



# MOORABOOL

## SHIRE COUNCIL

Community Local Law No.1 2019

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## PART 1 - PRELIMINARIES

### 1.1 Title

This Local Law is known as Moorabool Shire Council Community Local Law 2019 No. 1.

### 1.2 Purpose of the Local Law

This Local Law is made for the purposes of providing for the peace, order and good government of the Municipal District by managing, regulating and controlling activities and uses on any Land to:

- (a) Promote a physical and social environment free from hazards to health or public safety, in which the residents of the Municipal District can enjoy a quality of life that meets the general expectations of the community;
- (b) Prohibit, regulate and control activities or behaviour which may be dangerous, or detrimental to the quality of life and the environment of the Municipal District or which could compromise public safety, Council Land or assets;
- (c) Preserve and enhance amenity, neighbourhood character, health and public safety within the Municipal District by regulating certain activities within the Shire;
- (d) Protect assets vested in, controlled or owned by Council;
- (e) Protect the safety of Road users and the amenity of the Municipal District and provide for the fair and equitable use of Council owned Land;
- (f) Control the consumption and possession of Alcohol in a Public Place, where such consumption or possession may interfere with the amenity and enjoyment of the Public Place by the community;
- (g) Control the impact of the keeping of Animals on the community and the environment;
- (h) Regulate the impact of business activities on the environment, public health and amenity; and
- (i) Revoke Council's General Local Law 2010 – General Local Law.

### 1.3 Authorising Provisions

This Local Law is a Local Law made under Section 111(1) of the *Local Government Act* 1989 and Section 42 of the *Domestic Animals Act* 1994.

### 1.4 Commencement Date

This Local Law commences operation on the day following the day on which notice of the making of this Local Law is published in the Victoria Government Gazette.

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## 1.5 Cessation Date

This Local Law ceases to operate on the day which is ten (10) years after the day referred to in Clause 1.4, unless revoked sooner.

## 1.6 Application

- (a) This Local Law applies and has operation throughout the whole of the Municipal District.
- (b) This Local Law does not apply where any act or thing regulated by it is authorised by any Act, other subordinate legislation or the Scheme.
- (c) Council may declare or designate areas within the Municipal District as areas to which specified provisions of this Local Law will apply.
- (d) Where Council declares or designates areas under this Local Law it must ensure that those declared or designated areas are:
  - (i) identified on maps or by a geographic description; and
  - (ii) published on Council's website and available in hard copy at Council's office.
- (e) This Local Law incorporates certain documents containing Council Policy, standards or guidelines that apply to specific uses or activities which are intended to assist in achieving the objectives of this Local Law. These policies, standards and guidelines documents that are incorporated will be available for perusal on Council's website. Council reserves the right to amend these documents at any time.
- (f) It is intended that where an incorporated document is applied to a use or activity a person must comply with all of the requirements specified for that use or activity.
- (g) This Local Law does not apply to any person employed or otherwise engaged by Council when undertaking any activity, or fulfilling any duty, on behalf of Council.

## 1.7 Revocation of Previous Local Law

On commencement of this Local Law, Council's General Local Law 2010 – General Local Law is revoked.

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## 1.8 Definitions

Unless the contrary intention appears in this Local Law, the following words and expressions are defined to mean:

<b>Act</b>	means the <i>Local Government Act</i> 1989, as amended from time to time.
<b>Advertising Sign</b>	means any placard, board, Sign, card or banner, whether portable or affixed or attached to any Land, Building, person, Vehicle or Trailer which: a) Provides information about the Occupier of the Land or Building, or a business or industry; b) Advertises goods, services, an event or a competition; or c) Provides directions to the location of property or Land, which is available for pre-sale/lease/rent inspection. An Advertising Sign can also be a post, placard, bill poster, sticker or other document.
<b>Alcohol</b>	means a beverage intended or used for human consumption, which has an Alcoholic content.
<b>Alcohol Restriction Area</b>	means an area declared by Council as an area in which the consumption of Alcohol is prohibited.
<b>Animal</b>	has the same meaning as in the <i>Summary Offences Act</i> 1966, and includes insects and fish but excludes honey bees.
<b>Asset Protection Permit</b>	means a Permit issued by Council for the protection of public assets and infrastructure during Building work, in accordance with Clause 3.3 of this Local Law.
<b>Asset Protection Permit Bond</b>	means the sum of money paid or payable, or other guarantee made, to Council in respect to potential loss to Council resulting from Building Works.
<b>Assistance Dog</b>	has the same meaning as in the <i>Equal Opportunity Act</i> 2010.
<b>Authorised Officer</b>	means any person: a) appointed by Council as an Authorised Officer pursuant to Section 224 of the Act; and b) a police officer enforcing provisions relating to Alcohol in accordance with Section 224A of the Act.
<b>Builder</b>	means: a) a Building practitioner under the <i>Building Act</i> 1993; and b) an Owner of a Building Site.
<b>Building</b>	has the same meaning as in the <i>Building Act</i> 1993.
<b>Building Site</b>	means any Land on which the Building Work is being undertaken.

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<b>Building Work</b>	has the same meaning as in the <i>Building Act</i> 1993.
<b>Bulk Rubbish Container</b>	means a bin, skip or other container used for the deposit of Waste, but excludes a wheeled Mobile Waste Bin used in connection with Council's Waste collection service.
<b>Busk and Busking</b>	means entertainment that includes playing a musical instrument, singing, conjuring, juggling, mime, mimicry, dance, puppetry, performance art, pavement drawing of any form, recitation and other similar activities.
<b>Camp, Camping</b>	means to erect, occupy or use a tent, any temporary makeshift or similar structure, or to park, occupy or use any Caravan or similar mobile accommodation Vehicle, a Motor Vehicle or Trailer for the purpose of accommodating a person.
<b>Caravan</b>	Includes a Caravan, motorhome, camper van, mobile home or moveable dwelling.
<b>Charity Bin</b>	means a bin or similar structure used by charitable and other organisations for the collection of used clothing or other household goods for recycling purposes.
<b>Chief Executive Officer</b>	has the same meaning as in the Act.
<b>Commercial Area</b>	means an area within a Commercial Zone under the Scheme.
<b>Contractor</b>	means a person who has entered into a written agreement with Council to provide any goods or services or to perform any function.
<b>Council</b>	means Moorabool Shire Council.
<b>Council Land</b>	means all Land: <ul style="list-style-type: none"> <li>a) owned, leased, managed or occupied by Council; or</li> <li>b) vested in, or under the control and management of, Council,</li> </ul> but does not include a Road.
<b>Dilapidated</b>	means a Building that has fallen into a state of disrepair, or that is decayed, deteriorated, broken down or partially ruined through neglect or misuse.
<b>Emergency Service</b>	means any Statutory Authority engaged in the provision of Emergency Services and includes but is not limited to Victoria Police, Ambulance Victoria, Country Fire Authority, Metropolitan Fire Brigade and Victorian State Emergency Service.
<b>Farm Land / Area</b>	means an area within a Farming Zone under the Scheme.
<b>Footpath</b>	includes every Footpath, Land or other place within the Municipal District designed for, and habitually used by, pedestrians.
<b>Graffiti</b>	means inscriptions or drawings scribbled, scratched, sprayed or otherwise applied on any surface.

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<b>Green Organics Bin</b>	means a receptacle provided to premises by Council for the purpose of collecting and disposing of household organic material.
<b>Grey-Water</b>	means domestic Wastewater from sources other than a toilet, urinal or bidet (e.g. from showers, baths, spas, hand basins, clothes washing machines, laundry troughs, dishwashers, sinks).
<b>Hard Waste</b>	means any rubbish of a size, shape, nature or volume that cannot be contained in any Mobile Waste Bin, Recyclables Bin or other bin provided by Council in connection with Council's Waste collection service, including any brick, concrete, masonry or engine parts and any other type of rubbish prescribed by Council.
<b>Heavy Vehicle</b>	has the same meaning as in the <i>Road Safety Act 1986</i> .
<b>Honey Bee</b>	Apis Mellifera – European Honey Bee.
<b>Incinerator</b>	means a structure, device or piece of equipment which is designed, adapted used or capable of being used for the burning of any material or substance and which is not enclosed in any Building, is not a barbeque and is not otherwise licensed under the <i>Environment Protection Act 1970</i> .
<b>Industrial Area</b>	means an area within an Industrial Zone under the Scheme.
<b>Itinerant Trading</b>	means Selling or hiring, or offering for sale or hire, goods or services from a temporary location, or from a Vehicle or other transport, and includes mobile food vans.
<b>Land</b>	has the same meaning as in the <i>Interpretation of Legislation Act 1984</i> .
<b>Litter Device</b>	means an apparatus for the purpose of removing dog faeces and includes a paper or plastic bag.
<b>Livestock</b>	has the same meaning as in the <i>Impounding of Livestock Act 1994</i> but excludes honey bees.
<b>Mobile Waste Bin</b>	means a receptacle provided to a premises by Council for the purpose of collecting and disposing of household Waste.
<b>Motor Cycle</b>	has the same meaning as in the <i>Road Safety Act 1986</i> .
<b>Motor Vehicle</b>	has the same meaning as in the <i>Road Safety Act 1986</i> .
<b>Municipal Building</b>	means any Building owned, occupied or under the control and management of Council, or any Building declared by a Resolution of Council to be a Municipal Building.
<b>Municipal District</b>	means the Municipal District of Council.

