Reserves) Act;</p> <p>(b) a reserve, watercourse, reservation and the like,</p> <p>(c) a road or part of a road for which Council is the responsible road authority under the Road Management Act,</p> <p>(d) land leased by Council, or</p> <p>(e) land used by Council pursuant to a licence.</p>
Council Policy:	means any policy, strategy, code of practice, guidelines or other document prescribed by Council in accordance with clause 97.
Council Litter Bin:	means a rubbish bin constructed or placed by Council in a public place.
Crown Land (Reserves) Act:	means the Crown Land (Reserves) Act 1978.
Domestic Bird:	means a canary, budgerigar, finch or other like sized bird kept caged or within premises (whether all or a substantial portion of the time), but excludes chickens, roosters, racing pigeons, galahs, cockatoos and any like sized birds prescribed by Council.
Domestic Building Waste:	means waste materials associated with, or arising from, construction or work conducted on a dwelling.
Dwelling:	means any premises, building or portion of a building that is used or intended to be used, adapted or designed for use for living purposes by any person and includes any "sleep out" or "bungalow" appurtenant with such premises, building or portion of building.
Encroachment:	includes any object or thing projecting from a building on, over or in a public place.
Environment Protection Act:	means the Environment Protection Act 1970.
Environment Protection (Prescribed Waste) Regulations:	means the Environment Protection (Prescribed Waste) Regulations 1998.
Farming Purposes:	means activities being undertaken on premises for, or in connection with, the conduct of a farm and includes the growing of crops, keeping of livestock and grazing and agricultural pursuits.
Feral European Honey Bee:	means European bees that occur in a wild or unmanaged state, not in keeping with an apicultural pursuit.

Government Act, Regulation or Policy:	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, guideline or other document made or adopted by the Commonwealth Government, Victorian Government, a department of either government or any Statutory Authority from time to time.
Graffiti:	means an inscription, figure or mark written, painted, drawn or otherwise displayed on any surface.
Grazing of Livestock:	means causing livestock to enter and remain on a road/s or roadside for the purpose of grazing a particular or designated area rather than for the purpose of droving or movement of livestock.
Habitable Room:	means any room in a dwelling, other than a kitchen, storage area, bathroom, laundry, toilet or pantry.
Heavy Vehicle:	means a motor vehicle or trailer that has a gross vehicle mass greater than 3 tonnes, and includes: <ul style="list-style-type: none"> (a) any other vehicle that is physically connected to the heavy vehicle (even if that other vehicle is not a heavy vehicle); and (b) a bus that is used, or that is intended to be used, to carry passengers for reward or in the course of a business.
Household Rubbish:	means waste associated with and arising from use of residential premises, including, food waste, discarded food or any putrescibles matter (other than sewerage and hazardous materials), and does not include trade waste, domestic building waste, hard waste, recyclable waste or any other waste prescribed by Council.
Incinerator:	means a structure, device or contraption (not enclosed in a building) that: <ul style="list-style-type: none"> (a) is used or intended, adapted or designed to be used, or capable of being used, for the purpose of burning any matter, material or substance; and (b) is not licensed or otherwise subject to control under the provisions of any Act; and (c) is not a barbeque.
Infringements Act:	means the Infringements Act 2006.
Infringement Notice:	means an infringement notice under this Local Law.
Keep:	in relation to animals, means to have the care, charge, or custody of, or to keep an animal as a pet, or to allow the animal to exist or remain on premises, or in the case

	of wild, feral or stray animals, to actively encourage the animal to remain on premises by feeding the animal.
Liquor:	means any alcoholic beverage intended for human consumption.
Liquor Control Reform Act:	means the Liquor Control Reform Act 1998.
Livestock:	has the same meaning as in the Impounding of Livestock Act 1994.
Manager:	means a person or a contractor appointed or employed by Council to manage or control the use of public places.
Minor Building Work:	means building work the cost to construct of which is less than \$5,000 but does not include: <ul style="list-style-type: none"> (a) landscaping works the cost to construct of which is \$2,000 or more; or (b) regardless of the value of the works: <ul style="list-style-type: none"> (i) construction (or reconstruction) of any driveway or masonry structure; or (ii) the re-blocking of a building; or (iii) the demolition and removal of buildings and structures.
Movement of Livestock:	means: <ul style="list-style-type: none"> (a) individual or regular movement of livestock: <ul style="list-style-type: none"> (i) as part of normal farm management operations of a single farming enterprise but not for purposes of grazing; and (ii) from one property within the municipal district to another property within the municipal district or from a property within an adjacent municipal district; and (iii) at the rate of not less than one kilometre per hour in the direction of movement between the two properties; and (iv) where the properties concerned are occupied by the single farming enterprise; and (v) the movement is completed on the day of commencement.
Municipal Building:	means a building on Council land, or a building or part of a building leased by Council.
Municipal District:	means the municipal district of Council.
Municipal Offices:	means the building or buildings at which the general business of Council is undertaken or where Council

	meetings are held.
Notice to Comply:	means a notice given under clause 92.
Noxious Weeds:	has the same meaning as in the Catchment and Land Protection Act.
Nuisance:	has its ordinary meaning, save that where this Local Law provides that a certain activity or action constitutes a nuisance, then that activity or action will also constitute a nuisance for the purposes of this Local Law.
Occupier:	<p>means any of the following:</p> <ul style="list-style-type: none"> (a) a person having the charge, management or control of the premises, including the owner or the landlord of premises 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 premises or is, or could be, in a position to exercise a right to enter on the premises to carry out maintenance and repairs, and any tenant of the premises; (b) where the premises are 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 premises; (d) a person having the legal right to reside or, who is residing, in the premises.
Owner:	<p>in relation to premises means:</p> <ul style="list-style-type: none"> (a) where the premises are Crown land, the lessee or the licensee of the land from the Crown; or (b) where the premises are other than Crown land, any of the following: <ul style="list-style-type: none"> (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) owners corporation (as that term is defined in the Subdivision Act) for any common property shown on a registered plan of subdivision, or registered plan of strata or cluster subdivision.

Owner:	<p>in relation to a vehicle means any of the following:</p> <p>(a) the person in whose name the vehicle is registered at the time of the offence under the Road Safety Act or a corresponding Act of the Commonwealth or of another State or Territory of the Commonwealth;</p> <p>(b) if the Roads Corporation has received notice of transfer of registration under the regulations made under the Road Safety Act, the person whose name is disclosed in the records kept by the Roads Corporation as being entitled to possession of the vehicle at the time of the offence;</p> <p>(c) if the vehicle is not registered under the Road Safety Act or a corresponding Act of the Commonwealth or of another State or Territory of the Commonwealth, the person whose name is disclosed in the records kept by the Roads Corporation or the corresponding body under a corresponding Act as being the owner, or entitled to possession of the vehicle at the time of the offence;</p> <p>(d) if the vehicle displays a number plate:</p> <p>(i) the person, who at the time at which the registration number borne by that number plate was last assigned by the Roads Corporation or the corresponding body under a corresponding Act, was the person in whose name the vehicle to which that registration number was assigned, was registered under the Road Safety Act or a corresponding Act of the Commonwealth or of another State or Territory of the Commonwealth, whether or not the vehicle is the same as the vehicle involved in the offence; or</p> <p>(ii) the person whose name is disclosed in the records kept by the Roads Corporation or the corresponding body under a corresponding Act as being entitled, or last entitled, to use or possess that number plate at the time of the offence; or</p> <p>(iii) if the vehicle displays a general identification mark by means of a special identification plate issued under the regulations made under the Road Safety Act, the person to whom the mark is assigned at the time of the offence.</p>
Penalty Interest Rates Act:	means the Penalty Interest Rates Act 1983.
Penalty Unit:	has the same meaning as in the Sentencing Act.
Permit:	means a permit issued under this Local Law.

Permit Applicant:	means a person who applies for a permit under this Local Law.
Permit Holder:	means the person to whom a permit is issued, and the person to whom a permit is transferred to with the written permission of Council.
Person:	includes an individual, a corporation, a body corporate, an Association (including an association incorporated under the Associations Incorporation Act), a partnership and an unincorporated association.
Premises:	includes the whole or part of any land, a lot on a plan of subdivision or a building under construction.
Prescribe:	includes decide, determine, resolve, adopt or specify by Council.
Public Asset:	means any asset, item or thing located in, on or under any public place, including a structure, building, fixture, freestanding object, appliance, fence, gate, equipment, drain, tree, bridge, service conduit, sign or hydrant, and includes a Council asset.
Public Place:	has the same meaning as in the Summary Offences Act and, to the extent that the definition in the Summary Offences Act does not include the following, includes: <ul style="list-style-type: none"> (a) any place prescribed by Council to be a public place; (b) any place to which the public, whether upon or without payment for admission, have, or are allowed to have, access, other than a shopping centre; (c) any park, garden, reserve or other place of public recreation or resort; (d) any vacant land or vacant space adjoining any road; (e) a municipal building; (f) Council land; (g) a road.
Racing Pigeon:	means a bird used or eligible to compete in races conducted by a pigeon racing organisation.
Recreational Vehicle:	means any vehicle normally used for recreational purposes that may be propelled or operated by internal combustion, steam, gas, oil, electricity or any other power purposes but does not include pedal powered vehicle. Without being exhaustive, it includes: <ul style="list-style-type: none"> (i) mini bike; (ii) trail bike; (iii) go cart; (iv) any other 2 or 4 wheeled vehicle designed or adapted for recreation.

Recyclable Waste:	means the substances, materials or items prescribed by Council to be recyclable.
Residential Premises:	means any land or part of land used as, or capable of being used for , a private residence and includes an apartment or flat.
Residential Area	means land zoned for residential use under the Scheme
Road:	includes any of the following: (a) a street; (b) a right of way; (c) any land reserved or proclaimed as a street or road under the Crown Land (Reserves) Act; (d) a public road under the Road Management Act; (e) a passage; (f) a cul de sac; (g) a by-pass; (h) a bridge or ford; (i) a footpath, bicycle path or nature strip; (j) any culvert or kerbing or other land or works forming part of the road; (k) 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 Transfer of Land Act.
Road Management Act:	means the Road Management Act 2004.
Road Safety Act:	means the Road Safety Act 1986.
Roads Corporation:	has the same meaning as in the Road Safety Act.
Rubbish Container:	means a container larger than one cubic metre, covered with a lid that is attached and that prevents to the satisfaction of Council or an Authorised Officer the escape of its contents.
Rural Area:	means any land not in an urban area.
Rural Land (For Fire Purposes only)	Means land outside of township area boundaries (for fire Purposes only)
Scheme:	means the Moorabool Planning Scheme.
Sentencing Act:	means the Sentencing Act 1991.
Service Authority:	means any company or Statutory Authority responsible for the installation of telecommunications, gas, electricity, water, sewerage or drainage facilities in or on a road.

Shopping Trolley:	means a wheeled container or receptacle supplied by a retailer for enabling customers to transport goods.
Single Farming Enterprise:	means a business of farming livestock run by one or more persons as one business at one or more locations with at least one location in the municipal district.
Special Event:	means an organised sporting, recreational, cultural, commercial or social gathering approved by Council and held on, or at, any public place.
Statutory Authority:	means: (a) the State of Victoria, or the Commonwealth Government, or a department of either government; or (b) a body established by an Act of the Parliament of Victoria, any other State or Territory of the Commonwealth, or the Commonwealth.
Subdivision Act:	means the Subdivision Act 1988.
Summary Offences Act:	means the Summary Offences Act 1966.
Total Fire Ban Day:	means any day or partial day declared to be of total fire ban in the municipal district under section 40(2) of the Country Fire Authority Act.
Township Area (for fire purposes only)	means the land within the Municipal District defined as such and within the marked boundaries on maps as prescribed by Council from time to time, and retained at the Municipal Offices.
Toy Vehicle:	means a device for conveyance ordinarily used by a person at play or recreation and designed to be propelled by human power, and includes a tricycle, scooter, skateboard, roller-skates, rollerblades and similar devices, but does not include a bicycle.
Trade Waste:	means any of the following: (a) waste arising from commercial, industrial or trade activities or from laboratories; (b) waste arising from medical or veterinary activities; (c) waste containing substances or materials that are potentially harmful to human beings or equipment; (d) waste prescribed under the Environment Protection Act, or any Regulation or State Environment Protection Policy made under the Environment Protection Act.
Traffic Control Device:	means: (a) signs; or (b) signals installed to control, direct, guide, regulate or warn

	drivers and other road users.
Transfer of Land Act:	means the Transfer of Land Act 1958.
Urban area:	means land zoned as residential, low density residential, special use, township, business, industrial or mixed use under the Scheme.
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 bicycle or other pedal-powered vehicle, trailer, tram-car and air-cushion vehicle. It does not include a railway locomotive or railway rolling stock or a motorized wheelchair 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.
Vehicle Crossing:	means a physical means of exit and entry between a road and premises or other land.
Vermin:	means "pest animal" as defined under the Catchment and Land Protection Act.
Waste:	includes any discarded, rejected, unwanted, surplus or abandoned matter (whether solid or liquid) and includes putrescible waste.
Works Required:	in relation to a notice to comply, means: (a) the act, matter or thing that is required to cease; or (b) the act, matter or thing that is required to be done.