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<b>Municipal Place</b>	means an area that is, at some or all times, open to the public (whether or not an admission fee is payable) including a library, Building, golf course, swimming pool, park or recreation centre, which is owned by, or under the control and management of, Council, and includes a Municipal Reserve, or any place declared by a Resolution of Council to be a Municipal Place, but does not include a Road.
<b>Municipal Reserve</b>	means any Land within the Municipal District that is owned by, or under the control and management of, Council and is dedicated or used for cultural, recreational, environmental or entertainment purposes.
<b>Nature Strip</b>	Means the Council Land between the boundary of a property and the trafficable area of the road
<b>Notice to Comply</b>	means Notice to Comply issued in accordance with Clause 2.5.2 of this Local Law.
<b>Occupier</b>	has the same meaning as in the <i>Environment Protection Act 1970</i> .
<b>Owner (in relation to Land or a Building)</b>	means the person who is registered on the relevant Certificate of Title as the Owner or the person who is entitled to exercise any rights of Ownership to the Land.
<b>Owner (in relation to a Motor Vehicle or Trailer)</b>	has the same meaning as in the <i>Road Safety Act 1986</i> .
<b>Owner (in respect of a cat or dog)</b>	has the same meaning as in the <i>Domestic Animals Act 1994</i> .
<b>Penalty Unit</b>	has the same meaning as in Section 110 of the <i>Sentencing Act 1991</i> .
<b>Person</b>	has the same meaning as in the <i>Interpretation of Legislation Act 1984</i> .
<b>Policy</b>	means a Policy adopted by Council from time to time for the purpose of the particular provisions of this Local Law in which the term is used.
<b>Permit</b>	means a written Permit issued in accordance with this Local Law which authorises a specified use or activity and includes an Asset Protection Permit.
<b>Public Place</b>	has the same meaning as in the <i>Summary Offences Act 1966</i> .
<b>Purpose Built Outdoor Cooking and/or Heating Device</b>	includes but is not limited to a: <ul style="list-style-type: none"> <li>a) barbeque or other device used for the sole purpose of cooking food; and</li> <li>b) fire within a brazier or chimney or similar device used exclusively for heating purposes.</li> </ul>

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<b>Recreational Vehicle</b>	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 a human powered Vehicle. Without being exhaustive, it includes a: <ul style="list-style-type: none"> <li>a) mini bike;</li> <li>b) trail bike;</li> <li>c) go cart; and</li> <li>d) any other 2 or 4 wheeled Vehicle designed or adapted for recreation.</li> </ul>
<b>Recyclables Bin</b>	means a receptacle provided to premises by Council for the purpose of collecting and disposing of household recyclable material.
<b>Refuse</b>	means all Waste or rubbish produced or accumulated in or on any Land, premises or property.
<b>Residential Area</b>	means an area within a Residential Zone under the Scheme.
<b>Road</b>	has the same meaning as in the Act.
<b>Rural Area</b>	means an area within a Rural Zone under the Scheme.
<b>Schedule</b>	means a Schedule to this Local Law.
<b>Scheme</b>	means the Moorabool Planning Scheme.
<b>Sell</b>	includes: <ul style="list-style-type: none"> <li>a) barter, offer or attempt to Sell, have in possession for sale, or allow to be sold or offered for sale; and</li> <li>b) Sell for re-sale.</li> </ul>
<b>Septic Tank System</b>	has the same meaning as in the <i>Environment Protection Act 1970</i> .
<b>Service Authority</b>	any company or Statutory Authority responsible for the installation of telecommunications, gas, electricity, water sewerage or drainage facilities in, on, over or under a Road.
<b>Shopping Trolley</b>	means a wheeled container, receptacle or carriage item supplied by a retailer for customers to transport goods.
<b>Sign</b>	means any placard, board, Sign, card or banner, whether portable or affixed or attached to any Land, fence, Building, person, Vehicle or Trailer, other than an Advertising Sign.
<b>Statutory Authority</b>	means: <ul style="list-style-type: none"> <li>a) the State and Commonwealth Government, or a department of either Government; and</li> <li>b) body established under an Act of the Parliament of Victoria, and of any other State or Territory of the Commonwealth, and of the Commonwealth.</li> </ul>
<b>Trailer</b>	has the same meaning as in the <i>Road Safety Act 1986</i> .

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<b>Unightly</b>	with respect to Land means any Land which is unkempt and is detrimental to the general amenity of the neighbourhood, when viewed from a Public Place.
<b>Vehicle</b>	has the same meaning as in the <i>Road Safety Road Rules 2009</i> .
<b>Vermin</b>	means “pest Animal” as defined under the <i>Catchment and Land Protection Act 1994</i> .
<b>Waste</b>	means any discarded, rejected, unwanted, surplus or abandoned matter (whether solid or liquid).
<b>Wheeled toy</b>	has the same meaning as in the <i>Road Safety Road Rules 2009</i> .
<b>Zone</b>	is a Zone identified in the Scheme.

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## PART 2 - ADMINISTRATION AND ENFORCEMENT

### 2.1 Purpose

The purpose of this Part is to provide for the issuing of Permits, impounding of items or things, setting of fees and charges, and enforcement of provisions of this Local Law.

### 2.2 Permits

#### 2.2.1 Permit Applications

- (a) An application for a Permit must be:
  - (i) in the form prescribed by Council from time to time; and
  - (ii) be accompanied by the appropriate fee as determined by Council from time to time.
- (b) Council may require additional information to be provided to enable an application for a Permit to be properly considered and for the purposes of administering and enforcing the provisions of this Local Law.
- (c) Council may require a person making an application for a Permit to give notice of the application to specified persons, or a specified class of persons, whom it considers may be affected by the granting of the Permit, which will entitle those persons to make a submission, which must be considered by Council before the application is determined.

#### 2.2.2 Consideration of Permit Applications

- (a) In considering an application for a Permit, Council must consider any:
  - (i) applicable Policy, code of practice or guideline approved by Council from time to time;
  - (ii) relevant written objection, submission or comment received from any person, public body or community organisation in respect of the application; and
  - (iii) other relevant matter.
- (b) A Permit may be refused or issued with or without conditions.
- (c) If a Permit is issued with conditions, those conditions may include, but are not limited to, conditions concerning:
  - (i) the payment of a fee or charge;
  - (ii) a standard to be applied;
  - (iii) a time limit to be applied;
  - (iv) the operation of the Permit being subject to the happening of a specified event;

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- (v) the requirement to rectify, remedy or restore a situation or circumstance; and
  - (vi) any other matter as considered appropriate.
- (d) If the applicant is not the Owner of the Land, which is the subject of the application, the consent of the Owner must be provided to Council with the application, unless the application concerns Council Land or relates an application for additional cats or dogs.

**2.2.3 Compliance**

A person must comply with the conditions of any Permit issued by Council.

**2.2.4 Duration**

A Permit operates from the date it is issued and expires one year after the date of issue, except where expressly stated otherwise in this Local Law or in the Permit.

**2.2.5 Amendment, Cancellation or Correction**

- (a) Council may amend a condition of a Permit or cancel a Permit at any time if:
- (i) requested to do so by the Permit holder; or
  - (ii) Council considers that there has been:
    - (A) a material misstatement or concealment of fact in the application;
    - (B) a material mistake in relation to the issuing of the Permit;
    - (C) a material change of circumstances since the Permit was issued; or
    - (D) a failure to comply with a Permit condition or Notice to Comply relating to the Permit.
- (b) Council may correct a Permit issued if that Permit contains a:
- (i) clerical mistake or an error arising from any accident, slip or omission;
  - (ii) material miscalculation of figures; or
  - (iii) material mistake in the description of any person, thing or property referred to in the Permit.
- (c) Except in the case of a minor correction that does not affect the operation of a Permit, if Council proposes to amend a condition of a Permit, cancel a Permit or correct a Permit, it must:
- (i) give the Permit holder an opportunity to make a submission on whether the amendment, cancellation or correction should occur; and

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- (ii) take into account those submissions (if any) in deciding whether to amend a condition of a Permit, cancel a Permit or correct a Permit.
- (d) If a Permit holder is not the Owner of the Land, the Owner of the Land must be notified of any amendment, cancellation or correction of the Permit.

### 2.2.6 Transferability of Permits

Unless otherwise stated in the Permit, a Permit:

- (a) is personal to the Permit holder; and
- (b) authorises only the person, or an agent acting on behalf of the person, named in the Permit to carry out the activity authorised; and
- (c) is not transferable without Council's prior written consent.

## 2.3 Impounding

### 2.3.1 Power to Impound

- (a) An Authorised Officer may impound any Animal, item or thing associated with a contravention of this Local Law.
- (b) As soon as reasonably practical after impounding any Animal, item or thing, an Authorised Officer must serve a Notice of Impounding on the Owner or other person apparently responsible for the item or thing setting out:
  - (i) any fees and charges payable in respect of the impounding;
  - (ii) the time within which the impounded item or thing must be
  - (iii) claimed; and
  - (iv) that the item or thing, if not claimed within that specified time, may be disposed of by Council.
- (c) Clause 2.3.1(b) does not apply where the Authorised Officer cannot, after making reasonable inquiries, identify or locate the owner or other person apparently responsible for the item or thing.
- (d) If an Authorised Officer has impounded any Animal, item or thing in accordance with this Local Law, Council may refuse to release it until the appropriate fee or charge has been paid to Council.
- (e) Any impounded Animal, item or thing not claimed within the time specified on the notice of impounding may be disposed of by Council including by sale, tender, public auction or given away.

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## 2.4 Fees

### 2.4.1 Setting of Fees and Charges

- (a) Council may from time to time by resolution determine any:
- (i) fees and charges; and
  - (ii) guarantees and bonds,
- to apply under this Local Law.
- (b) Council may from time to time by resolution, determine an administrative, inspection or processing fee or charge, in addition to any standard fee, charge, guarantee or bond applied under this Local Law.
- (c) Council must give reasonable public notice of any resolution made under this Clause 2.4.1.

### 2.4.2 Differential or Structured Fees and Charges

In making a determination under Clause 2.4.1, Council may establish a system or structure of fees and charges, including a maximum fee or charge, if it considers it appropriate to do so.

## 2.5 Enforcement

### 2.5.1 Offences

A person is guilty of an offence if the person fails to:

- (a) comply with any provision of this Local Law;
- (b) obtain a Permit when required under this Local Law;
- (c) comply with any condition of a Permit issued in accordance with this Local Law;
- (d) comply with a Notice to Comply issued in accordance with this Local Law; or
- (e) comply with any reasonable direction of an Authorised Officer.

### 2.5.2 Notices to Comply

- (a) Council may, by serving a Notice to Comply substantially in the form of Schedule 1, direct any person to remedy anything which constitutes an offence under, or is otherwise contrary to, this Local Law.
- (b) A person must comply with the requirements of a Notice to Comply.

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### 2.5.3 Power to Act in Urgent Circumstances

- (a) An Authorised Officer may, in urgent circumstances arising from a failure to comply with this Local Law, take action to remedy the situation without serving a Notice to Comply if:
  - (i) the Authorised Officer considers the circumstances or situation to be sufficiently urgent that the time involved, or difficulties associated, with the serving of a Notice to Comply may place a person, Animal, property or thing at risk or in danger; and
  - (ii) details of the circumstances giving rise to the urgent action and the remedial action are, as soon as reasonably practical, forwarded to the person in respect of whom the action was taken.
- (b) The urgent action taken by the Authorised Officer under this Clause 2.5.3 must not extend beyond what is reasonably necessary to alleviate the immediate risk and danger involved.

#### GUIDANCE NOTE:

Where a person fails to comply with a Notice to Comply issued under Clause 2.5.2, Council may undertake the works necessary for compliance. In that case, and in a case where Council undertakes urgent works under Clause 2.5.3, Council may recover its costs incurred in undertaking those works from the person responsible for the breach, in accordance with Section 225 of the Act.

### 2.5.4 Appeals

- (a) Subject to Clause 2.5.4(c), any person who is aggrieved by any refusal to issue a Permit, Permit condition, direction or Notice to Comply issued in accordance with this Local Law (“decision”) may, within 28 days after the date of being notified of the decision, or such shorter time specified in the decision, request a review of the decision accompanied by written submission supporting the request.
- (b) A person who makes a request under this Clause 2.5.4 is not relieved of their obligation to comply with the decision.
- (c) Where the Authorised Officer who issues a Notice to Comply is of the opinion that urgent compliance is necessary, the right of appeal provided by Clause 2.5.4(a) may be expressly excluded by the Notice to Comply.

### 2.5.5 Infringement Notices

The infringement notice Penalty in respect of an offence under this Local Law is set out in Schedule 3.

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### 2.5.6 General Penalty at Magistrates' Court

Except as otherwise set out in Schedule 2 to this Local Law, any person who is guilty of an offence against this Local Law is liable to:

- (a) a maximum Penalty of not more than 20 Penalty units; and
- (b) for a continuing offence, a maximum Penalty not more than two (2) Penalty units for each day that the contravention continues after a finding of guilt or conviction.

**GUIDANCE NOTE:**

Council retains discretion about its enforcement of this Local Law. That discretion will generally be exercised by having regard to the Local Law objectives, the public benefit in enforcing and the proportionality of the enforcement in the context of the offence committed and the public benefit derived.

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## PART 3 - PROTECTION AND MANAGEMENT OF COUNCIL ASSETS AND INFRASTRUCTURE

### 3.1 Protection of Assets and Land

A person must not, without a Permit, destroy, damage, deface, interfere with, excavate or tap into any:

- (a) vegetation including trees, plants or grass;
- (b) fence, sign, tree band guard, service conduit, hydrant or other asset;
- (c) constructed asset including toilet blocks, BBQ's, benches and play equipment;
- (d) drain; or
- (e) watercourse, ditch creek, gutter, tunnel, bridge, levee, culvert, fence, or other similar asset,

that is vested in, controlled or owned by Council.

### 3.2 Maintenance of Nature Strips

An Owner or Occupier of Land in a Residential Area where the posted speed limit on the road is 60 KPH or less must ensure that the Nature Strip adjacent to that Land:

- (a) is maintained in a neat and tidy condition; and
- (b) does not contain grass, stubble or undergrowth exceeding 150mm in height.

#### GUIDANCE NOTE:

To undertake any works other than mowing, weeding and general lawn and vegetation maintenance a Permit is required under Clause 3.1.

### 3.3 Asset Protection Permit

- (a) If Building Work is to be carried out on any Land the:
  - (i) Owner of the relevant Land;
  - (ii) Builder engaged to carry out the Building work;
  - (iii) agent appointed for that purpose; or
  - (iv) demolition Contractor engaged to carry out demolition as part of the Building Work.must:
  - (v) not carry out, or allow to be carried out, any Building Work on that Land unless an Asset Protection Permit has been obtained;

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- (vi) not carry out, or allow to be carried out, any Building Work on that Land in contravention of any conditions attached to the Asset Protection Permit that has been obtained; and
- (vii) pay any Asset Protection Permit Bond specified in the Asset Protection Permit,

unless the type of Building Work has been exempted, or the person carrying out that Building Work is a person who has been exempted, or belongs to a class of persons that is exempt, from this Clause 3.3 as determined by Council from time to time.

- (b) An Asset Protection Permit may be subject to such conditions as Council sees fit, including but not limited to requiring:
  - (i) protection works to be done;
  - (ii) the payment of an Asset Protection Bond;
  - (iii) the erection of temporary fencing to the satisfaction of Council; and
  - (iv) that any public asset or infrastructure damage be repaired, replaced or reinstated within a specified time and to a specified standard.

**GUIDANCE NOTE:**

An Asset Protection Permit may allow a person to:

- enter Land from a Road other than by a permanently constructed Vehicle crossing whether or not public assets or infrastructure are likely to be damaged.
- store or place items on or in Council Land or Road.

The amount of any Asset Protection Bond determined under Clause 3.3 will generally take into account:

- the type, size and nature of the Building work being undertaken;
- the total cost of the Building work being undertaken;
- the likely impact of the Building work on assets and infrastructure in the vicinity of the relevant Land; and
- any other factor that Council considers relevant.