9. General interpretation

- 9.1 A reference in this Local Law to an Act, regulation or statutory instrument or of an instrument or approval which is granted or 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.
- 9.2 Unless the contrary intention appears in this Local Law, references to Acts and regulations are to Victorian Acts and regulations.
- 9.3 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.
- 9.4 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.
- 9.5 Introductions to Parts, headings and notes of this Local Law are explanatory only and do not form part of this Local Law.
- 9.6 Where, in this Local Law, a word or phrase has a particular meaning, other grammatical forms of that word or phrase has a corresponding meaning.
- 9.7 A reference in this Local Law to a singular word includes the plural and vice-versa.

10. Service of notices

- 10.1 A notice given to a person by Council or an Authorised Officer under this Local Law may be given by:
- (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 his or her last known place of residence or business;
 - (d) in the case of a corporation, or body corporate or an association (including an association incorporated under the Associations Incorporation Act) or an unincorporated association, by delivering the notice to its registered or last known office and leaving it with a person apparently not less than 16 years of age and apparently employed thereat or by posting it by prepaid ordinary post addressed to the Secretary of the corporation, body corporate, association or unincorporated association at its registered or last known office;
 - (e) if the notice is required to be served on or given to the owner or occupier of any premises and his or her name is not known, by addressing the notice to "the owner" or "the occupier" care of the address of the premises;
 - (f) if the name and address of the owner are not known and there is no occupier of the premises, by putting the notice in a conspicuous position on the premises;

- (g) if the notice is an Infringement Notice or other notice in accordance with the Infringements Act or any relevant regulations made under that Act, by serving the notice in accordance with the provisions of the Infringements Act;
- (h) if the notice is a notice in accordance with the Road Safety Act or any relevant regulations made under that Act, by serving the notice in accordance with the provisions of the Road Safety Act;
- (i) 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 provides for any other manner of service not specified elsewhere in this clause, by serving the notice in the manner so specified.

10.2 Subject to deeming provisions contained in the Infringements Act 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 PREMISES

11. Objectives

The objectives of this Part are to provide for:

- (a) protection of the amenity of the municipal district;
- (b) regulation and control of activities on, and uses of, premises;
- (c) maintenance of the safety and condition of premises and their environment;
- (d) regulation of the use of vehicles on, or in the vicinity of, premises; and
- (e) prohibitions and obligations on:
 - (i) owners and occupiers of residential premises; and
 - (ii) owners and occupiers of commercial and industrial premises; and
 - (iii) other people.

12. Display of property numbers

The owner or occupier of premises must display a number that is:

- (a) the number allocated to the premises by Council; and
- (b) in a form of sufficient size, in such a position and clear of such vegetation and other obstructions that it is clearly visible and legible and that it can be clearly read from the road(s) that abut(s) the premises.

Penalty: 10 Penalty Units

13. Camping on private property

13.1 The owner or occupier of premises must not, without a permit, camp, or allow or suffer any other person to camp, on the premises:

- (a) in a manner that causes a nuisance; or
- (b) for any more than four (4) consecutive weeks; or
- (c) for any more than a total of three (3) months in any calendar year.

Penalty: 10 Penalty Units

13.2 In determining whether to grant a permit under clause 13.1, Council must consider as relevant or appropriate:

- (a) the location of the premises;
- (b) the method of disposing of waste;
- (c) the location or proposed location of the vehicle, boat, tent or portable or other structure in relation to surrounding dwellings;

- (d) the adequacy of the vehicle, boat, tent or portable or other structure for habitation;
- (e) the likely impact on the amenity of the area;
- (f) any other relevant Government Act, regulation or policy;
- (g) the Scheme;
- (h) any relevant Council policy;
- (i) the likelihood of causing a nuisance; and
- (j) any other matter relevant to the circumstances associated with the application.

14. Recreational vehicles

- 14.1 A person must not use a recreational vehicle in a manner that is likely to cause a nuisance or danger to any other person.

Penalty: 20 Penalty Units

- 14.2 A person must not, without a permit, use or allow the use of:

- (a) a recreational vehicle unless such vehicle is fitted with an effective muffler and spark arrestor in compliance with the appropriate Australian Design Rules for external noise of motor vehicles or external noise of motor cycles;
- (b) a recreational vehicle on any premises within an urban area or on any premises less than 2 hectares in area;
- (c) more than two recreational vehicles at any one time on any premises which is less than 20 hectares in area or more than four recreational vehicles at any one time on any premises;
- (d) a recreational vehicle continuously for a period in excess of one hour and between two consecutive periods of one hour, there shall be a period of two hours in which no recreational vehicle shall be used; or
- (e) a recreational vehicle except within the hours of 9.00am to 8.00pm Monday to Saturday inclusive and the hours of 12 noon to 6.00pm on Sundays.

Penalty: 20 Penalty Units

- 14.3 In determining whether to grant a permit under clause 14.2 Council must consider as relevant or appropriate :

- (a) the location of the premises where the recreational vehicle is to be used;
- (b) the zoning of the premises;
- (c) the suitability of the premises for use by recreational vehicles;
- (d) the number of recreational vehicles for which the permit is required;
- (e) the days, times and hours the recreational vehicle is to be used;

- (f) the likely damage which may be caused to any land;
- (g) the silencing / exhaust arrangements for the subject vehicles;
- (h) the location of surrounding properties which may be affected by nuisance; and
- (i) any other matter relevant to the circumstances associated with the application.

14.4 A person must not use or allow the use of a recreational vehicle on a Total Fire Ban Day.

14.5 A permit holder to whom a permit under clause 14.1 has been issued must not allow the use of the recreational vehicle to which the permit relates other than in accordance with:

- (a) the permit; and
- (b) any conditions contained in the permit.

Penalty: 20 Penalty Units

15. Cigarette butt receptacles

15.1 The occupier of commercial and industrial premises must take reasonable steps to ensure that persons working at, visiting or associated with the commercial and industrial premises do not deposit cigarette butts in a public place.

Penalty: 20 Penalty Units

15.2 If an Authorised Officer serves a notice to comply in relation to a contravention of clause 15.1, the works required to correct the contravention may include but are not limited to either of the following:

- (a) provision of a suitable cigarette butt receptacle; and
- (b) cleaning and maintenance of an existing cigarette butt receptacle.

15.3 In determining whether to issue a notice to comply in relation to a contravention of clause 15.1, the Authorised Officer must consider as relevant whether cigarette butt litter has, or is likely to have, come from persons working at, visiting or associated with the commercial and industrial premises.

16. Heavy vehicles

16.1 A person must not, without a permit, park, keep, store, repair, or allow to remain a heavy vehicle on:

- (a) any premises in a residential area,
- (b) or vacant premises within a urban area.

Penalty: 10 Penalty Units

16.2 If a heavy vehicle breaks down and cannot be moved without some minor repair, then it is acceptable to make that repair if it is of an immediate nature.

- 16.3 If the heavy vehicle cannot be repaired expediently, then the person or persons in charge of that vehicle must cause the vehicle to be removed by towing.
- 16.4 In the event that a heavy vehicle breaks down on a road, the person or persons in charge of that heavy vehicle must display the appropriate warning signals for heavy vehicles.

Penalty: 10 Penalty Units

- 16.5 In determining whether to grant a permit under clause 16.1, Council must consider as relevant or appropriate:
- (a) the location of the premises;
 - (b) the proximity to adjoining premises;
 - (c) the amenity of the area;
 - (d) the likely impact on the amenity of the area;
 - (e) the type and number of heavy vehicles proposed to be parked, kept, stored, repaired, or allowed to remain;
 - (f) the likely effects on adjoining owners and occupiers;
 - (g) the location where the heavy vehicle is proposed to be parked, kept, stored, repaired, or allowed to remain in relation to surrounding dwellings;
 - (h) the Scheme;
 - (i) any relevant Council policy;
 - (j) the likelihood of causing a nuisance; and
 - (k) any other matter relevant to the circumstances associated with the application.

17. Unsightly land

- 17.1 The owner or occupier of premises must not cause, allow or suffer the premises to be unsightly or detrimental to the amenity of the neighbourhood in which the premises is located.

Penalty: 10 Penalty Units

- 17.2 For the purposes of clause 17.1, premises are deemed to be unsightly or detrimental to the amenity of the neighbourhood in which the premises is located if the premises:
- (a) contravenes any relevant Council policy; or
 - (b) has upon it, any of the following:
 - (i) uncontained rubbish;
 - (ii) disused excavations;
 - (iii) excessive waste or other materials;
 - (iv) undergrowth exceeding three hundred (300) mm in height;
 - (v) disused machinery or vehicles;
 - (vi) unregistered vehicles;

- (vii) a building that remains partially completed or partially demolished for a period of two hundred and forty (240) days or more;
- (viii) graffiti that remains on the premises for more than seven (7) days, unless any Act or regulation relating to graffiti permits such graffiti to remain for a longer period.

18. Dilapidated buildings

18.1 The owner or occupier of premises must not cause, allow or suffer a building located on the premises to become dilapidated.

Penalty: 20 Penalty Units

18.2 For the purposes of clause 18.1, a building on premises is deemed to be dilapidated if:

- (a) the exterior of the building is in a state of disrepair and has been damaged or defaced so as to:
 - (i) affect the visual amenity of the premises; or
 - (ii) cause the building to be out of conformity with the general standard of appearance of other buildings in the vicinity of the premises;
- (b) architectural features of the building are not properly maintained;
- (c) the condition of the building contravenes any relevant Council policy.

19. Dangerous premises

19.1 The owner or occupier of premises must not cause, allow or suffer the premises to be dangerous or likely to cause danger to life or property.

Penalty: 20 Penalty Units

19.2 For the purposes of clause 19.1, premises are deemed to be dangerous, or likely to cause danger to life or property, if the premises:

- (a) contravene 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) a dilapidated building.

19.3 If an Authorised Officer serves a notice to comply in relation to a contravention of clause 19.1, the works required to correct the contravention may include but is not limited to the:

- (a) removal of any substance, material or equipment;
- (b) erection of a suitable fence, barrier or other enclosure;
- (c) erection of suitable warning signs;
- (d) securing or filling in a hole or excavation;

- (e) securing the premises.

20. Matters prohibited on private premises

20.1 The owner or occupier of premises must not cause, allow or suffer any of the following:

- (a) the premises to be kept in a manner that:
 - (i) harbours or is likely to harbour vermin; or
 - (ii) causes or is likely to cause a health hazard;
- (b) any heating device or chimney on the premises to discharge any dust, grit, ash, smoke, effluvium, substance or odour that:
 - (i) constitutes a nuisance; or
 - (ii) is unreasonable;
- (c) unless otherwise authorised by Council or a Statutory Authority, any substance other than stormwater to be discharged from the premises into a drain that is a Council asset;
- (d) any vegetation or encroachment on the premises to overhang a road at a height of less than three (3) metres, or to such an extent that it interferes with or obstructs the clear passage of pedestrians or vehicles;
- (e) any:
 - (i) building to be placed, or
 - (ii) 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;

- (f) any barbeque to be used for any purpose other than for the preparation of food;
- (g) the presence of noxious weeds;
- (h) any tree, plant or vegetation to overhang adjoining premises in such a manner that it causes danger to the safety of persons and/or the condition of any property or the adjoining premises or in such a manner that such tree, plant or vegetation drops onto or into the adjoining premises materials or substances that are able to germinate and grow in the adjoining premises.

Penalty: 10 Penalty Units

20.2 For the purposes of clause 20.1(b)(i), in determining whether the discharge of dust, grit, ash, smoke, effluvium, substance or odour from a heating device or chimney constitutes a nuisance, the following must be taken into account as relevant or appropriate:

- (a) the nature of any complaint and other information received;
- (b) any observations of an Authorised Officer, including the level of observable dust, grit, ash, smoke, effluvium, substance or odour;
- (c) whether the heating device and/or chimney complies with any relevant Australian Standard; and
- (d) the nature of the fuel used in the heating device.

- 20.3 For the purposes of clause 20.1(b)(ii), the discharge of dust, grit, ash, smoke, effluvium, substance or odour from a heating device or chimney on the premises is unreasonable if:
- (a) more than fifteen (15) minutes after the lighting of a heating device, an Authorised Officer observes the emission of unreasonable levels of observable dust, grit, ash, smoke, effluvium, substance or odour; or
 - (b) any dust, grit, ash smoke, effluvium, substance or odour is observed by an Authorised Officer to enter a habitable room on any other premises.

21. Open air burning

21.1 This clause does not apply to any day declared to be a day or part of a day of total fire ban or during the fire season as declared by the Country Fire Authority. Clause 21.2, does not apply to fires that have been authorised by a permit under and in accordance with the Country Fire Authority Act.

21.2 A person must not, without a permit, light or allow to remain alight an incinerator or a fire in the open air unless the incinerator or fire is lit;

- (a) in a rural area used for farming purposes;
- (b) in a rural area, not used for farming purposes, for the burning of dry material only, being leaves, bark, twigs, small branches, grass and weeds for fire prevention purposes;
- (c) to use a barbecue for the purpose of cooking food;
- (d) to use a trade tool for and in accordance with its designed purpose;

Penalty: 10 Penalty Units

21.3 A person must not light or allow to remain alight an incinerator or a fire in the open air for the purpose of burning –

- (a) household refuse;
- (b) industrial, commercial or trade waste; or
- (c) tyres or other noxious materials.

Penalty: 10 Penalty Units

21.4 A person who has lit or allowed an incinerator or a fire to remain alight contrary to this clause must extinguish the fire immediately on being directed to do so by;

- (a) an Authorised Officer;
- (b) an officer of the Victoria Police; or
- (c) a member of the Country Fire Authority, operating pursuant to the Country Fire Authority Act.

Penalty: 10 Penalty Units

21.5 Where a person fails to comply with a direction given under clause 21.4;

- (a) the Authorised Officer or his/her agent may enter upon the premises to which the direction relates and do any act, matter or thing which the person was directed to do; and
 - (b) the expenses of doing such act, matter or thing, will be borne by, and may be recovered by Council from the person given the direction.
- 21.6 Notwithstanding the above provisions of clause 21, Council may in special circumstances issue a permit for an open fire, including in a urban area, subject to any conditions that Council deems necessary to prevent the fire causing a nuisance or a danger.
- 21.7 For the purposes of clause 21.6, special circumstances include:
- (a) when the fire is to be used for public entertainment; or
 - (b) where an Authorised Officer forms the opinion that any of the following apply:
 - (i) the nature, volume, or location or the material to be burnt is such that its disposal by any other means is unsafe;
 - (ii) there is no reasonable alternative method available for the disposal of the material proposed to be burnt;
 - (iii) It is necessary to burn the material in the interests of public safety.

22. Building works

- 22.1 The owner of the premises upon or at which building work is being undertaken must notify Council in writing before the commencement of the building work of any damage to any adjoining road or public place.

Penalty: 10 Penalty Units

- 22.2 The owner of, or builder or appointed agent for, a building site, must, before building work commences, apply for a permit to provide a temporary vehicle crossover to the building site which protects the adjoining road or public place from damage.

Penalty: 10 Penalty Units

- 22.3 Damage to any Council assets which exists after the completion of building work other than damage previously notified to Council in accordance with clause 22.1, will be deemed to be caused by the owner of that building site, who will be liable for the repair or replacement of Council assets to the requirements and satisfaction of Council.

- 22.4 All vehicle access to a building site must occur through an existing permanent or approved temporary vehicle crossover to the building site.

Penalty: 10 Penalty Units

- 22.5 The owner of or builder or appointed agent for a building site must, at the commencement of any building work, provide a minimum of one on site toilet for use by persons working on the building site.

Penalty: 10 Penalty Units

- 22.6 Prior to the commencement of building work, the owner of or builder or appointed agent for a building site must erect fencing around the entire perimeter of the building construction site.

The fence must:

- (a) be a minimum of 2 metres in height;
- (b) not have more than one access opening, that is fitted with 2 metre high gates (which swing into the building site and not out of the building site) and is located to correspond with the vehicle crossing referable to the building site;
- (c) be suitably designed and constructed as to prevent litter and other material blowing off the building site;
- (d) remain in place for the duration of the building work, or until the certificate of occupancy has been issued; and
- (e) erected entirely within the property boundary.

Penalty: 10 Penalty Units

- 22.7 The owner of or builder or appointed agent for a building site must ensure that:

- (a) a rubbish container is placed on the building construction site on commencement of any building work;
- (b) the rubbish container will prevent the escape of its contents;
- (c) the rubbish container is emptied before it becomes full;
- (d) the gate or gates to the site are securely closed when the building site is unattended; and
- (e) repair any damage to, or movement of, the fence within 24 hours of the damage or movement.

Penalty: 10 Penalty Units

- 22.8 The owner of or builder or appointed agent for a building site must ensure that all wind blown refuse is placed in a rubbish container.

Penalty: 10 Penalty Units

- 22.9 On any land where building work is being or has been carried out, the owner of or builder or appointed agent for a building site must remove and lawfully dispose of all refuse on the building site, and remove the rubbish container within 7 days of completion of the building work or issue of an occupancy permit, whichever occurs last.

Penalty: 10 Penalty Units

- 22.10 The owner of or builder or appointed agent for a building site must ensure that a sign is erected at the main entrance to the building site for the duration of the building work.

The sign must:

- (a) be at least 600mm x 400mm in size;

- (b) clearly display the name, postal address and business hours contact telephone number(s) of the person in charge of the building work; and
- (c) contain the lot number and property address of the building site as described in the relevant certificate of title.

Penalty: 10 Penalty Units

- 22.11 The owner of or builder or appointed agent for a building site must take all necessary actions and must implement all necessary systems of management to ensure that no mud, clay, debris or washings is or are deposited on or discharged to any public place.

Penalty: 10 Penalty Units

- 22.12 The owner of or builder or appointed agent for a building site must take all necessary actions and must implement all necessary systems of management to ensure that vehicles leaving the building site do not leave or deposit mud, clay or debris in or on any public place.

Penalty: 10 Penalty Units

- 22.13 The owner of or builder or appointed agent for a building site must ensure that materials or items are not placed on a public place unless in accordance with a permit issued under this Local Law.

Penalty: 10 Penalty Units

- 22.14 The owner of or builder or appointed agent for a building site must ensure that dust from the building site is controlled to the satisfaction of Council or an Authorised Officer.

Penalty: 10 Penalty Units

PART 3: MUNICIPAL AMENITY – PUBLIC PLACES

23. Objectives

The objectives of this Part are to provide for:

- (a) protection of all of the following:
 - (i) public places;
 - (ii) public assets;
 - (iii) the amenity of public places and of the municipal district;
 - (iv) preservation of access and passage to, through and along, public places;
 - (v) uninterrupted views of roads, traffic control devices, lighting and all road users; and
 - (vi) safety of persons.
- (b) regulation and control of all of the following:
 - (i) certain works in public places and on, or in respect of, public assets;
 - (ii) activities in, and uses of, public places;
 - (iii) activities within, and uses of, municipal buildings.

24. Matters for which a permit is required

24.1 Except as otherwise provided in this Local Law, a person, must not on or in a public place, without a permit:

- (a) place or leave, or cause or allow to be placed or left, any obstruction or object; and
- (b) undertake any activity of the kind specified in clause 24.2.

Penalty: 10 Penalty Units

24.2 For the purposes of clause 24.1(b), a specified activity includes:

- (a) collecting money;
- (b) conducting, organising or participating, in any of the following:
 - (i) busking;
 - (ii) camping;
 - (iii) competitive game or sport;
 - (iv) festivals;
 - (v) itinerant trading;
 - (vi) processions;
 - (vii) special events;
 - (viii) street parties;
 - (ix) street stalls; and
 - (x) fundraising
- (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 24.1; or
 - (ii) in an approved receptacle; or
 - (iii) in a bulk rubbish container that has been placed in accordance with a permit issued under clause 24.1;
- (d) displaying goods;
- (e) distributing hand bills;

- (f) erecting any of the following:
 - (i) buildings;
 - (ii) encroachments;
 - (iii) retaining walls;
 - (iv) temporary or permanent vehicle crossings;
 - (v) temporary shelters;
- (g) erecting, fixing or placing any advertising sign, unless the sign is;
 - (i) authorised by and in accordance with the Scheme or a permit granted under the Scheme; or
 - (ii) of a type / size and in a location which the Council has declared from time to time by resolution to be permitted sign;
- (h) lighting any fire or allowing any fire to remain alight, except in a Council owned barbeque;
- (i) making a hole or excavation;
- (j) occupying all or part of a public place in a way that causes it to be inaccessible to other people;
- (k) placing any of the following:
 - (i) chairs or tables;
 - (ii) street furniture;
 - (iii) outdoor eating facilities;
 - (iv) bulk rubbish containers;
 - (v) charity clothing bins;
 - (vi) building or landscaping material;
 - (vii) amusement
 - (viii) advertising materials i.e. banners, statues
- (l) playing or practising golf (other than at a golf course or golf driving range);
- (m) removing any thing from a public place (other than materials placed in contravention of clause 24.1);
- (n) riding, driving or otherwise using any vehicle, recreational vehicle or toy vehicle other than in an area designated for the purpose
- (o) selling any of the following:
 - (i) goods or services;
 - (ii) waste material;
 - (iii) raffle tickets;
- (p) soliciting for any of the following:
 - (i) donations;
 - (ii) gifts;
 - (iii) subscriptions
 - (iv) trade;
 - (v) waste material;
- (q) touting or spruiking.
- (r) planting and/or growing and/or cultivating any tree, plant, bush, hedge or vegetation.

- 24.3 In determining whether to grant a permit, Council must consider as relevant or appropriate;
- (i) whether the sign is proposed to be placed in an area which the Council has declared from time to time by resolution to be a prohibited area;
 - (ii) the size, construction, wording and colour of the sign;
 - (iii) nature of the material comprising the sign;
 - (iv) the likely interference with the free passage of any pedestrian or vehicle;
 - (v) the Royal Victorian Institute for the Blind (RVIB) Street Furniture Policy;
 - (vi) whether a hazard will be created to pedestrians or vehicles;
 - (vii) the likely nuisance is detriment to be caused; and
 - (viii) whether any public liability insurance has been effected;
 - (ix) any other matter relevant to the circumstances associated with the application.
- 24.4 An Authorised Officer may impound any advertising sign which has been erected, fixed or placed in breach of clause 24.2(g)
- 24.5 Clause 24.2(g) does not apply to a portable advertising sign relating to garage sales at a residential premises, provided that:
- (i) the portable advertising sign is erected so as not to interfere with or obstruct vehicular or pedestrian traffic;
 - (ii) the wording of the portable advertising sign is not offensive;
 - (iii) the portable advertising sign is not illuminated or reflected;
 - (iv) the portable advertising sign is erected not more than 7 days before such event and removed within 24 hours of the event;
 - (v) the size of the portable advertising sign is restricted to 0.5 x 0.5 metres.
 - (vi) the portable advertising sign is not attached to obstruct or obscure any street furniture or road signs;
 - (vii) the portable advertising sign is not attached to any existing trees or shrubs other than by string;
 - (viii) no more than 4 such signs relating to the event are installed; and.
 - (ix) must be removed within 24 hours of the conclusion of the event

25. Entry without paying entry fee

A person must not enter any public place 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.

Penalty: 10 Penalty Units

26. 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.

Penalty: 10 Penalty Units

27. Shopping trolleys

27.1 A person must not:

- (a) abandon or leave a shopping trolley on any public place other than in an area set aside for the leaving of shopping trolleys; or

- (b) use a shopping trolley other than for the purpose of transporting goods and children from a shop to a person's vehicle.

Penalty: 10 Penalty Units

- 27.2 A shopping trolley left on any public place, except in an area set aside for the purpose of storage of shopping trolleys, may be impounded by an Authorised Officer and not released until payment of the appropriate fees.

28. Consumption and possession of liquor

- 28.1 For the purposes of this clause, Council may at any time prescribe all or part of any public place to be a place where the consumption or possession of liquor is prohibited or regulated.

- 28.2 A person must not, in any part of the municipal district prescribed by Council under clause 28.1, or in a public place:

- (a) consume any liquor; or
- (b) have in his or her possession or control any liquor, other than liquor in a sealed container.

Penalty: 10 Penalty Units

- 28.3 Clause 28.2 does not apply to a person participating:

- (a) 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 liquor other than liquor in a sealed container; or
- (b) within premises that are licensed under the Liquor Control Reform Act.

- 28.4 If a person contravenes clause 28.2, an Authorised Officer may direct the person to do all or any of the following:

- (a) cease consuming liquor;
- (b) leave the public place;
- (c) seal any container;
- (d) dispose of the contents of the container.

- 28.5 A person must comply with a direction given under clause 28.4.

Penalty: 10 Penalty Units

- 28.6 If a person does not comply with a direction given under clause 28.4, an Authorised Officer may confiscate any unsealed container of liquor associated with the contravention.

29. Prescribed activities

- 29.1 A person must not on or in a public place:

- (a) engage in, play or practise any game; or
- (b) ride, drive or otherwise use any:
 - (i) animal; or
 - (ii) vehicle, recreational vehicle, or toy vehicle

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.

Penalty: 10 Penalty Units

- 29.2 In addition to the matters contained in clause 29.1, Council may prescribe all or part of any public place to be a place where any of the following are prohibited or regulated:
- (a) feeding of birds, either generally or of a specified type;
 - (b) use of a recreational vehicle or a toy vehicle;
 - (c) smoking of tobacco and other substances;
 - (d) undertaking any activity or works, or placing any obstruction or object as prescribed by Council in or on a public place;
 - (e) vehicular access to, and closure of, car parks and reserves.

Penalty: 10 Penalty Units

- 29.3 A prescription made under clause 29.2 will not have any force or effect until details of the prohibition or regulation are published in a newspaper circulating in the municipal district and signs advising of the prohibition or regulation are erected in, on, or adjacent to, the prescribed public place.
- 29.4 If a person contravenes clause 29.1 or 29.2 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.
 - (d) issue an infringement notice

- 29.5 A person must comply with a direction given under clause 29.4.

Penalty: 20 Penalty Units

- 29.6 If Council prescribes an area for the purposes of clause 29.2(e), Council may:
- (a) cause the car park or reserve to be secured in accordance with the prescription; and
 - (b) prescribe a release fee in relation to any vehicle confined as a consequence of the securing of the car park or reserve.
- 29.7 The owner of a vehicle in relation to which a release fee is applicable under clause 29.6(b) must pay the fee to Council within the time prescribed and until it is paid it becomes a debt due to Council from the owner of the vehicle (and recoverable by Council as a debt due summarily) and, until paid, bears interest at the penalty interest rate prescribed under the Penalty Interest Rates Act from time to time.

Penalty: 20 Penalty Units

30. Trees or plants causing damage to public places

- 30.1 The owner or occupier of premises must not allow trees or plants on such premises to cause damage to, or interference with, a public place.