- (c) The person to whom the Asset Protection Permit is issued must notify Council, in writing:
  - (i) of the proposed date for commencement of the Building Work at least seven (7) days prior to its commencement, unless a commencement date was specified in the Permit application and remains unchanged; and

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- (ii) prior to the commencement of any works, of any damage to any Road (including a Road reserve, Footpath or Nature Strip) or other public asset within the area covered by the Asset Protection Permit existing at the time of that notice.
- (d) The person to whom the Asset Protection Permit is issued must repair or reinstate any damaged Road, drain, Nature Strip, kerb, channel, Vehicle crossing or other asset vested in Council within the area covered by the Asset Protection Permit or which is otherwise affected by the Building Work, and any repairs must be performed to the satisfaction of Council.
- (e) Upon completion of the Building Work, Council may:
  - (i) retain all or part of any Asset Protection Bond to offset the costs to Council of repairing any damage to any public asset;
  - (ii) upon being satisfied that no damage has been caused to any public asset, or that any damage has been repaired to Council's satisfaction, refund the Asset Protection Bond in full to the person who paid it; or
  - (iii) refund to the person who paid the Asset Protection Bond such portion of it as remains after Council has undertaken work necessary to repair or replace any damaged public asset.
- (f) For purposes of determining whether any damage to public assets has resulted from the execution of any Building Work, failure to provide prior notice of such damage under Clause 3.3(b) is prima facie proof that there was no existing damage to such public assets prior to the Building Work taking place.
- (g) Council may, in its absolute discretion, accept an alternative form of security to an Asset Protection Bond.
- (h) Where a person to whom an Asset Protection Permit is issued has caused damage to any public asset and the cost to repair the damage exceeds the amount of the Asset Protection Bond paid, Council may seek to recover the additional costs of repair from that person as a debt.

### 3.4 Discharge into Stormwater

A person must not allow the discharge of any substance, other than stormwater, into Council's stormwater drainage network.

### 3.5 Vehicle Crossings

- (a) Each of the Owner and the Occupier of Land must ensure that:
  - (i) each point at which a Vehicle accesses or egresses that Land from or to a Road is a Vehicle crossing that is constructed to Council's satisfaction; and
  - (ii) no Vehicle is allowed to enter or leave the Land except by using the properly constructed Vehicle crossing or otherwise in accordance with an Asset Protection Permit issued under Clause 3.3.

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- (b) Council or an Authorised Officer may serve a Notice to Comply requiring the Owner or Occupier of Land to construct a temporary or permanent Vehicle crossing.
- (c) A person must not permanently or temporarily construct, remove or alter a Vehicle crossing:
  - (i) without a Permit issued in accordance with the *Planning and Environment Act 1987*; or
  - (ii) without an Asset Protection Permit issued in accordance with Clause 3.3; or
  - (iii) otherwise in accordance with a Permit issued by Council or an Authorised Officer under this Clause 3.5.

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## PART 4 - BUILDING SITES

### 4.1 Protection of Stormwater

The person responsible for the management of a Building Site must ensure that the Building Site is managed in a way that minimises the risk of stormwater pollution through the contamination of run off by chemicals, sediments and gross pollutants (including but not limited to potential windblown Refuse).

#### GUIDANCE NOTE:

Compliance with Clause 4.1 can be demonstrated by compliance with any applicable Local Government, State Government or Industry guidelines relating to the protection of stormwater.

### 4.2 Containment of Building Works within Building Site

The person responsible for the management of a Building Site must ensure that all Building Work is contained entirely within the Building Site.

### 4.3 Fencing

- (a) Unless exempted by Council, the person responsible for the management of a Building Site must ensure a fence is erected around the entire perimeter of the Building Site which:
- (i) is a minimum of 1.8 metres in height;
  - (ii) is constructed of solid material or steel mesh panels with mesh sections not greater than 75 square centimetres (e.g. 150mm x 50mm);
  - (iii) is securely fastened to become continuous without gaps;
  - (iv) is adequately braced to prevent falling in high winds;
  - (v) prevents silt or any other materials from escaping underneath the fence;
  - (vi) is constructed entirely within the Building Site; and
  - (vii) remains in place for the entire period that Building Work is being conducted on the Building Site, or until a certificate of occupancy has been granted, whichever occurs last.
- (b) The person responsible for the management of a Building Site must, unless a Permit has been issued ensure that the fence erected under Clause 4.3(a) does not have more than one access opening and this opening is fitted with gates which:
- (i) swing into the Building Site or slide or roll along the existing fence line;
  - (ii) are not less than 1.8 metres in height;

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- (iii) are located to correspond with the Vehicle crossing pertaining to that Building Site; and
  - (iv) are constructed to the same standard as that specified in Clause 4.3(a).
- (c) Any Building Site fencing that is damaged or removed as a result of Building Work, or any other reason, must be reinstated within 24 hours of the damage or removal. No building work shall be undertaken on the site until any damaged or removed fencing is fully reinstated.

#### 4.4 Containment of Refuse

- (a) The person responsible for the management of a Building Site must ensure that a rubbish container is placed on the Building Site, or at a location approved by Council, at the commencement of any Building work which:
- (i) is designed and constructed to prevent the escape of its contents by wind or any other means;
  - (ii) has a secure lid that remains closed at all times except when depositing Waste from the Building Site;
  - (iii) has a minimum usable capacity of three (3) cubic metres;
  - (iv) remains on the Building Site, or at a location approved by Council, for the duration of all Building Work;
  - (v) remains intact, serviceable and suitable for the amount and type of Waste it is to be used for; and
  - (vi) is emptied before it becomes full.
- (b) The person responsible for the management of a Building Site must ensure that:
- (i) no rubbish container is placed in a Public Place or on a Road without an Asset Protection Permit, and
  - (ii) all rubbish containers are removed from the Building Site within seven (7) days of completion of Building Work or certificate of occupancy being issued, whichever occurs first.

#### 4.5 Windblown Refuse

The person responsible for the management of a Building Site must ensure that all:

- (a) windblown Refuse is deposited in a rubbish container; and
- (b) dust from the Building Site is controlled to the satisfaction of an Authorised Officer.

**GUIDANCE NOTE:**

Windblown Refuse or dust leaving the Building Site may alternatively, be subject to controls under the *Environment Protection Act 1970*.

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#### 4.6 Building Site Identification Sign

The person responsible for the management of a Building Site must ensure that:

- (a) a Sign is erected at the main entrance to the Building Site at the commencement of the Building Work and remains for the duration of the Building Work which is at least 600mm x 400mm in size and clearly displays the:
  - (i) lot number and street address, as described on the Certificate of Title relevant to the Land;
  - (ii) name of the Builder, as identified on any building permit for the Building Site;
  - (iii) name of the person in charge of the Building Site;
  - (iv) postal address of the person in charge of the Building Site;
  - (v) contact telephone number or numbers for the person in charge of the Building Site; and
- (b) the Sign erected under this Clause 4.6 is amended within 24 hours of any change of information contained on the Sign.

#### 4.7 Building Site Toilet

- (a) The person responsible for the management of a Building Site must, at the commencement of any Building Work, provide a minimum of one on-site toilet with serviceable hand washing facilities for use by persons working on the Building Site which:
  - (i) is clean and serviceable at all times;
  - (ii) faces inwards to the Building Site;
  - (iii) is placed on level ground and;
  - (iv) is kept clear of obstructions.
- (b) Notwithstanding Clause 4.7(a) a person responsible for the management of a Building Site may provide a toilet with serviceable hand washing facilities on an adjacent site under their control provided that:
  - (i) no more than three (3) adjacent Building Sites are serviced by the same toilet;
  - (ii) access to the toilet is provided to any person working on the Building Sites; and
  - (iii) the toilet otherwise complies with the requirements of Clause 4.7(a).

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#### 4.8 Hours of Operation

The person responsible for the management of a Building Site must ensure that works on the site, that are audible in a habitable room in any other residential premises, do not;

- (a) Commence before 7.00am on any weekday Monday to Friday or before 9.00am on any weekends Saturday Sunday or public holiday; and
- (b) Continue after 8.00pm Monday to Friday, weekends or public holiday.

#### 4.9 Direction to Cease Building Work

A person must immediately cease all Building Work when directed either orally or in writing by an Authorised Officer to do so.

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## PART 5 - ACTIVITIES AND BEHAVIOUR ON ROADS, COUNCIL LAND, MUNICIPAL PLACES AND PUBLIC PLACES

### 5.1 Behaviour in Municipal Places

A person must not in a Municipal Place:

- (a) create a nuisance;
- (b) destroy, damage, interfere with or deface anything located there, without a Permit;
- (c) remove anything without a Permit;
- (d) destroy, damage, climb on, remove or interfere with any flora without a Permit;
- (e) deposit or discard any litter or used syringe, except in a receptacle provided for that purpose;
- (f) obstruct, hinder or interfere with any member of Council staff in the performance their duties;
- (g) use or interfere with any lifesaving or emergency device located there, unless using the device in an emergency or participating in instruction or maintenance approved by Council;
- (h) act in a manner that is likely to interfere with the reasonable use and enjoyment by other persons; or
- (i) smoke any tobacco product or use any electronic smoking device within ten (10) metres of any Municipal Building except in a signed designated smoking area.

### 5.2 Access to Municipal Places

- (a) Council may:
  - (i) determine the hours when a Municipal Place will be open to the public;
  - (ii) restrict access to a Municipal Place or part of a Municipal Place;
  - (iii) authorise any person to occupy a Municipal Place or to restrict access to the Municipal Place;
  - (iv) close a Municipal Place or part of a Municipal Place to the public;
  - (v) charge fees, or authorise any other person to charge fees, for admission to or use of a Municipal Place or part of a Municipal Place; and
  - (vi) designate by appropriate Signage areas as no smoking areas.

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- (b) Council may establish, from time to time:
  - (i) conditions applying to, and fees or charges for admission to or the hire or use of, a Municipal Place or part of a Municipal Place; and
  - (ii) conditions applying to, and fees or charges payable for, the hire or use of any property of Council in connection with a Municipal Place.
- (c) A person must not, without a Permit:
  - (i) enter a Municipal Place other than through an entrance provided for that purpose;
  - (ii) enter or remain in a Municipal Place during hours when the Municipal Place is not open to the public; or
  - (iii) enter or remain in a Municipal Place without the applicable fee or charge having been paid.

### 5.3 Behaviour in Municipal Buildings

A person must not, without a Permit:

- (a) organise, conduct or hold any function or event in a Municipal Building;
- (b) bring any Animal into, or allow any Animal under their control to remain in, a Municipal Building, except for an Assistance Dog being used by a person with a disability;
- (c) bring any Vehicle, Recreational Vehicle or Wheeled Toy into a Municipal Building;
- (d) bring into a Municipal Building any substance, liquid or powder which may:
  - (i) be dangerous or injurious to health;
  - (ii) have the potential to foul, pollute or soil any part of the Municipal Building; or
  - (iii) cause discomfort to persons.

### 5.4 Behaviour in Municipal Reserves

A person must not, in any Municipal Reserve:

- (a) enter upon or remain on any area set aside as a playing ground during the course of an organised sporting match or gathering, unless they are a player or an official or a competitor at the organised sporting match or gathering;
- (b) destroy, damage, climb on, remove or interfere with any structure;
- (c) kill, injure or interfere with any fauna;
- (d) throw any stones or missiles;
- (e) spit upon or otherwise foul any path or structure;

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- (f) use any children's playground equipment other than for the purpose for which it was designed;
- (g) swim, paddle, dive, jump into or otherwise enter any wetland, lake, pond or fountain, unless authorised by Signage erected by Council;
- (h) throw or place, or cause or allow to be thrown or placed, any liquid, stones, sticks, paper, dirt, rubbish or any other object, substance or thing into any wetland, lake, pond or fountain;
- (i) play, engage in or practice any game, sport or activity, or use any facilities or spaces, (whether or not a Permit has been issued under this Local Law), in a manner that is:
  - (i) dangerous to any person or property; or
  - (ii) likely to interfere with the reasonable use and enjoyment of the Municipal Reserve by others.
- (j) walk on or damage any plot, bed, border, closed track, replanting area or other area set aside for plants;
- (k) post signs on any fence, gate, wall, seat, or other structure or vegetation without a Permit;
- (l) drive any Vehicle in a manner that is:
  - (i) dangerous to any other person in the Municipal Reserve; or
  - (ii) likely to interfere with the reasonable use and enjoyment of the Municipal Reserve by any other person.
- (m) park any Vehicle in contravention of any parking restrictions that apply in that Municipal Reserve; or
- (n) park or drive a Vehicle other than in an area set aside for that purpose.

## 5.5 Activities on Roads and Council Land

### 5.5.1 Commercial Activities

- (a) A person must not, without a Permit, or as otherwise provided by this Local Law, on any Road or Council Land undertake a commercial activity including:
  - (i) displaying or advertising any goods or services;
  - (ii) placing any Sign or Advertising Sign (including an 'A' frame Sign);
  - (iii) placing tables, chairs, outdoor umbrellas, planter boxes, barriers, outdoor heaters or any other item;
  - (iv) posting any placard, bill, poster, sticker or other document;
  - (v) handing out, posters, flyers or other such similar advertising material;

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- (vi) conducting a street stall;
  - (vii) holding a circus, carnival, festival, fete or other similar event;
  - (viii) conducting activities connected with a fitness, exercise or personal training business, group or organization;
  - (ix) busking;
  - (x) conducting Itinerant Trading; or
  - (xi) marking Graffiti.
- (b) A person must not commission another person to do anything which breaches of Clause 5.5.1(a).
- (c) If a Sign, including an Advertising Sign, is placed in breach of Clause 5.5.1(a), each person who:
- (i) is knowingly concerned in the operation of the business, event or activity to which the Sign relates;
  - (ii) has the management and control of premises, property, business, event or activity to which the Sign relates;
  - (iii) is a promoter of the premises, property, business, event or activity to which the Sign relates; or
  - (iv) is responsible for the placement, siting or distribution of the Sign, including without limitation the person who engaged the person who physically placed or distributed the Sign,
- is guilty of an offence against this Local Law, whether or not the person who physically placed the Sign is identified or prosecuted.
- (d) Nothing in Clause 5.5.1(c) affects the liability under Clause 5.5.1(a) of any person who actually places any such Sign.
- (e) A person who has placed, allowed to be placed, displayed or allowed to be displayed:
- (i) goods;
  - (ii) a Sign; or
  - (iii) a seat, umbrella, table, chair other furniture or any other item on a Road or Council Land, whether or not in accordance with a Permit,
- must move or remove it or them if directed to do so by:
- (iv) an Authorised Officer; or
  - (v) a member of an Emergency Service.

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### 5.5.2 Undertaking works or obstruction of access

- (a) A person must not, without a Permit, or otherwise in accordance with this Local Law:
- (i) occupy or fence off a Road or Council Land;
  - (ii) excavate a Road or Council Land;
  - (iii) remove, damage or interfere with any structure, flora or item on a Road or Council Land;
  - (iv) leave, store or allow to be left any Bulk Rubbish Container, storage or shipping container (pods), skip bin or Trailer skip on Road or Council Land;
  - (v) store a trade Waste hopper or bin on a Road or Council Land;
  - (vi) leave or store, or allow to be left or stored, any other thing that encroaches on, obstructs the free use of, reduces the breadth of, or confines the limits of Road or Council Land;
  - (vii) construct or erect any hoarding, scaffolding or structure on a Road or Council Land;
  - (viii) occupy, or allow the occupation of, a Road or Council Land for the purpose of filming for commercial purposes or public exhibition or the placement of any equipment associated with such an activity; or
  - (ix) place a Charity Bin on a Road or Council Land.
- (b) Any person who undertakes work on a Road or part of a Road under the control of Council must perform the work to the standard, if any, specified by Council.
- (c) Council may exempt:
- (i) a person; or
  - (ii) a class of persons,
- from the application of this Clause 5.5.2 or any part of it.

### 5.5.3 Camping

A person must not, without a Permit:

- (a) Camp or;
- (b) use a Motor Vehicle, Caravan or other temporary or makeshift structure;

for the purpose of accommodation, on any Road or Council Land unless Council has set aside that Road or Council Land for that purpose.

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#### 5.5.4 Use of Vehicles

- (a) A person must not, without a Permit, on any Road or Council Land:
  - (i) service, paint or dismantle any Motor Vehicle, Caravan or Trailer;
  - (ii) repair any Motor Vehicle, except where necessary to enable that Motor Vehicle to be removed;
  - (iii) park or leave, or cause to be parked or left, a Motor Vehicle, Caravan or Trailer for the purpose of displaying it for sale;
  - (iv) park or leave, or cause to be parked or left, a Motor Vehicle, Caravan or Trailer in the same place for more than 14 consecutive days in any 28-day period.
- (b) A person must not, without a Permit on any Council Land:
  - (i) leave any derelict, damaged, unroadworthy or unregistered Motor Vehicle, Caravan or Trailer; or
  - (ii) abandon or cause to be abandoned any Motor Vehicle, Caravan or Trailer.

#### 5.6 Activities which require a Permit in a Municipal Place

A person must not, without a Permit, in any Municipal Place:

- (a) ride or drive a Vehicle or horse except for:
  - (i) parking a Vehicle in a parking area established for that purpose;
  - (ii) wheeling a bicycle, pram, baby or child carriage, wheelchair or children's toy along a Footpath or riding a bicycle or horse in a manner that does not interfere with the use or enjoyment of the Municipal Reserve by any other person; or
  - (iii) on a Road or bicycle path in accordance with any applicable Acts or regulations;
- (b) light a fire or allow any fire to remain alight except in a Purpose Built Outdoor Cooking Device provided by Council, or a commercially manufactured Purpose Built Outdoor Cooking Device assembled and operated according to manufacturer specifications; or
- (c) operate any device that has a predominant purpose of amplifying voice, music or noise.