Penalty: 10 Penalty Units

- 30.2 Subject to a written requirement for an owner of premises as part of a Council approved development or subdivision within the Municipal district, to plant trees or shrubs or other specified flora on a nature strip or on immediately abutting public land, an owner or occupier of premises must not without a permit themselves, or permit others (except Council employees or agents) to, cultivate or grow on a public place any vegetation, garden bed, trees, hedges, shrubs or plants of any kind nor must they themselves or permit others (except Council employees or agents), to decorate, adorn, or otherwise affix in or upon a public place any item or material or object whatsoever and, without limiting the foregoing, this includes a rockery, timber sleepers, ornamental structures, or barriers of any kind.

Penalty: 10 Penalty Units

- 30.3 Subject to prevailing climatic and weather conditions, a person must not cause or permit others to direct or redirect flow of any irrigation water on to any Council land or any road.

Penalty: 10 Penalty Units

- 30.4 The owner of premises must ensure that each stormwater drain from the premises to any Council drain or drainage easement and any channel or pipe forming part of that stormwater drain is properly constructed, maintained and repaired to the satisfaction of an Authorised Officer.

Penalty: 10 Penalty Units

- 30.5 For the purposes of clause 30.4, a stormwater drain is properly constructed if:
- (a) it was constructed by or in accordance with the terms of a Council approval; and
 - (b) Council has approved in writing the method of construction of the particular stormwater drain.

31. Behaviour in public places

- 31.1 A person must not, on or in a public place do any of the following:

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

Penalty: 10 Penalty Units

- (b) act in a riotous way;

Penalty: 10 Penalty Units

- (c) cause a nuisance;

Penalty: 10 Penalty Units

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

Penalty: 10 Penalty Units

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

Penalty: 20 Penalty Units

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

Penalty: 20 Penalty Units

- (g) behave in an offensive manner, including, but without limiting what constitutes such behaviour, spitting or urinating.

Penalty: 20 Penalty Units

31.2 If a person contravenes clause 31.1, an Authorised Officer may do any or all 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.
- (d) issue an infringement notice.

31.3 A person must comply with a direction given under clause 31.2.

Penalty: 20 Penalty Units

32. Protection of municipal buildings, public assets and public places

32.1 A person must not, without the prior consent of an Authorised Officer, or appointed representative, bring into or cause or allow to remain in any part of a municipal building any of the following:

- (a) any animal under his or her control, other than a guide dog being used by a person who is visually or hearing impaired or a dog so trained which is accompanying that person for the sole purpose of assisting him or her to move within the building in a safe and orderly manner;
- (b) any vehicle, recreational vehicle or toy 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 the municipal building;
or
 - (iii) is likely to cause discomfort to persons.

Penalty: 10 Penalty Units

32.2 If a person contravenes clause 32.1, an Authorised Officer may do any or all 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; or
- (d) issue an infringement notice.

32.3 A person must comply with a direction given under clause 32.2.

Penalty: 20 Penalty Units

33. Drains

A person must not except in accordance with a permit, or Council has, by certifying a plan of subdivision or otherwise, given its approval for a drain to be tapped under any legislation administered by it, tap into or interfere with or obstruct or alter any drain under the control of Council.

Penalty: 10 Penalty Units

34. Reinstatement works

34.1 Where:

- (a) pursuant to a permit , 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 Local Law or in contravention of the conditions of a permit; and
- (c) a direction is given to re-instate the public place or public assets; and
- (d) the public place or a public asset is not reinstated to the satisfaction of an Authorised Officer -
 - (i) an Authorised Officer may, where a guarantee or bond has been required as a condition of a permit , apply any monies held by Council as a guarantee or bond toward the cost of reinstating the public place or public asset.

34.2 Where any monies received by Council under a guarantee or bond are applied to reinstatement under clause 34.1 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.

34.3 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.

35. Exemptions

35.1 This Part does not apply to a person employed or engaged by Council while acting in the course of his or her duties.

35.2 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.

35.3 Notwithstanding clause 35.2, 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 regulation).

35.4 This Part does not apply if a person has obtained a permit under a revoked – Local Law and;

- (a) the permit issued under the revoked – Local Law authorises the obstruction, object, activities or works for which, apart from this clause, the person would require a permit under this Part; and
- (b) the person places the obstruction or the object or undertakes the activities or the works in accordance with the conditions of the permit issued under the revoked – Local Law.

36. Matters to be considered before a permit is issued

- 36.1 In determining whether to grant a permit under this part, Council must consider as relevant or appropriate:
- (a) the nature, size, time, duration, construction and method of fixing or placement of the obstruction, object, activity or works;
 - (b) the likely:
 - (i) hazard that the obstruction, object, activity or works may constitute to users of a public place or part of a public place; and
 - (ii) impact of the obstruction, object, activity or works on safe pedestrian or vehicle movements and the amenity of the surrounding area;
 - (c) the methods of protecting property and people engaged in or associated with the conduct of the obstruction, object, activity or works;
 - (d) the location of the obstruction, object, activity or works having regard to all of the following:
 - (i) the public place;
 - (ii) any proposed crowd control;
 - (iii) any proposed traffic management measures;
 - (iv) whether events or other activities are occurring in the municipal district at the same time;
 - (e) the appropriateness of the obstruction, object, activity or works having regard to the streetscape;
 - (f) whether any of the following has been provided to Council:
 - (i) an indemnity, guarantee or bond;
 - (ii) proof of a public liability insurance certificate of currency;
 - (iii) if appropriate and required given the nature of the event or activities, a product liability insurance certificate of currency.
 - (g) whether the extent of any insurance cover is sufficient;
 - (h) any relevant Government Act, regulation or policy;
 - (i) the Scheme;
 - (j) any relevant Council policy; and
 - (k) any adverse environmental impact.
 - (l) any other matter relevant to the circumstances associated with the application.

PART 4: ANIMALS

37 Objectives

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

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

38. Number of animals

38.1 The owner or occupier must not without a permit:-

- (a) keep or allow to be kept, more than 4 different types of animals on premises in an urban area at any one time; and
- (b) keep or allow to be kept any more in number for each type of animal as set out in the following table:-

	Animal	Urban	Rural Area 2 Hectares or less	Rural Area Over 2 Hectares and up to 4 Hectares	Rural Area - Over 4 Hectares and up to 6 Hectares	Rural Area over 6 Hectares
(a)	Dogs	2	2	2	5	5
(b)	Cat	2	2	2	5	No Local Law Permit Required
(c)	Budgerigars, canaries or finches	50	50	50	No Local Law Permit Required	No Local Law Permit Required
(d)	Pigeons	10	20	30	60	
(e)	Racing Pigeons	0	60	60	No Local Law Permit Required	No Local Law Permit Required
(f)	Cockatoo / Galah (caged)	0	2	2	No Local Law Permit Required	No Local Law Permit Required
(g)	Fowls	5	5	20	No Local Law Permit Required	No Local Law Permit Required
(h)	Roosters	0	1	1	No Local Law Permit Required	No Local Law Permit Required
(i)	Pheasants	0	4	20	No Local Law Permit Required	No Local Law Permit Required

(j)	Other poultry (including ducks, geese, turkey, guinea fowl or similar)	0	10	20	No Local Law Permit Required	No Local Law Permit Required
(k)	Ostriches / Emus / Peacocks / Llama / Alpaca	0	4	10	No Local Law Permit Required	No Local Law Permit Required
(l)	Sheep ⁽¹⁾	0	2 ⁽¹⁾	6	No Local Law Permit Required	No Local Law Permit Required
(m)	Goats ⁽¹⁾	0	2 ⁽¹⁾	6	No Local Law Permit Required	No Local Law Permit Required
(n)	Horses ⁽¹⁾	0	2 ⁽¹⁾	2	No Local Law Permit Required	No Local Law Permit Required
(o)	Pigs ⁽¹⁾	0	0 ⁽¹⁾	1	No Local Law Permit Required	No Local Law Permit Required
(p)	Cows ⁽¹⁾	0	2 ⁽¹⁾	2	No Local Law Permit Required	No Local Law Permit Required
(q)	Other primary production animals ⁽¹⁾	0	0	0	No Local Law Permit Required	No Local Law Permit Required
(r)	Rabbits ⁽²⁾ Ferrets / Guineapigs / Rabbits or Mice	3 ⁽²⁾	5 ⁽²⁾	8	No Local Law Permit Required	No Local Law Permit Required
(s)	Reptiles	2	4	4	No Local Law Permit Required	No Local Law Permit Required

Penalty: 10 Penalty Units

- 38.2 Clause 38.1 does not apply to animals kept and used for, or in connection with, farming purposes or as tools of trade, or where a planning permit pursuant to the Scheme has been obtained for the premises used or to be used for the purposes of conducting a veterinary practice, agistment, animal breeding, animal shelter, animal boarding or as a tourist attraction.
- 38.3 Council may prescribe animals, additional to those referred to in clauses 38.1 and 38.2 , that may not be kept without a permit.
- 38.4 Council will deem the keeping of 5 or more entire breeding bitches (canine) as a Domestic Animal Business and in such circumstances that facility must meet all requirements and standards in accordance with the mandatory Code of Practice.

39. Progeny of Animals

For the purpose of calculating the number of animals being kept for the purposes of clause 38.1, the progeny of any dog or cat lawfully kept will be exempt for a period of 3

¹ In total there may not be more than 2 sheep, goats, horses, pigs, cows or primary production animals except with a permit.

² In total there may not be more than 3 rabbits, ferrets, guinea pigs or mice except with a permit.

months after their birth, and the young of any sheep, goats, horses, cows or other primary production animals will be exempt for a period of 6 months after their birth.

40. Stables

A person must not, without a permit, construct a stable on any land:-

- (a) within a distance of less than twenty (20) metres from any road to which such land has a frontage;
- (b) within a distance of less than five (5) metres from any other road;
- (c) within a distance of less than two (2) metres from the boundary of any adjoining land; or
- (d) within a distance of less than ten (10) metres from any dwelling, whether erected on the same or adjoining land.

Penalty: 10 Penalty Units

41. Nuisances

- 41.1 The owner or occupier of any land where any animal is kept must ensure that the keeping of the animal does not create a nuisance

Penalty: 10 Penalty Units

- 41.2 The owner or occupier of any land where any animal is kept must ensure that all animal and bird litter and refuse and rubbish associated with the keeping of the animal is disposed of in such a manner so as not to create a nuisance.

Penalty: 10 Penalty Units

42. Permits

In determining whether to grant a permit under clauses 38.1 and 38.3, Council must consider as relevant or appropriate:

- (a) the type of animals to be kept;
- (b) the size and breeding of any animals to be kept;
- (c) the characteristics of any animal to be kept;
- (d) the proximity to adjoining premises;
- (e) the amenity of the area;
- (f) the likely effect on adjoining land owners and occupiers.
- (g) any relevant Government Act, regulation or policy;
- (h) the Scheme;
- (i) any relevant Council policy; and
- (j) any other matter relevant to the circumstances associated with the application.

43. Animal enclosures

- 43.1 The occupier of premises must keep any animal on the premises 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 practicable, the wandering or escape of such animal beyond the boundaries of the premises;
- (c) meets the welfare needs of the animal;
- (d) is capable of being readily cleaned; and
- (e) is maintained in good repair at all times.

Penalty: 10 Penalty Units

43.2 When assessing whether a kennel, house, aviary, shelter or other enclosure complies with clause 43.1(a) the Authorised Officer must consider as relevant or appropriate:

- (a) the height of any kennel, house, aviary, shelter or other enclosure;
- (b) the location of any kennel, house, aviary, shelter or other enclosure having regard to all of the following:
 - (i) the distance from the dwelling on the premises;
 - (ii) the distance from any neighbourhood dwelling;
 - (iii) the amenity of the surrounding area;
 - (iv) the size of any kennel, house, aviary, shelter or other enclosure and its adequacy to house the proposed number and type of animals;
- (c) the security of any kennel, house, aviary, shelter or other enclosure; and
- (d) the nature of the materials used in any kennel, house, aviary, shelter or other enclosure and the ability of such material to be readily cleaned.

44. Dog excrement

A person who has the care of a dog in a public place must:

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

Penalty: 10 Penalty Units

45. Bees and wasps

45.1 The owner or occupier of any premises must not allow English wasps or European wasps to nest on the premises.

Penalty: 10 Penalty Units

45.2 The owner or occupier of any premises must not allow any feral European honey bees on the premises to cause, or be likely to cause, a nuisance to any person.

Penalty: 10 Penalty Units

- 45.3 For the purposes of clause 45.2, circumstances in which feral European honey bees on the premises are causing, or likely to cause a nuisance, include when the feral European honey bees are:
- (a) swarming; or
 - (b) likely to swarm.
- 45.4 If an Authorised Officer serves a notice to comply in relation to a contravention of clause 45.1, the works required to correct the contravention may include the destruction of the English wasps or European wasps.
- 45.5 If an Authorised Officer serves a notice to comply in relation to a contravention of clause 45.2, the works required to correct the contravention may include:
- (a) removal from the premises of the feral European honey bees; or
 - (b) destruction of the feral European honey bees.