#### 5.7 Recreational Vehicles on Council Land

- (a) A person must not, without a Permit, use a Recreational Vehicle on Council Land.
- (b) A person must not ride any unregistered Recreational Vehicle on Council Land.

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- (c) A person who owns an unregistered Recreational Vehicle must not knowingly allow another person to ride the Recreational Vehicle on Council Land.
- (d) An Authorised Officer may, in accordance with Clause 2.3, impound a Recreational Vehicle being used in contravention of this Clause.

## 5.8 Shopping Trolleys

- (a) A person must not abandon or leave a Shopping Trolley, other than in an area set aside for the leaving of Shopping Trolleys, on any Road or Council Land.
- (b) Any Shopping Trolley left on any Road or Council Land other than in an area set aside for leaving Shopping Trolleys may be impounded by an Authorised Officer.
- (c) A retailer must not make a Shopping Trolley available for use, or allow a Shopping Trolley to be used, which does not have a locking mechanism attached.
- (d) For the purpose of Clause 5.8(c), locking mechanism means
  - (i) a coin-operated lock; or
  - (ii) any other device designed to prevent the theft or removal of the Shopping Trolley from the vicinity of the business that provides the Shopping Trolley.
- (e) Clause 5.8(c) does not apply to a retailer who makes available for use, or allows to be used, 25 Shopping Trolleys or less.
- (f) A retailer may apply in writing to Council for an exemption from the application of Clause 5.8(c), which exemption, if granted, may operate for a specified period or indefinitely.

## 5.9 Parking Permits

- (a) Any person who has been allocated a parking Permit must not:
  - (i) Sell or offer to Sell the parking Permit;
  - (ii) give away for no charge, or offer to give away for no charge, the parking Permit, other than a temporary visitor Permit to be used by a legitimate visitor; or
  - (iii) otherwise allow the parking Permit (or other temporary visitor Permit being used by a legitimate visitor) to be used by any person other than a Vehicle parking Permit holder or their visitor.
- (b) A person, other than a visitor using a temporary visitor Permit, must not:
  - (i) purchase, or induce to purchase, a parking Permit from any parking Permit holder or other person not authorised to issue a parking Permit;

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- (ii) receive, or induce to receive, whether for a charge or not, a parking Permit from any parking Permit holder or other person not authorised to issue a parking Permit; or
- (iii) use, or attempt to use, a parking Permit if they are not the person who is entitled to use it.

### 5.10 Roadside Firewood Collections

A person must not, without a Permit, collect, cut or remove firewood from any Road or Council Land.

### 5.11 Consumption and Possession of Alcohol

- (a) Council may, from time to time by resolution, declare an area to be an Alcohol Restriction Area.
- (b) After a declaration is made, signage must be erected which identifies the relevant area as an Alcohol Restriction Area.
- (c) A declaration may define an Alcohol Restriction Area by:
  - (i) description; or
  - (ii) reference to a plan or map.
- (d) A person must not, without a Permit, in an Alcohol Restriction Area:
  - (i) consume Alcohol; or
  - (ii) be in possession of Alcohol, other than in a sealed container.
- (e) Clause 5.11 does not apply to a person who possesses or consumes Alcohol:
  - (i) within licensed premises in accordance with the *Liquor Control Reform Act 1998*;
  - (ii) on private property; or
  - (iii) otherwise in accordance with a Permit.

### 5.12 Direction by an Authorised Officer in a Municipal Place or on Council Land

A person must at all times comply with any:

- (a) reasonable direction of an Authorised Officer; and
  - (b) requirement set out in a Sign erected by Council,
- on any Council Land.

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## PART 6 - LAND USE AND AMENITY

### 6.1 Property Numbers

- (a) If Council has allocated a number to Land within its Municipal District, each of the Owner and the Occupier of that Land must ensure that the allocated number is visible and is maintained in accordance with Clause 6.1(b).
- (b) The number must be positioned and be of a size to be clearly visible from the carriageway of the adjoining Road.

### 6.2 Unsightly Land

Each of the Owner and the Occupier of Land must ensure that it is not kept in a manner which is Unsightly.

#### GUIDANCE NOTE:

Land may be considered by Council to be unsightly if, among other things, it contains:

- uncontained rubbish;
- native and non-native grass, noxious weeds, weeds and undergrowth which exceed a height of 150mm.
- disused excavations or Waste material;
- Graffiti on any Building, structure or boundary fence;
- disused machinery, unregistered Vehicles, machinery or Vehicle parts; or
- any other condition that is detrimental to the general amenity of the neighbourhood in which it is located.

### 6.3 Vacant Land and Abandoned Buildings

- (a) An Owner of any vacant Land must not allow the vacant Land to become unsafe.
- (b) An Owner of a Building must not allow the Building to become Dilapidated or fall into disrepair so as to become unsafe.
- (c) Where a Building is deemed unsafe Council can issue a Notice to Comply to either:
  - (i) secure the Building to prevent access; or
  - (ii) secure the site to prevent access to the Building and all, or a portion, of the Land surrounding the Building.

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**GUIDANCE NOTE:**

For the purposes of Clause 6.3(b), circumstances in which a Building would be classified as unsafe might include, but not limited to:

- where access to the Building is available;
- where windows and doors are either missing or broken; or
- where there is potential for parts of the external or internal structures to collapse or fall due to disrepair.

#### **6.4 Maintenance of Private Drains and Stormwater Retention Systems**

Each of the Owner and the Occupier of Land must ensure that any drain or stormwater retention system on the Land that is not vested in Council or another public authority is operated and maintained so that it is fit for purpose.

#### **6.5 Obstruction of Sign or Signal on a Road**

Each of the Owner and the Occupier of Land must ensure that no:

- (a) tree, hedge, plant or vegetation of any kind grows; or
- (b) structure of any kind is constructed or placed,

so that it obstructs the view of a Motor Vehicle, Sign or Signal on a Road by any person using that Road.

#### **6.6 Overhanging or Encroaching Vegetation**

Each of the Owner and the Occupier of Land must not cause or allow any tree, hedge, plant or vegetation of any kind to:

- (a) overhang or encroach on any Road, Footpath or Nature Strip at a height of less than 2.5 metres; or
- (b) otherwise obstruct any Road, Footpath or Nature Strip.

#### **6.7 Shipping Containers**

Each of the Owner and the Occupier of Land in a Residential Area must ensure that no shipping container is stored or placed:

- (a) on vacant Land;
- (b) in front of any dwelling on the Land, or between the dwelling and the Road abutting the Land frontage;
- (c) within five (5) metres of any dwelling on any other Land;
- (d) for more than 14 consecutive days; or

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- (e) for more than 21 days in any calendar year,  
without a Permit.

**GUIDANCE NOTE:**

A Permit under this Local Law is not required if a Permit has been issued either under the *Planning and Environment Act 1987* or the *Building Act 1993*.

**6.8 Heavy Vehicles**

A person must not, without a Permit, park, keep, store, repair or allow to remain any heavy Vehicle on any Private Land in a Residential Area.

**GUIDANCE NOTE:**

A Permit is not required if a Permit has been issued under the *Planning and Environment Act 1987* or if the activity is an exempt activity under the Scheme.

**6.9 Audible Alarms**

Each of the Owner and the Occupier of any Land must ensure that no audible alarm that is installed on the Land can be heard continuously beyond the boundary of such Land within any Residential Area or Commercial Area for more than ten (10) minutes, or intermittently for more than ten (10) minutes in total within a one (1) hour period.

**6.10 Camping on Private Land**

- (a) A person must not, without a Permit, occupy a Caravan or any other temporary structure on private Land for more than seven (7) days within any 28 day period, or for more than 14 days in any calendar year.
- (b) The Owner or the Occupier of Land must not, without a Permit, allow the occupation of a Caravan any other temporary structure on private Land for more than seven (7) days within any 28 day period or for more than 14 days in any calendar year.

**GUIDANCE NOTE:**

This Clause 6.10 does not apply to any Private Land that is Caravan park within the meaning of the *Residential Tenancies Act 1997*.

**6.11 Recreational Vehicles**

A person must not, without a Permit, use a Recreational Vehicle, or allow a Recreational Vehicle to be used, on private Land:

- (a) in a Residential Area; or
- (b) within 500 metres of any dwelling on property other than the property on which the Recreation Vehicle is being used; or
- (c) between the hours of sunset and sunrise each day.