46. General provisions

- 46.1 The owner or occupier of any premises who keeps any animal on the premises must comply with all of the following:
- (a) keep the ground surrounding the kennel, house, aviary, shelter or other enclosure where the animal is kept well drained;
 - (b) keep the land within three (3) metres of the kennel, house, aviary, shelter or other enclosure in which the animal is kept free of dry grass, weeds, refuse, waste or other material capable of harbouring rats or other vermin;
 - (c) keep all food for consumption by the animal in a vermin proof receptacle;
 - (d) remove and place in a container:
 - (i) that is sanitary, impervious and vermin and fly proof; and
 - (ii) the contents of which are removed and disposed of at least once every weeks; -

all manure, excrement, refuse or rubbish produced or accumulated by the animal, as soon after the production or accumulation as is reasonably practicable;
 - (e) maintain any kennel, house, aviary, shelter or other enclosure where the animal is kept in a clean and sanitary condition;
 - (f) keep the animal in a manner that does not cause an offensive odour;
 - (g) prevent wastewater from:
 - (i) entering the stormwater system; or
 - (ii) discharging on to adjoining premises.

Penalty: 10 Penalty Units

- 46.2 The owner or occupier of premises must not, within ten (10) metres of a dwelling on other premises, construct or allow to be constructed on the premises any enclosure in which poultry is kept, or intended to be kept.

Penalty: 10 Penalty Units

- 46.3 The owner or occupier of any premises on which any animal is kept must not cause, allow or suffer excrement or manure to escape from the premises.

Penalty: 10 Penalty Units

- 46.4 A person who keeps any animal must keep the animal in a manner that does not cause a nuisance to any person.

Penalty: 10 Penalty Units

- 46.5 For the purposes of clause 46.4, circumstances in which the keeping of an animal constitutes a nuisance includes but is not limited to:
- (a) when the animal makes noises or smells that unreasonably adversely affect the peace, comfort or convenience of any person on any other premises;
 - (b) when the animal produces an unreasonable accumulation of excrement, whether on the keeper's premises or on any other premises.

47. Transitional arrangements

- 47.1 Where a person, before the commencement date, kept animals on premises in accordance with a revoked Local Law, but requires a permit under this Local Law, the person must, within six (6) months of the commencement date, apply for a permit to keep the animal on the premises and may keep the animal on the premises during this period, and the following will apply:
- (a) if the person does not apply for a permit under this clause the person must permanently remove the animal from the premises within 90 days from the commencement date;
 - (b) if the person does apply for a permit under this clause and Council refuses to grant the permit, the person must permanently remove the animal from the premises within 90 days from the date of notification of Council's decision to refuse to grant the permit; or
 - (c) if the person does apply for a permit under this clause and Council grants the permit, the person must keep the animal in accordance with this Local Law and any conditions of the permit.

Penalty: 10 Penalty Units

- 47.2 Where a person, before the commencement date, kept animals on premises:
- (a) in accordance with a revoked Local Law, and the keeping of the animal is prohibited under this Local Law, the provisions of clause 6 will apply; or
 - (b) if the person was keeping animals not in accordance with a permit in accordance with a revoked Local Law, and the keeping of the animal is prohibited under this Local Law, the person must permanently remove the animal from the premises within 90 days from the commencement date.

Penalty: 10 Penalty Units

- 47.3 Nothing in clauses 47.1 and 47.2 authorises the keeping of an animal which causes a nuisance to any person.
- 47.4 If an Authorised Officer serves a notice to comply in relation to a contravention of clause 46.4 the works required to remedy the nuisance may include removal of the animal.

48. Livestock

- 48.1 The owner or occupier of premises on which livestock is kept must ensure that the land is adequately fenced so as to prevent the escape of the livestock from the premises.

Penalty: 10 Penalty Units

- 48.2 A person must not permit livestock owned or under their control to wander at large or roam on any road or Council Land.

Penalty: 10 Penalty Units

- 48.3 Subject to clause 48.5, a person must not, move livestock on any road.

Penalty: 10 Penalty Units

- 48.4 A person must not, without a permit, graze livestock on any road.

Penalty: 10 Penalty Units

- 48.5 A person who is in charge of the movement of livestock on any road does not require a permit provided they:
- (a) ensure all livestock shall reach their destination by the most direct route consistent with the requirements of this Local Law and any direction of an Authorised Officer; and
 - (b) ensure livestock are only to be on any road for the time it reasonably takes to move them to their destination; and
 - (c) ensure, as far as possible, the livestock are moved during daylight hours; and
 - (d) comply with any directions from an Authorised Officer with regard to the route to be followed and the protection from damage likely to be caused by the livestock to the road, native roadside vegetation, any construction on the road, roadside drainage or private property; and
 - (e) ensure the livestock are supervised and under effective control by a person who is competent in the management; and
 - (f) otherwise comply with all the requirements of the guidelines for the movement of livestock prepared from time to time by the Roads Corporation and with the requirements of the Road Safety Act and any Regulations made thereunder.
- 48.6 Where a farm property abuts both sides of a dividing road, the owner or occupier of the farming property must ensure that any livestock that is moved from one side of the farm property to the other are moved directly across the dividing road unless, in the opinion of an Authorised Officer, it is not practical to do so.

Penalty: 10 Penalty Units

- 48.7 Any person in charge of the grazing of livestock on a road must apply for a permit and must also:

- (a) ensure that the appropriate temporary fencing is in place to ensure the temporary containment of livestock to the location where the permit is issued
- (b) ensure that adequate warning of the presence of livestock on the road is given to other road users or potential road users; and
- (c) apart from any other warnings considered appropriate by the person engaged in such activities under sub-clause (a), display signs conforming to guidelines prepared from time to time by the Roads Corporation and with the requirements of the Road Safety Act and any Regulations made thereunder; and
- (d) ensure that any signs and temporary fencing referred to in sub-clause (a) and (b) are removed from the road at the time of completion of such movement or grazing ; and
- (e) in addition to complying with any permit or other conditions relating to warning signs to other road users, lighting requirements and the location, size, contents and colour of such devices, have regard to in the Australian Standards for such purposes and any other signage necessary for road safety having regard to topography, conditions, livestock type and numbers.

Penalty: 10 Penalty Units

PART 5: VEHICLES

49. Objectives

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

- (a) protection of the amenity of the municipal district;
- (b) regulation and control of activities in relation to vehicles in public places;
- (c) impounding of unregistered and abandoned vehicles left standing on public places;
- (d) regulation and control of the repair of vehicles on public places;
- (e) prohibition of storage of vehicles on any road or other public place.

50. Leaving unregistered or abandoned vehicles

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

Penalty: 10 Penalty Units

51. Impounding unregistered or abandoned vehicles

Where a vehicle left standing on a road or other public place:

- (a) is unregistered; or
- (b) has been so standing for between 24 hours and seven (7) consecutive days and in the opinion of an Authorised Officer has been abandoned

the vehicle and anything on or in the vehicle may be impounded by an Authorised Officer.

52. 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.

Penalty: 10 Penalty Units

53. Storage of vehicles

53.1 A person must not use any road or other public place to store any caravan, trailer, boat or damaged vehicle.

Penalty: 10 Penalty Units

53.2 For the purposes of clause 53.1, a person shall be deemed to be using a road or other public place to store a caravan, trailer, boat or damaged vehicle on a road or other public place, when the caravan, trailer, boat or damaged vehicle has been standing on the road or other public place for at least seven (7) consecutive days.

53.3 If an Authorised Officer serves a notice to comply in relation to a contravention of clause 53.1, the works required to correct the contravention may include but is not limited to

removing the caravan, trailer, boat or damaged vehicle from the road or other public place.

- 53.4 If the owner of a caravan, trailer, boat or damaged vehicle does not remove the caravan, trailer, boat or damaged vehicle in accordance with a notice to comply, then in addition to any other enforcement action available to an Authorised Officer under this Local Law, an Authorised Officer may impound the caravan, trailer, boat or damaged vehicle.

54. Sale of vehicles

A person must not park or cause a vehicle to be parked or left standing on any road or other public place for the purpose of exposing or displaying that vehicle for sale.

Penalty: 10 Penalty Units

PART 6: WASTE

55. Objectives

The objectives of this Part are to provide for:

- (a) protection of the amenity of the municipal district; and
- (b) regulation and control of the handling, storage, management, disposal and collection of waste including but without being limited to recyclable waste, household waste and trade waste.
- (c) prohibitions and obligations on all of the following:
 - (i) owners and occupiers of residential premises;
 - (ii) owners and occupiers of commercial and industrial premises;
 - (iii) other people; and
- (d) the safe and efficient management and collection of waste.

56. Owner or Occupier to maintain a receptacle

56.1 In relation to any approved receptacles provided by Council for the purpose of depositing recyclable waste, green waste and household rubbish generated in or about those premises, the owner or occupier of premises must:

- (a) keep and maintain all approved receptacles in good order and in a clean, sanitary and inoffensive condition; and
- (b) maintain the area in which each approved receptacle is kept in a clean, sanitary and inoffensive condition.

Penalty: 10 Penalty Units

56.2 The owner or occupier of every commercial and industrial premises that stores trade waste, whether in bulk rubbish containers or otherwise, must do all of the following:

- (a) provide trade waste storage containers that are:
 - (i) constructed of impervious materials; and
 - (ii) water tight; and
 - (iii) pest proof;
- (b) empty all trade waste containers before they overflow;
- (c) maintain and keep all trade waste storage containers in a clean condition.

Penalty: 10 Penalty Units

56.3 The owner or occupier of every commercial and industrial premises that stores liquid trade waste must comply with all of the following:

- (a) provide liquid trade waste containers that comply with all of the following:
 - (i) constructed of impervious materials;

- (ii) sufficient in volume and number to contain all the liquid trade waste produced;
 - (iii) if manual filling of the container takes place, fitted with a suitably sized funnel;
- (b) store liquid trade waste containers in a manner that complies with all of the following:
- (i) if deemed necessary by an Authorised Officer, under cover;
 - (ii) secured within an enclosure constructed and maintained to the satisfaction of an Authorised Officer;
 - (iii) within an area designed and constructed to prevent the escape of the liquid trade waste;
 - (iv) in a manner that prevents liquid trade waste from contaminating or entering the storm water system;
 - (v) a manner that enables the recovery of spilt material;
- (c) supply equipment sufficient to enable the clean-up of any spilt liquid trade waste;
- (d) empty all liquid trade waste containers before they overflow;
- (e) maintain all liquid trade waste containers to the satisfaction of an Authorised Officer.

Penalty: 20 Penalty Units

56.4 Council may from time to time prescribe the approved receptacle that must be used for the deposit of different classes of waste including, but not limited to, recyclable waste, green waste and household rubbish.

56.5 The owner or occupier of premises must not use a receptacle other than the approved receptacle as prescribed by Council for any deposit of waste.

Penalty: 10 Penalty Units

57. Appropriate storage of receptacles

The owner or occupier must not, without a permit, place, or cause, allow or suffer to be placed, or allow to remain on any land outside the premises, any container for the storage of trade waste or other waste or any other receptacle except in accordance with by this Local Law.

Penalty: 10 Penalty Units

58. Improper handling of waste

58.1 A person must not handle waste in an improper manner.

Penalty: 10 Penalty Units

58.2 For the purposes of clause 58.1, circumstances in which a person handles waste in an improper manner include but are not limited to any of the following:

- (a) the person has not complied with a Council policy;
- (b) in the case of an approved receptacle provided by Council for the collection of green waste, where the receptacle contains waste other than green waste;

- (c) in the case of an approved receptacle provided by Council for the collection of recyclable waste, where the receptacle contains waste other than recyclable waste;
- (d) in the case of an approved receptacle provided by Council for the collection of household rubbish, where the receptacle contains waste other than household rubbish;
- (e) in the case of an approved receptacle provided by Council for the collection of waste prescribed by Council, where the receptacle contains waste other than that prescribed by Council.

59. Storage and washing of receptacles

59.1 The owner or occupier of any commercial and industrial premises must store and wash waste receptacles in an appropriate manner.

Penalty: 10 Penalty Units

59.2 For the purposes of clause 59.1, an owner or occupier of commercial and industrial premises is deemed not to be storing or washing waste receptacles in an appropriate manner unless:

- (a) wastes, including wastewater from cleaning activities, do not, and are not likely to, escape from the premises or contaminate or enter the storm water system;
- (b) waste is stored completely within the premises;
- (c) soiled waste receptacles, cleaning and other equipment are easily and effectively cleaned;
- (d) there are sufficient wash facilities on the premises to enable waste receptacles to be thoroughly cleaned;
- (e) the wash facilities are well maintained.

60. Disposal of wastewater

60.1 The owner or occupier of any commercial and industrial premises must dispose of all wastewater in an appropriate manner.

Penalty: 10 Penalty Units

60.2 For the purposes of clause 60.1, an owner or occupier of commercial and industrial premises is deemed not to be disposing of wastewater in an appropriate manner, unless the wastewater is disposed of in a manner that ensures that it does not, and is not likely to, contaminate or enter the stormwater system.

60.3 If an Authorised Officer serves a notice to comply in relation to a contravention of clause 60.1, the works required to correct the contravention may include the installation or provision of a cleaners' sink that complies with all of the following:

- (a) of an adequate size to enable cleaning equipment to be easily filled or emptied without spillage;
- (b) of an adequate size to accommodate wastewater resulting from cleaning activities;
- (c) if required by the local water or sewerage authority, fitted with any of the following:
 - (i) silt trap;
 - (ii) grease trap;
- (d) connected to hot and cold running water through taps to a single outlet;

- (e) adequately maintained.