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## PART 7 - WASTE MANAGEMENT

### 7.1 Septic Tank Systems

The Owner of Land upon which a Septic System is installed and used which does not require, or is not the subject of a permit under the *Environmental Protection Act 1970* must:

- (a) ensure that at least once every three (3) years it is emptied by a licenced Contractor and the contents disposed of at a suitable location;
- (b) provide a report from a licenced Contractor to Council each time it is emptied;
- (c) ensure that effluent from the Septic Tank System is not allowed to discharge off the Land;
- (d) ensure that effluent from the Septic Tank System is not allowed to discharge, run or pond on the surface of the Land;
- (e) ensure that the effluent lines are sufficient to manage the effluent created by the dwelling/s or Building/s on the Land;
- (f) ensure that, on any premises that is subject to a registration under the *Food Act 1984*, a grease trap of sufficient size is installed prior to the Septic Tank System and is emptied as needed to ensure that fats and grease do not enter the Septic Tanks System; and
- (g) ensure that the Septic Tank System is maintained in such a way that it does not allow the ingress of any groundwater, rainwater or surface water runoff.

### 7.2 Reuse of Domestic Grey-Water

A person must not, without a Permit, use untreated greywater to irrigate any Land.

### 7.3 Storage of Trade Waste

Each of the Owner and the Occupier of every commercial premises in a Commercial or Industrial Area must provide trade Waste hoppers, bins, or storage containers for the storage of trade Waste, which are:

- (a) constructed of impervious materials, water tight and pest proof;
- (b) emptied before they become full;
- (c) maintained in a clean, inoffensive and sanitary condition;
- (d) in sufficient numbers to contain all the trade Waste produced on the premises;
- (e) stored in an area and in a manner that is safe and secure; and
- (f) stored in a manner that cannot contaminate or enter the stormwater system.

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## 7.4 Waste Collection and Disposal

- (a) Each of the Owner and the Occupier of Land must not:
  - (i) place out for collection more than one (1) Mobile Waste Bin, one (1) Green Organics Bin and one (1) Recyclables Bin, unless otherwise authorised by Council; or
  - (ii) place out for collection any Mobile Waste Bin, Green Organics Bin or Recyclables Bin in a manner that causes a hazard to a pedestrian, Vehicle or person undertaking the collection and processing of the bins.
- (b) Each of the Owner and the Occupier of any Land must ensure that any Mobile Waste Bin, Green Organics Bin or Recyclables Bin placed out for collection is:
  - (i) positioned on the Nature Strip adjacent to the kerb at least one metre from any other item, or at such other place as may from time to time be approved by Council;
  - (ii) placed no earlier than 3:00pm on the day prior to the day of collection, or at such other time determined by Council from time to time; and
  - (iii) removed and returned to the premises on the same day as the collection occurred.
- (c) Each of the Owner and the Occupier of Land must remove any Waste or material which has escaped or spilled onto any Road, Nature Strip or surrounding area from a Mobile Waste Bin, Green Organics Bin or Recyclables Bin, or from any hard Waste, left out by the Owner or Occupier for collection.

## 7.5 Hard Waste Collection

- (a) A person must not place any hard Waste on any Road, Nature Strip or other Public Place unless the person has applied for, and received, a hard Waste collection booking from Council.
- (b) If Council has accepted a household hard Waste collection booking, the person who has secured the booking must ensure that all hard Waste to be collected is placed:
  - (i) on the Nature Strip or other location specified by Council not earlier than two (2) days prior to the booking collection date; and
  - (ii) in a neat, tidy and orderly manner.

## 7.6 Interference with Waste

A person must not:

- (a) remove, damage or interfere with a bin, the contents of any bin or any hard Waste placed out for collection; or
- (b) place additional material into a bin, or to hard Waste, that has been placed out for collection by another person.

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## 7.7 Maintenance of Waste, Organic and Recycling Bins

Each of the Owner and the Occupier of any Land must:

- (a) keep the Mobile Waste Bin, Green Organics Bin and Recyclables Bin allocated to their premises in a clean, inoffensive and sanitary condition;
- (b) ensure that any area where the Mobile Waste Bin, Green Organics Bin and Recyclables Bin are stored between collections is kept in a clean, inoffensive and sanitary condition; and
- (c) ensure that the Mobile Waste Bin, Green Organics Bin and Recyclables Bin, when placed for collection and containing Waste, are capable of being, and are, kept closed at all times, except when items are being deposited in or removed from them.

## 7.8 Street Bins and Park Bins

A person must not deposit any household Waste, green Waste, trade Waste or commercial Waste into any street bin or park bin provided by Council.

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## PART 8 - ANIMALS

### 8.1 Number of Animals

- (a) The Owner or Occupier of any Land must not, without a Permit:
- (i) keep or allow to be kept, more than 4 different types of Animals on premises in a Residential Area at any one time; and
  - (ii) keep or allow to be kept any more in number for each type of Animal as set out in the following table; or

Animal	Residential Area	Rural area up to 2 hectares	Rural Area 2 to 4 Hectares	Rural Area over 4 Hectares
Dogs	2	2	2	5
Cats	2 or 3 if all desexed	2 or 3 if all desexed	2 or 3 if all desexed	5
Budgerigars, canaries or finches	50	50	50	No Local Law Permit Required
Pigeons	10	30	60	100
Racing Pigeons	0	60	100	No Local Law Permit Required
Cockatoo / Galah (caged)	0	0	2	No Local Law Permit Required
Fowls	5	20	30	No Local Law Permit Required
Roosters	0	0	1	No Local Law Permit Required
Pheasants	0	5	10	No Local Law Permit Required
Other poultry (including ducks, geese, turkey, guinea fowl or similar)	0	10	20	No Local Law Permit Required
Ostriches / Emus / Peacocks / Llama / Alpaca	0	2	6	No Local Law Permit Required
Sheep	0	2	4	No Local Law Permit Required
Goats	0	2	4	No Local Law Permit Required
Horses	0	2	4	No Local Law Permit Required
Pigs	0	0	2	No Local Law Permit Required
Cows	0	0	2	No Local Law Permit Required
Other primary production Animals	0	0	0	No Local Law Permit Required
Ferrets / Guinea pigs / Rabbits or Mice	3	6	8	No Local Law Permit Required

- (iii) any other Animal that is not specified in the above table.

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- (b) Clause 8.1 does not apply to Animals kept and used in accordance with the Scheme.

## 8.2 Progeny of Animals

For the purpose of calculating the number of Animals being kept for the purposes of Clause 8.1, the progeny of any dog or cat lawfully kept will be exempt for a period of 3 months after their birth, and the progeny of any sheep, goats, horses, cows or other primary production Animals will be exempt for a period of 6 months after their birth.

## 8.3 Nuisances

- (a) 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.
- (b) The Owner or Occupier of any Land where any Animal is kept must ensure that all Animal 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.

### GUDIANCE NOTE:

For the purposes of Clause 8.3, circumstances in which the keeping of an Animal constitutes a nuisance may include, but is not limited to:

- when the Animal makes noises or smells that unreasonably adversely affect the peace, comfort or convenience of any person on any other premises; and
- when the Animal produces an unreasonable accumulation of excrement, whether on the keeper's premises or on any other premises.

## 8.4 General Provisions

The Owner or Occupier of any Land who keeps any Animal on the Land must:

- (a) keep the area 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 rodents or other Vermin;
- (c) keep all food for consumption by the Animal in a Vermin proof receptacle;
- (d) remove and place all manure, excrement, Refuse or rubbish produced or accumulated by the Animal, as soon after the production or accumulation as is reasonably practicable 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;
- (e) maintain any kennel, house, aviary, shelter or other enclosure where the Animal is kept in a clean and sanitary condition;

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- (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; and
- (h) not cause, allow or suffer excrement or manure to escape from the premises.

## 8.5 Animal Enclosures

- (a) The Owner or the Occupier of Land must not, within ten (10) metres of a dwelling on other Land, construct or allow to be constructed any enclosure in which poultry is kept, or intended to be kept.
- (b) The Owner or Occupier of Land must keep any Animal on the Land in a kennel, house, aviary, shelter or other enclosure that complies with all of the following:
  - (i) prevents, as far as practicable, the wandering or escape of such Animal beyond the boundaries of the Land;
  - (ii) meets the welfare needs of the Animal;
  - (iii) is capable of being readily cleaned;
  - (iv) is maintained in good repair at all times; and
  - (v) meeting any requirements of an Authorised Officer issued in writing from time to time.

### GUIDANCE NOTE:

When assessing whether a kennel, house, aviary, shelter or other enclosure complies with Clause 8.5 the Authorised Officer may consider:

- the height of any kennel, house, aviary, shelter or other enclosure;
- the location of any kennel, house, aviary, shelter or other enclosure having regard to:
  - the distance from the dwelling on the Land;
  - the distance from any neighbouring dwelling;
  - the amenity of the surrounding area; and
  - the size of any kennel, house, aviary, shelter or other enclosure and its adequacy to house the proposed number and type of Animals;
- the security of any kennel, house, aviary, shelter or other enclosure; and
- 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.