61. Prohibited use of receptacles

- 61.1 A person must not place or cause to be placed in any approved receptacle any of the following:
- (a) animal carcasses;
 - (b) hot ashes;
 - (c) slops, liquid waste or offensive material;
 - (d) syringes or other sharp objects that may be contaminated with infectious waste including blood;
 - (e) oil, paint, solvents, flammable liquid or similar substances;
 - (f) trade waste or domestic building waste;
 - (g) prescribed wastes as defined in the Environment Protection (Prescribed Waste) Regulations;
 - (h) other waste prescribed by Council;
 - (i) household rubbish or recyclable waste exceeding a total weight of thirty (30) kilograms or, in the case of an approved receptacle that is designed to be emptied mechanically, household rubbish or recyclable waste exceeding the design specifications of that approved receptacle;
 - (j) unless securely wrapped in impervious material, any of the following:
 - (i) dirt, dust, hair or other like substance;
 - (ii) glass, wire, or other jagged or rough edged material or object;
 - (iii) human excrement (other than in the case of disposable nappies that have been cleaned of solids);
 - (iv) animal faeces.

Penalty: 10 Penalty Units

- 61.2 A person must only:
- (a) place infectious waste in a container specifically designed to receive such waste; and
 - (b) dispose of such container in accordance with the Environment Protection (Prescribed Waste) Regulations.

Penalty: 20 Penalty Units

- 61.3 Clause 61.1(d) does not apply to any person who is authorised or licensed to transport, or dispose of such prescribed waste by the Environment Protection Authority under the Environment Protection Act and the Environment Protection (Prescribed Waste) Regulations.

62. Collection of waste

62.1 The owner or occupier of premises may only place approved receptacles for emptying during such hours and on such days as prescribed by Council from time to time for the particular type of approved receptacle;

Penalty: 10 Penalty Units

62.2 An approved receptacle for emptying, must be placed:

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

Penalty: 10 Penalty Units

62.3 The owner or occupier of premises must not place, or cause, allow or suffer to be placed;

- (a) any waste adjacent to the kerb in such a manner that will obstruct or hinder the use of any road or in a manner or at a time as otherwise prescribed by Council, from time to time

Penalty: 10 Penalty Units

63. Collection of trade or recyclable waste

63.1 A person must not, without a permit, collect, or cause, allow or suffer to be collected, from any commercial and industrial premises 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.

Penalty: 20 Penalty Units

63.2 Even if a person:

- (a) does not require a permit under clause 63.1; or
- (b) has obtained a permit under clause 63.1 as required, and complies in all other respects with that permit and in all other circumstances not covered under clause 63.1,

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 premises.

Penalty: 20 Penalty Units

63.3 For the purposes of clause 63.2, in determining whether noise is unreasonable, regard shall be given to all of the following as relevant or appropriate:

- (a) its volume, intensity, character or duration;
- (b) the time, place and other circumstances in which it is emitted;
- (c) any relevant Government Act, regulation or policy; and
- (d) any relevant Council policy.

PART 7: HEALTH AND AMENITY

64. Objectives

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

- (a) protection of the amenity of the municipal district;
- (b) protection of health and safety of people in the municipal district;
- (c) prevention, as far as possible, of mosquito breeding on residential premises;
- (d) regulation

65. Prevention of mosquito breeding

The owner or occupier of any premises within a urban area must maintain the premises 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.

Penalty: 10 Penalty Units

66. Control of noise in public places

66.1 Subject to clause 66.2, 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 cause interference with the quiet enjoyment by any other person using that public place.

Penalty: 10 Penalty Units

66.2 Clause 66.1 does not apply to noise from amplified sound equipment associated with a vehicle that is parked or standing on a road or other public place or premises.

66.3 Noise from amplified sound equipment associated with a vehicle that is parked or standing upon a road or other public place or premises must not attain a level that causes unreasonable noise or which interferes with the reasonable comfort of any person within proximity of the vehicle.

Penalty: 10 Penalty Units

66.4 Without limiting the generality of clause 66.3, vehicle sound equipment will be deemed to cause unreasonable noise or interference with reasonable comfort of a person if it can be heard above the background noise level at a distance of ten (10) metres from the vehicle.

67. Control of noise from residential premises

67.1 A person must not without a permit, emit or cause or suffer to be emitted from any residential premises or from any commercial or industrial premises any noise from any item as prescribed in the Environment Protection (Residential Noise) Regulations 2008 that can be heard in a habitable room in any other dwelling, regardless of whether any door or window giving access to that habitable room is open.

Penalty: 10 Penalty Units

67.2 Even if a person:

- (a) does not require a permit under clause 67.1; or
- (b) has obtained a permit under clause 67.1 as required, and complies in all other respects with that permit and in all other circumstances not covered under clause 67.1 -

a person must not emit, or cause, allow or suffer to be emitted, unreasonable noise from any residential premises or commercial or industrial premises.

Penalty: 10 Penalty Units

67.3 For the purposes of clause 67.2, noise will be deemed to be unreasonable, if it is unreasonable having regard to all of the following:

- (a) its volume, intensity, character or duration;
- (b) the time, place and other circumstances in which it is emitted;
- (c) any relevant Government Act, regulation or policy;
- (d) any relevant Council policy.

68. Control of commercial and industrial building work and vehicle movement

The owner or any person engaged in building work on a building site related to any commercial and industrial premises, must not:

- (a) allow any heavy vehicle associated with the works to be left standing on, or in the vicinity of, the building site with its engine operating; or
- (b) allow any vehicle movements to or from the building site or any building work to be undertaken except between the hours of: 7.00am and 6.00pm Monday to Saturday.

Penalty: 20 Penalty Units

69. Pick up and delivery of goods

69.1 Subject to clause 69.2, a person must not pick up or deliver, or cause, allow or suffer to be picked up or delivered, any goods from any premises, except between the hours of:

- (a) 6.00am and 10.00pm Monday to Saturday; or
- (b) 9.00am and 10.00pm Sunday & Public Holidays.

Penalty: 20 Penalty Units

69.2 In any case where an Authorised Officer, after investigation, forms the opinion that it is not practicable to make a pick up or delivery referred to in clause 69.1 within the hours specified therein, the Authorised Officer may allow the pick up or delivery to be undertaken.

69.3 If an Authorised Officer serves a notice to comply in relation to a contravention of clause 69.1, the works required to correct the contravention may include requiring that the driver or person responsible for making such pick up or delivery turn off all vehicle and ancillary motors at the time when the pick up or delivery is being made.

70. Noise from intruder alarms

- 70.1 The owner or occupier of any premises must not install, or allow to be installed, or retain in an active state at any premises, any intruder alarm that emits a noise audible beyond the boundary of the premises, unless the intruder alarm is constructed so that:
- (a) whenever the intruder alarm is activated it is automatically rendered inaudible beyond the boundary of the premises within ten (10) minutes of it being activated; and
 - (b) the intruder alarm cannot re-activate until it has been manually re-set.

Penalty: 10 Penalty Units

- 70.2 If an Authorised Officer serves a notice to comply in relation to a contravention of clause 70.1, the works required to correct the contravention may include any or all of the following:
- (a) adjusting the intruder alarm so that it complies with the requirements of clause 70.1;
 - (b) replacing the intruder alarm with an intruder alarm that complies with the requirements of clause 70.1;
- 70.3 In addition to the powers of an Authorised Officer under clause 70.2:
- (a) if an Authorised Officer determines that the owner or occupier has contravened clause 70.1; and
 - (b) the intruder alarm is sounding; and
 - (c) the Authorised Officer cannot, after reasonable efforts, locate the owner or occupier of the premises

the Authorised Officer may enter onto the premises and do anything that is necessary to abate the intruder alarm noise.

- 70.4 For the purposes of clause 70.3, the Authorised Officer is deemed to have taken reasonable efforts to locate the owner or occupier of the premises when:
- (a) attempts to establish the identity, contact telephone number and any other information relating to the owner or occupier of the premises by reference to:
 - (i) Council databases; and
 - (ii) publicly available telephone directories; and
 - (iii) contact and discussion with neighbours in close proximity;
 - (b) attempts to contact any close relative of the owner or occupier of the premises;
 - (c) if applicable, attempts to contact:
 - (i) any real estate agency identified as being associated with the premises in any way; and
 - (ii) the place of employment of the owner or occupier of the premises.

PART 8: VEHICLE CROSSINGS

71. Objectives

The objectives of this Part are to provide for:

- (a) protection of public assets; and
- (b) regulation and control of the location, size, standard and maintenance of vehicle crossings; and
- (c) the appropriate use of vehicle crossings;

72. Permit required for vehicle crossing

72.1 A person must not, without a permit, construct, install, remove or alter a vehicle crossing.

Penalty: 10 Penalty Units

72.2 When considering an application for a permit under clause 72.1, Council must consider as relevant or appropriate:

- (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 other relevant Government Act, regulation or policy;
- (d) the Scheme; and
- (e) any relevant Council policy;.

73. 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 premises served by the vehicle crossing must keep the channel under the bridge or driveway clear of obstructions.

Penalty: 10 Penalty Units

74. Requirements concerning vehicle crossings

74.1 The owner or occupier of premises must:

- (a) provide a vehicle crossing where necessary to allow vehicle movements between the premises and a road, in a safe manner and to, as far as possible, minimise or eliminate the depositing by vehicles on the road of mud, dirt, soil or other material or substance from the premises; and
- (b) maintain all existing vehicle crossings in a safe state; and

- (c) remove any redundant vehicle crossings. and
- (d) not in any way utilise public land for purposes of accessing and exiting the premises other than public land so designated for vehicle crossing purposes and which abuts the premises.

74.2 If an Authorised Officer serves a notice to comply in relation to a contravention of clause 74.1, the works required to correct the contravention may include but are not limited to 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.

74.3 If a person is given a notice to comply in relation to a contravention of clause 74.1 the person must:

- (a) comply with the notice to comply in accordance with clause 74.2; and
- (b) not undertake any works without first applying for, and obtaining, written consent from the coordinating road authority under the Road Management Act.

Penalty: 10 Penalty Units

PART 9: PERMITS

75. Objectives

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

- (a) applications for permits;
- (b) regulation and control of the manner and content of permit applications;
- (c) issue of permits.

76. When a permit is required

When in this Local Law, a requirement 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.

77. Application for a permit

- 77.1 Unless otherwise provided in this Local Law, or otherwise determined by Council, an application for a permit must be generally in the form set out in Schedule 2.
- 77.2 An application must be accompanied by the prescribed fee.
- 77.3 A permit applicant must provide to Council all information that is necessary to allow for the processing of the application.

78. Power to obtain necessary information

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

79. Permit may be conditional

- 79.1 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 lodgement 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 premises, the requirement that the permit applicant obtain the written consent of the owner;
 - (g) the requirement to comply with any other 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;
- (l) the requirement to provide evidence of public liability insurance to the satisfaction of Council.

79.2 A person must comply with all conditions of a permit.

Penalty: 10 Penalty Units

80. 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.

81. Transfer of permits

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

82. Amendment of permits

82.1 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.

82.2 Council must notify the permit holder in writing of any amendment to the permit.

82.3 The amendment will take effect from the date the permit holder is notified of the amendment to the permit.

83. Cancellation of permits

83.1 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 seven (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.

83.2 Before cancelling a permit, Council must 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.

83.3 Council must notify the permit holder in writing of any cancellation of a permit.

83.4 The cancellation will take effect from the date the permit holder is notified of the cancellation of the permit.

84. 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.

85. Misleading conduct

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

Penalty: 20 Penalty Units

PART 10: ADMINISTRATION

86. Objectives

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

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

87. Offences

- 87.1 If a person who commits an offence under this Local Law is a corporation or an incorporated association, any person who is concerned or takes part in the management of that corporation or incorporated association, may be charged with the same offence, or be the subject of other enforcement action undertaken by Council under this Local Law.
- 87.2 If the corporation or incorporated association, is convicted of an offence against this Local Law, a person charged under clause 87.1 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 independently of that person's will and without that person's knowledge or consent.
- 87.3 If a partnership or an unincorporated association contravenes this Local Law, any person who is concerned or takes part in the management of that partnership or unincorporated association may be charged with the offence to which the contravention relates or be the subject of other enforcement action taken by Council under this Local Law.
- 87.4 The owner of a vehicle in relation to which an offence against this Local Law relating to the use of a vehicle occurs, is guilty of an offence against this Local Law in all respects, as if that person had been the actual offender who was guilty of the offence, unless Council is satisfied that the vehicle was a stolen vehicle or that the number plates displayed on the vehicle were stolen.
- 87.5 Clause 87.4 does not affect the liability of the actual offender, but where the full amount of any penalty has been paid by the actual offender or owner in relation to any offence relating to the use of a vehicle under this Local Law no further penalty may be imposed on, or recovered from, the owner or actual offender in relation to that offence.
- 87.6 Despite clauses 87.4 and 87.5, the owner of a vehicle is not, by virtue of this clause, guilty of an offence if:
 - (a) before or within 28 days after the service on the owner of a notice in respect of the offence relating to the use of the vehicle under this Local Law or such other period as Council may allow, the owner supplies to Council in a sworn statement in writing or in a statutory declaration the name and address of the person who was in charge of the vehicle at the relevant time; or

- (b) another person against whom a charge has been filed, or on whom an infringement notice has been served, in relation to the offence relating to the use of the vehicle under this Local Law, supplies to Council in a sworn statement in writing or in a statutory declaration the name and address of the person who was in charge of the vehicle at the relevant time; or
- (c) the owner of the vehicle satisfies Council that the owner did not know, and could not with reasonable diligence have ascertained, that name and address.

88. Infringement notices

- 88.1 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.
- 88.2 Any person issued with an infringement notice may pay the penalty indicated on the infringement notice to Council at any location or by any other means nominated by Council from time to time as being an appropriate location or means of making payment.
- 88.3 To avoid prosecution, the penalty indicated on an infringement notice must be paid by the due date as shown on the infringement notice. If the penalty is not paid by the due date, Council may institute a prosecution against that person.
- 88.4 Any person served with an infringement notice is entitled to disregard the notice and defend any subsequent prosecution in Court.
- 88.5 If the penalty shown in the infringement notice is paid in the manner described in clause 88.2 or before Council lays a Charge in respect of the offence, no further proceedings may be taken in respect of that offence.

89. Penalties

- 89.1 The penalties for an offence in respect of which an infringement notice is served are set out in Column 3 of Schedule 1. If a penalty is not listed in Column 3 of Schedule 1, the infringement notice penalty is two (2) Penalty Units.
- 89.2 If an Authorised Officer has reason to believe that a person has committed a continuing offence, the Authorised Officer may serve on the person an infringement notice for each day the offence continues after the original infringement notice was issued. The penalty for a continuing offence in respect of which an infringement notice is issued is one (1) Penalty Unit for each day the offence continues after the original infringement notice was issued.
- 89.3 A person found guilty of an offence against this Local Law is liable to penalty:
 - (a) indicated in the relevant clause of this Local Law. If a penalty is not indicated in the relevant clause of this Local Law then the penalty is 5 Penalty Units;
 - (b) for a continuing offence, of an amount not exceeding 2 Penalty Units for each day the offence continues after a charge and summons was served, or for each day after the conviction during which the contravention occurs; or
 - (c) for a second or subsequent offence against this Local Law, of an amount not exceeding 20 Penalty Units; and
 - (d) in any case, of an amount not exceeding 20 Penalty Units.

90. Notices to comply

- 90.1 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.
- 90.2 The notice to comply must be in writing, and generally in accordance with the form attached as Schedule 3 to this Local Law.
- 90.3 A notice to comply must comply with all of the following:
- (a) specify the works required;
 - (b) specify the time within which the person named on the notice to comply is required to complete the works required;
 - (c) be signed by an Authorised Officer;
 - (d) be served on the person named on the notice to comply in accordance with clause 10.
- 90.4 The time within which a person must comply with a notice to comply must be reasonable in the circumstances.
- 90.5 For the purposes of clause 90.4, in determining what is reasonable in the circumstances, an Authorised Officer must consider all of the following as relevant or appropriate:
- (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.
- 93.6 A person on whom a notice to comply is served under clause 93.1 must comply with the notice to comply.

Penalty: 10 Penalty Units

- 90.7 If a person on whom a notice to comply is served fails to comply with the requirements of 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 give effect to the notice.

91. Impounding

- 91.1 In addition to any power to impound or confiscate any animal or thing under another clause of this Local Law, an Authorised Officer may impound or confiscate any animal or thing that has been, or is being, used or possessed in contravention of this Local Law.
- 91.2 If an Authorised Officer has impounded or confiscated any animal or thing in accordance with this Local Law, Council may refuse to release it until the appropriate fee or charge for its release has been paid to Council.

- 91.3 For the purposes of clause 91.2, the fee or charge set will not exceed an amount that reasonably represents the cost to Council of impounding, moving, keeping and releasing the animal or thing (including any relevant overhead, administration or other indirect costs).
- 91.4 As soon as possible after impounding or confiscating the animal or thing, the Authorised Officer must, if practicable, serve a notice in writing on the owner or person responsible for the animal or thing that has been impounded or confiscated, setting out the fees and charges payable and the time by which the animal or thing must be collected (being a time not less than seven (7) days from the date the animal or thing is impounded).
- 91.5 If after the time required in the notice the impounded animal or thing is not collected, an Authorised Officer may take action to dispose, destroy or give away the impounded animal or thing.
- 91.6 When the identity or whereabouts of the owner or person responsible for the impounded animal or other thing is unknown or unable to be located after having taken reasonable steps to ascertain the identity or whereabouts of that person the Authorised Officer may proceed to dispose of, destroy or give away the impounded animal or other thing in accordance with clause 91.5.
- 91.7 Any proceeds from the disposal of any impounded or confiscated animal or thing, less the costs, charges and expenses properly incurred by Council of and incidental to the sale or any attempted sale or otherwise, may be claimed by the owner within three (3) calendar months of the day of sale.
- 91.8 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 clause 91.5
- 91.9 Any action, outcome, event or issue arising from any activity undertaken under and pursuant to this clause are to be undertaken and administered at all stages in accordance with the provisions of any relevant Government Act, regulation or policy.

92. 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 under the Penalty Interest Rates Act from time to time.

93. Urgent powers

- 93.1 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.
- 93.2 For the purposes of clause 93.1, 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.
- 93.3 If an Authorised Officer takes action in accordance with clause 93.1;
- (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.
- 93.4 Notification under clause 93.3(b) must be made in writing and must be served in accordance with clause 10 within 3 days of the action being taken.
- 93.5 Nothing in this clause shall prevent an Authorised Officer from serving a notice to comply in accordance with clause 90, requiring the person to undertake further works in addition to those taken to avert the immediate risk or danger.

94. Requests for review

- 94.1 Where a person has been issued with an infringement notice in accordance with clause 88.1, 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 will apply.
- 94.2 Where a person has been issued with a notice to comply under clause 90, 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.
- 94.3 A request for review made under clause 94.2 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.
- 94.4 A person requesting a review under clause 94.2 must do everything practicable to cooperate in the review of the notice to comply.
- 94.5 When a person requests a review of a notice to comply under clause 94.2 the Chief Executive 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 90.
- 94.6 A person may not seek a review under clause 94.2 of an amended notice to comply issued under clause 97.5(b).

95. Council policies

- 95.1 In addition to the controls provided in this Local Law, Council may prescribe a Council policy in relation to any of the following:
 - (a) the location(s) of the boundary(ies) of areas of land within the Municipal District prescribed by Council for particular uses and activities from time to time;
 - (b) management of private premises;
 - (c) activities in, and management of, public places and municipal buildings;
 - (d) keeping and control of animals;

- (e) vehicles in or on public places;
- (f) the handling of waste;
- (g) municipal health and amenity;
- (h) open air burning;
- (i) management of roads generally including activities undertaken on roads;
- (j) vehicle crossings;
- (k) water use;
- (l) any other matter dealt with under this Local Law.

95.2 A person must comply with a provision of a Council policy prescribed by Council under clause 95.1.

Penalty: 10 Penalty Units

95.3 For the purposes of clause 95.1, a Council policy may do any of the following:

- (a) set standards;
- (b) prohibit;
- (c) further regulate;
- (d) limit;
- (e) guide;

any act matter or thing dealt with under this Local Law.

95.4 A prescription under clause 95.1 will not have any force or effect until details of the prescription are published in a newspaper circulating in the municipal district.

96. Fees and charges

96.1 Council may from time to time by resolution determine the fees, charges, guarantees or bonds to apply under this Local Law.

96.2 For the purposes of clause 96.1, 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 or maximum fees or charges;
 - (iii) minimum and maximum fees or charges;
 - (iv) scales of fees according to the value of goods or services provided for the service for the project being assessed;
 - (v) payment of fees either generally or under specified conditions or in specified circumstances;
 - (vi) the reduction, waiver or refund, in whole or in part, of the fees.

97. Waiver or alteration of fees and charges

The Chief Executive Officer, or delegate, may waive, reduce or alter any fee, charge, guarantee or bond with or without conditions.

98. Delegations

- 98.1 Council may, by instrument of delegation, delegate any of its powers, functions and duties under this Local Law to a member of its staff, or an officer of Victoria Police.
- 98.2 The Chief Executive Officer may by instrument of delegation, delegate any of the Chief Executive Officer's powers, functions and duties under this Local Law to a member of Council's staff or an officer of Victoria Police.
- 98.3 A reference in an instrument of delegation to a delegate by way of the delegate's position with Council includes all of the following:
- (a) a person employed by Council to carry out the powers, duties and functions of that position of Council;
 - (b) a person acting in the capacity of a person employed by Council to carry out the powers, duties and functions of that position of Council;
 - (c) if that position at Council ceases to exist, any person exercising any power, duty or function that was previously a power, duty or function of that position.
- 98.4 A reference in an instrument of delegation to a delegate by way of the delegate's position with Victoria Police includes all of the following:
- (d) a person employed by Victoria Police to carry out the powers, duties and functions of that position of Victoria Police;
 - (e) a person acting in the capacity of a person employed by Victoria Police to carry out the powers, duties and functions of that position of Victoria Police;
 - (f) if that position at Victoria Police ceases to exist, any person exercising any power, duty or function that was previously a power, duty or function of that position.

SCHEDULE 1 Penalties

Clause	Offence	Minimum Penalty <i>(Penalty Units)</i>	Maximum Penalty <i>(Penalty Units)</i>
12.	The owner or occupier must display property numbers		10
13.1	Without a permit, occupier of premises camp or allow or suffer any other person to camp on the premises in a manner that causes a nuisance or for any more than four consecutive weeks or for any more than a total of three months in any calendar year	2	10
14.1	Use a recreational vehicle in a manner that is likely to cause a nuisance or danger to any other person	5	20
14.2	Without a permit uses a recreational vehicle on land that requires a permit before use	5	20
14.5	A permit holder must not allow the use recreational vehicle other than in accordance with the permit and its conditions	2	20
15.1	The owner or commercial and industrial premises must take reasonable steps to ensure that cigarette butts are not deposited in a public place	2	20
16.1	Without a permit park, keep, store, repair or allow to remain on any residential premises or vacant premises within a urban area, a heavy vehicle	2	10
16.4	The person in charge of a heavy vehicle that has broken down must display appropriate warning signage	2	10
17.1	Owner or occupier of premises causes, allows or suffers premises to be unsightly and detrimental to the amenity of the neighbourhood in which the premises is located	2	10
18.1	Owner or occupier of premises causes, allows or suffers a building located on the premises to become dilapidated	4	20
19.1	Owner or occupier of premises causes, allows or suffers the premises to be dangerous or likely to cause danger to life or property	4	20

Clause	Offence	Minimum Penalty (Penalty Units)	Maximum Penalty (Penalty Units)
20.1	Owner or occupier of premises causes, allows or suffers the premises to be kept in a manner that harbours or is likely to harbour vermin, or causes or is likely to cause a health hazard, or any heating device or chimney to emit discharge which constitutes a nuisance or is unreasonable or without authority causes allows or suffers any substance other than stormwater to be discharged into a drain that is a council asset or any vegetation or encroachment on the premises to overhang a road in manner which interferes with or obstructs the clear passage of pedestrians or vehicles or causes, allows or suffers any building to be placed or vegetation to grow in a manner that causes a danger to traffic, drivers or other road users by preventing a clear view or causes, allows or suffers any barbecue to be used other than for the preparation of food or causes or allows or suffers the presence of noxious weeds or any tree, plant or vegetation to overhang adjoining premises that is dangerous or drops materials or substances into the adjoining premises that germinate and grow or causes or allows discharge from a septic tank or the premises not to comply with council policy for domestic wastewater management or without a permit discharges sewage into a septic tank system when reticulated sewage is available for connection or operates a septic tank system without a permit or contrary to any permit condition or accesses and uses untreated standpipe water in contravention of council policy	2	10
21.2	Without a Permit a person must not light or allow to remain alight an incinerator or fire in the open air	2	10
21.3	A person must not light or allow to remain alight an incinerator or a fire in the open air for the purpose of burning household refuse, industrial, commercial or trade waste, or tyres or other noxious materials	2	10
21.4	A person must extinguish an incinerator or fire upon direction by an Authorised Officer, Victoria Police or a members of the CFA	2	10
22.1	Owner of premises at which building works is being undertaken fails to notify council before the commencement of the building work of any damage to any adjoining road or public place	2	10
22.2	Owner or builder or appointed agent of a building site before building work commences fails to apply for a permit to provide a temporary vehicle crossover	2	10
22.4	Owner of a building site fails to ensure that all vehicle access occurs through an existing or approved vehicle crossover to the building site	2	10
22.5	Owner or builder or appointed agent of a building site fails to provide a minimum of one on-site toilet for use on the building site	2	10

Clause	Offence	Minimum Penalty (Penalty Units)	Maximum Penalty (Penalty Units)
22.6	Owner or builder or appointed agent for a building site fails to erect temporary or permanent fencing around the entire building site prior to work commencing	2	10
22.7	Owner or builder or appointed agent for a building site fails to ensure proper use of proper rubbish container	2	10
22.8	Owner or builder or appointed agent for a building site fails to ensure that all wind blown refuse is placed in a rubbish container	2	10
22.9	Owner or builder or appointed agent for a building site fails to remove and dispose of all refuse on the building site and remove the rubbish container within seven days of completion of building works or issue of occupancy permit	2	10
22.10	Owner or builder or appointed agent for a building site fails to ensure that a sign is erected in prescribed form at the main entrance to the building site for the duration of the building work	2	10
22.11	Owner or builder or appointed agent for a building site fails to take all necessary actions and to implement all necessary management systems to ensure no deposit or discharge of items to any public place	2	10
22.12	Owner or builder or appointed agent for a building site fails to take all necessary actions and to implement all necessary management systems to ensure no deposit or discharge of items to any public place by vehicles	2	10
22.13	Owner or builder or appointed agent for a building site places materials or items on a road or public place without a permit	2	10
22.14	Owner or builder or appointed agent for a building site fails to ensure proper dust control	2	10
24.1	Without a permit places or leaves or causes or allows to be placed or left any specified obstruction or object or the undertaking of any specified works or the conduct of any specified activity in a public place	2	10
25	Enters a public place or municipal building without paying prescribed entry fee	1	10
26	Without a permit constructs or makes or allows to be constructed or made any gate or opening in any fence on the boundary of a public place or crown reserve except where the boundary adjoins a road	1	10
27.1	Abandons or leaves a shopping trolley in a public place other than in an area set aside for the leaving of shopping trolleys or uses a shopping trolley other than for its proper purposes	1	10
28.2	Consumes or possesses liquor in public place	2	10

Clause	Offence	Minimum Penalty (Penalty Units)	Maximum Penalty (Penalty Units)
28.5	Fails to comply with an Authorised Officer's direction in relation to correcting any contravention pertaining to consumption or possession of liquor in a public place	2	10
29.1	In a public place plays any game or rides or drives any animal or vehicle in a dangerous manner	2	10
29.2	Feeds a bird or uses a recreational or toy vehicle or smokes tobacco or any other substance or undertakes a prescribed activity or works or places a prescribed obstruction or object or drives a vehicle into or leaves a vehicle on a car park or reserve in contravention of any council prescription	2	10
29.5	A person must comply with a direction given under clause 29.4	4	20
29.7	Fails to comply with a direction of an Authorised Officer to cease a non-prescribed activity or to leave a public place in contravention of council prescription	4	20
30.1	Owner or occupier allows trees or plant on premises to cause damage to, or interference with, public places	2	10
30.2	Owner or occupier themselves or permits others to grow or affix upon nature strip or public land any vegetation or item	2	10
30.3	Causes or permits irrigation water flow onto any council land or road reservation	1	10
30.4	Owner of premises fails to ensure proper construction, maintenance or repair of stormwater drain and any channel or pipe	1	10
31.1(a)	While in a public place uses indecent, insulting, offensive or abusive language	2	10
31.1(b)	While in a public place acts in a riotous way	2	10
31.1(c)	While in a public place causes a nuisance	2	10
31.1(d)	While in a public place interferes with another persons use and enjoyment of the public place	2	10
31.1(e)	Destroys, damages, defaces, writes upon or interferes with any public place or any public asset	4	20
31.1(f)	Uses any life saving or fire protection device unless during an emergency or during approved instruction	4	20
31.1(g)	Behaves in an offensive manner in a public place including acts such as spitting or urinating	4	20
31.3	Failing to comply with a direction of an Authorised Officer to cease an activity prohibited in a public place or to leave the public place	4	20

Clause	Offence	Minimum Penalty (Penalty Units)	Maximum Penalty (Penalty Units)
32.1	Without prior consent of a an authorised council officer or appointed representative , brings into or causes or allows to remain in a municipal building any animal (other than a guide dog or a trained assistance dog) any vehicle or any dangerous or potentially harmful flammable or chemical substance	2	10
32.3	Failing to comply with a direction of an Authorised Officer to cease any prohibited activity in a municipal building or to leave a municipal building	4	20
33	Without a permit taps into or interferes with or obstructs or alters any drain under control of council	1	10
38.1	Keeping non-prescribed animals in non-prescribed numbers without a permit	2	10
40	Without a Permit a person must not construct a stable on any land	2	10
41.1	The owner or occupier of any land where any animal is kept must ensure that the keeping of the animal does not create a nuisance	2	10
41.2	The owner or occupier of land must ensure that refuse and rubbish associated with the keeping of the animal is disposed of in such a manner as not to create a nuisance	2	10
43.1	The occupier of premises must keep any animal on the premises in a kennel, hose, aviary, shelter or other enclosure that complies	2	10
44	While in a public place and having the care of a dog fails to remove and hygienically dispose of faeces deposited by the dog in the public place or failing to carry and produce upon demand by an Authorised Officer means of picking up any such faeces	2	10
45.1	Owner or occupier of any premises must not allow English or European wasps to nest on the premises	2	10
45.2	Owner or occupier of any premises must not allow any feral European honey bees on the premises to cause a nuisance	2	10
45.3	Nuisance is swarming or likely to swarm	2	10
46.1(a)	Occupier of premises who keeps any animal on the premises fails to keep the ground surrounding the animal enclosure well drained	1	10
46.1(b)	Occupier of premises who keeps any animal on the premises fails to keep the land within three metres of the animal enclosure free of dry grass, weeds, refuse, waste or other material capable of harbouring rats or vermin	1	10

Clause	Offence	Minimum Penalty (Penalty Units)	Maximum Penalty (Penalty Units)
46.1(c)	Occupier of premises who keeps any animal on the premises fails to keep all food for consumption by the animal in a vermin proof receptacle	1	10
46.1(d)	Occupier of premises who keeps any animal on the premises fails to remove at least once every week all manure, excrement, refuse or rubbish produced or accumulated by the animal	2	10
46.1(e)	Occupier of premises who keeps any animal on the premises fails to maintain any animal enclosure in a clean and sanitary condition	1	10
46.1(f)	Occupier of premises who keeps any animal on the premises fails to keep the animal in a clean and sanitary condition	2	10
46.1(g)	Occupier of premises who keeps any animal on the premises fails to prevent wastewater from entering the stormwater system or discharging onto adjoining premises	2	10
46.2	Owner or occupier of premises constructs within ten metres of a dwelling on other premises a poultry enclosure	2	10
46.3	Occupier of premises causes excrement or manure to escape from the premises	2	10
46.4	Fails to keep an animal in a manner that does not cause a nuisance to any person	2	10
47.1(a)	Fails to remove an animal from premises within 90 days from the commencement date of this Local Law where no application is made under this Local Law as required for a permit to keep the animal on the premises	2	10
47.1(b)	Fails to remove an animal from premises within 90 days of notification of refusal under this Local Law to grant a permit to keep the animal	2	10
47.2	Fails to remove animal from premises within 90 days of the commencement of this Local Law where keeping of animal prohibited under this Local Law	2	10
48.1	Inadequate fencing at premises for keeping of livestock	2	10
48.2	Livestock wandering at large or roaming on road or council land	2	10
48.3	Driving livestock without a permit or in breach of permit conditions	2	10
48.4	Grazing Livestock without a permit or in breach of permit conditions	2	10
48.5	Failing to comply with all requirements for movement of livestock	2	10

Clause	Offence	Minimum Penalty (Penalty Units)	Maximum Penalty (Penalty Units)
48.7	Failing to comply with all requirements for the grazing of livestock on a road	2	10
50	Leaves an unregistered or abandoned vehicle on a road or other public place	2	10
52	Except where necessary to undertake minor repairs to get the vehicle moving, repairs, paints, maintains or services vehicle on any road or public place	2	10
53.1	Uses any road or public place to store any caravan, trailer, boat or damages vehicle	2	10
54	Parks or leaves a vehicle standing on any road or public place for the sole purpose of sale of the vehicle	2	10
56.1	Occupier of premises fails to properly keep and maintain all approved receptacles	2	10
56.2	Owner or occupier of commercial and industrial premises fails to properly store and empty trade waste	2	10
56.3	Owner or occupier of commercial or industrial premises fails to properly store liquid trade waste, and provide, store and maintain satisfactory liquid trade waste containers	4	20
56.4	Owner or occupier of premises moves or allows to be moved approved receptacles from the premises to which they were provided	2	10
56.5	Use of approved receptacles for any purpose other than for which they are provided	2	10
57	Without a permit places or allows to remain on any land outside the premises any container for waste storage except as allowed	2	10
58.1	Handles waste in an improper manner	2	10
59.1	Owner or occupier of any commercial and industrial premises fails to store and wash waste receptacles in an appropriate manner	2	10
60.1	Owner or occupier of any commercial or industrial premises fails to dispose of all wastewater in an appropriate manner	2	

Clause	Offence	Minimum Penalty <i>(Penalty Units)</i>	Maximum Penalty <i>(Penalty Units)</i>
61.1	A person who places or causes to be placed in any approved receptacle any animal carcasses, hot ashes, slops, liquid waste or offensive material, syringes or other sharp objects that may be contaminated with infectious waste including blood, oil, paint, solvents, flammable liquid or domestic building waste, environmentally prescribed waste, council prescribed waste, household rubbish or recyclable waste exceeding design specifications of the approved receptacle, or insecurely wrapped dirt, dust, hair, glass, wire, other jagged or rough-edged material, human excrement or animal faeces	2	10
61.2	Fails to place infectious waste in a container specifically designed to receive such waste and to properly dispose of such container	4	20
62.1	Occupier of premises places approved receptacles for emptying at non-prescribed times	2	10
62.2	Placing an approved receptacle for emptying in a non-prescribed manner	2	10
62.3	Owner or occupier of premises places or causes waste to be placed adjacent to a kerb which will obstruct or hinder the use of any road	2	10
63.1	Without a permit collecting trade or recyclable waste from commercial and industrial waste outside prescribed hours	4	20
63.2	Causing or allowing unreasonable noise from any collection of trade waste or recyclable waste from commercial and industrial premises	4	20
65	Failing to maintain premises within a urban area to prevent mosquito breeding	2	10
66.1	Without a permit operate or use a loudspeaker, amplifier, microphone or other appliance capable of being used for making or amplifying sounds so as to cause interference with the quiet enjoyment by any other person using that public place	2	10
66.3	Interfering with the reasonable comfort of any person within the proximity of the vehicle by permitting a noise level from amplified sound equipment associated with the vehicle	2	10
67.1	Without a permit emitting or causing to be emitted from premises any noise from a prescribed item during a prohibited time that can be heard in a habitable room in any other dwelling	2	10
67.2	Emitting or causing to be emitted noise from any premises that is unreasonable in any circumstances	2	10

Clause	Offence	Minimum Penalty <i>(Penalty Units)</i>	Maximum Penalty <i>(Penalty Units)</i>
68	Without a permit while engaged in building or demolition work allowing any heavy vehicle associated with the works to be left with its engine operating or allowing any vehicle movements to or from the building site or any building work to be undertaken outside permitted times	4	20
69.1	Picking up or delivering or allowing to be picked up or delivered any goods from any premises outside permitted times	4	20
70.1	Owner or occupier of premises installs or allows to be installed or retains in an active state at premises any inadequately constructed intruder alarm which emits a noise audible beyond the boundary of the premises	2	10
72.1	Without a permit constructs, installs, removes or alters a vehicle crossing	2	10
73	Owner or occupier of premises served by vehicle crossing which has been constructed as a bridge or driveway over the channel in the road fails to keep the channel under the bridge or driveway clear of obstructions	2	10
74.3	Fails to comply with a notice to comply in relation to maintenance and use of a vehicle crossing or using public land for purposes of accessing and exiting other than public land designated for vehicle crossing purposes	2	10
79.2	Fails to comply with all conditions of a permit	2	10
85	Obtains or attempts to obtain a permit by wilfully making or causing to be made any false or misleading representation	4	20
93.6	Fails to comply with a notice to comply	2	10
95.2	Fails to comply with a council policy prescribed by council	2	10

SCHEDULE 2 Application For Permit

Applicant Details	Given Name			Middle Name			Family Name		
	Residential Address								
	Street			Suburb			Postcode		
	Telephone No						Mobile No		
	Email:						Preferred contact times:		

If Applicant Applying On Behalf Of Another Entity Details Of That Entity	Nature of entity (tick appropriate box)								
	<input type="checkbox"/> Company			<input type="checkbox"/> Body Corporate			<input type="checkbox"/> Incorporated/unincorporated association (delete which is inapplicable)		
	Name of entity:								
	Address:								
	Telephone No			Fax No			Mobile No		
Position within entity held by Applicant:									

I wish to apply for the following permit type

Permit Type	
--------------------	--

Details Of Proposed Activity/Event	

(Attach continuation sheet if necessary)

Business Details <small>(To be completed only when proposed activity/event for which permit is sought relates to conduct of applicant's business)</small>									
	Name of Business / Trading Name								
	Business Address								
	Street			Suburb			Postcode		
	Proprietor/Director Name:								
	Given name			Middle name			Family name		
	Telephone No			Mobile No			Fax No		
	Email								

DECLARATION

Council respects all personal and confidential information you give and will do everything possible to protect information from unauthorised access, loss or misuse. Information collected from you is required for the delivery of Council services in accordance with Council's powers, functions and purposes under the Local Government Act 1989 and other relevant legislation. It may also be used by Council to conduct research and customer satisfaction surveys so that we may better understand community needs and can improve service delivery. Should you need to change or access your personal details, please contact Customer Service on 03 5366 7100.

I _____ (please print) understand that the information provided above will be used in accordance with relevant legislation and declare that this information is correct to the best of my knowledge.

Date.....

Signature of Owner where required

Address of Owner

Signed by Applicant

Name of Owner

Officer.....

SCHEDULE 3 Notice to Comply

Moorabool Shire Council General Local Law 2010 - Clause 91

Notice No.		Date of Issue	
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To:

Name <u>or</u> The owner <u>or</u> The occupier (as applicable)	
--	--

Of:

Address	
----------------	--

I have reason to believe that on _____(date) you contravened clause _____ of the Moorabool Shire Council General Local Law 2010 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 to clause 92 of the Moorabool Shire Council General Local Law 2010. Failure to comply with this notice to comply is an offence, maximum penalty \$1,000.00. Council may also 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. A person on whom a notice to comply is served may apply for a review of the notice to comply pursuant to clause 95 of the Moorabool Shire Council General Local Law 2010. An application for review of the notice to comply must be made in writing and must be made before the date by which the works required must be done (as shown above).