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## 8.6 Stables

A person must not, without a Permit, construct a stable on any Land:

- (a) within five (5) metres of any Road;
- (b) within two (2) metres of the boundary of any adjoining Land; or
- (c) within ten (10) metres of any dwelling on any adjoining Land.

## 8.7 Dog Excrement

- (a) A Person in charge of any dog must not allow any part of the excrement of the dog to remain on any Public Place.
- (b) A Person in charge of any dog in a Public Place must carry a Litter Device suitable to remove any excrement left by the dog and must produce such Litter Device upon request of any Authorised Officer.

## 8.8 Livestock

- (a) The Owner or the Occupier of Land on which Livestock is kept must ensure that the Land is adequately fenced so as to prevent the escape of the Livestock.
- (b) A person must not permit Livestock which they own or have under their control to wander at large or roam on any Public Place.
- (c) A person must not, without a Permit, graze Livestock on any Road.
- (d) Subject to Clause 8.8(e), a person must not, without a Permit, move Livestock on any Road.
- (e) A person who is in charge of the movement of Livestock on any Road does not require a Permit if they:
  - (i) 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;
  - (ii) ensure Livestock are only to be on Road for the minimum time it reasonably takes to move them to their destination;
  - (iii) ensure, as far as possible, the Livestock are moved during daylight hours;
  - (iv) 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, including native vegetation, construction and drainage on the Road, or private property;
  - (v) ensure the Livestock are supervised and under effective control by a person who is competent in the management of Livestock; and

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- (vi) otherwise comply with all the requirements of any guidelines for the movement of Livestock prepared from time to time by the Roads Corporation and with the requirements of the *Road Safety Act 1986* and any Regulations made thereunder.
- (f) 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.

**GUIDANCE NOTE:**

Any person in charge of the grazing of Livestock on a Road with a Permit will generally be expected to:

- ensure that the appropriate temporary fencing is in place to ensure the temporary containment of Livestock to the location where the Permit is issued;
- ensure that adequate warning of the presence of Livestock on the Road is given to other Road users or potential Road users;
- ensure that, apart from any other warnings considered appropriate by the person engaged in such activities, Signs are displayed which conform to guidelines prepared from time to time by the Roads Corporation and with the requirements of the *Road Safety Act 1986* and any Regulations made thereunder;
- ensure that any Signs and temporary fencing used are removed from the Road at the time of completion of such movement or grazing; and
- ensure, 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 are consistent with the Australian Standards for such purposes and any other Signage necessary for Road safety having regard to topography, conditions, Livestock type and numbers.

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## PART 9 - FIRES AND FIRE HAZARDS

This part does not apply on any day or part of a day declared as a total fire ban day, or during the declared fire danger period as stated by the Country Fire Authority. Clause 9.1(a), does not apply to fires that have been authorised by a Permit under and in accordance with the *Country Fire Authority Act 1958*.

### 9.1 Open Air Burning

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 Farming Area, for farming purposes;
- (b) outside of the boundaries of the areas of the maps incorporated into this local law from time to time and the fire is for fire prevention or fuel reduction purposes and meets the following criteria;
  - (i) only dry garden waste, leaves, twigs, branches and timber are allowed to be burned
  - (ii) a minimum three (3) metre firebreak around and above the fire is provided
  - (iii) the maximum quantity of fuel to be burnt does not exceed one (1) cubic metre
  - (iv) the burning can only commence after 9.00am and must be completed and fully extinguished by 3.00pm that same day;
  - (v) sufficient water and equipment to extinguish the fire is provided and
  - (vi) whilst the fire is alight an adult must be in attendance at all times.
- (c) in a Purpose Built Outdoor Cooking and/ or Heating Device; or
- (d) to use a trade tool for and in accordance with its designed purpose.

#### GUIDANCE NOTE:

For the purposes of Clause 9.1, circumstances where a Permit may be issued include but are not limited to:

- where an Authorised Officer forms the opinion that any of the following applies:
  - the nature, volume, or location or the material to be burnt is such that its disposal by any other means is unsafe;
  - there is no reasonable alternative method available for the disposal of the material proposed to be burnt; or
  - it is necessary to burn the material in the interests of public safety.

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- Where the proposed fire is within the boundaries of the areas of the maps incorporated into this local law from time to time if the above apply and the following can be met:
  - the provision of a minimum three (3) metre firebreak around and above the fire;
  - that the maximum quantity of fuel to be burnt does not exceed one (1) cubic metre or ten (10) cubic metres if the fire is for fuel reduction burning and is undertaken on land exceeding four (4) hectares and by a sporting organisation eg sport grounds, golf course, tennis courts etc.
  - that there is sufficient provision of water and equipment to extinguish the fire; and
  - that the fire is attended by an adult at all times it is alight; or
- when the fire is to be used for public entertainment.

## 9.2 Type of Waste that cannot be burnt

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.

## 9.3 Direction by Authorised Officer

A person who has lit, or has allowed to be lit or to remain alight, an Incinerator or a fire in the open air contrary to this Clause 9 must extinguish the fire immediately on being directed to do so by an Authorised Officer.

### GUIDANCE NOTE:

Where a person fails to comply with a direction given under Clause 9.3:

- 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
- 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.

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# Schedule 1 Notice to Comply

## Notice to Comply

Moorabool Shire Council General Local Law 2019 – Clause 2.5.2

<b>Notice No.</b>	[	<b>Date of Issue</b>	[
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To:

<b>The [Owner] [Occupier]</b>	
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Of:

<b>Address</b>	
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I have reason to believe, from a recent inspection of Land at (Insert Address) (**Land**), that the Land is being kept in a manner that contravenes clause (insert clause) of the Moorabool Shire Council General Local Law 2019 (**Local Law**) 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	

### Failure to Comply

If you fail to comply with this Notice to Comply:

1. it is an offence under clause 2.5.1 of the Local Law, the maximum penalty for which is 20 Penalty units; and
2. Council may, pursuant to section 225 of the *Local Government Act* 1989, carry out the work required by this Notice to Comply and recover the cost of doing so from you.

### Review

You may apply for a review of this Notice to Comply under clause 2.5.4 of the Local Law. 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).

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## Schedule 2 Penalties

Clause	General Description	Maximum Penalty
	<b>Part 3 - Protection and Management of Council Assets and Infrastructure</b>	
3.2	Requirement to maintain the nature strip	10
3.3 (c)	Requirement to notify Council	5
	<b>Part 4 - Building Sites</b>	
4.6(a)	Requirement to provide a site sign	10
4.6(b)	Requirement to ensure that the building site sign is updated in light of any changes	5
	<b>Part 5 - Activities and Behaviour on Roads, Council Land, Municipal places and public places</b>	
5.1(a) to (i)	Requirements on persons to behave in certain ways in a Municipal Place	10
5.2(c)	Requirements re-entry and remaining in a Municipal Place	10
5.3(a) to (d)	Requirements on persons to behave in certain ways in a Municipal Building	10
5.4(a) to (n)	Requirements on persons to behave in certain ways in a Municipal Reserve	10
5.5.1(d)	Requirement to remove a sign when requested by an authorised officer or member of the Emergency Services	10
5.5.3 (a) to (c)	Requirement not to camp without a permit on a Road, Council Land or a Municipal Place	10
5.5.4(b)	Requirements not to undertake specific activities with vehicle on any, Council Land or Municipal Place.	10
5.6(b) and (c)	Requirement to hold a permit to either light a fire or play amplified music in a Municipal Place	10
5.7(b)	Requirement to not ride an unregistered recreational vehicle on Council land or a Municipal Place	10
5.8(a)	Requirement on a person not to abandon a shopping trolley on any Road, Council land or Municipal Place	10
5.9(a) and (b)	Requirements on persons with regard to the use and purchase of a Parking Permit	10

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Clause	General Description	Maximum Penalty
5.10	Requirement that a person must not without a permit collect fire wood from any Road, Council Land or Municipal Place	10
5.11(d)	Requirements with regard to a persons consumption and possession of alcohol in an Alcohol Restriction Area	10
5.12	Requirement to comply with the reasonable direction of an authorised officer or the requirements set out in a sign in a Municipal Place or on Council Land	10
	<b>Part 6 - Land Use and Amenity</b>	
6.1(a) and (b)	Requirement with regard to the positioning and visibility of the property number	10
6.6(a) and 6.6(b)	Requirement on an owner or occupier to ensure that vegetation does not encroach upon or obstruct any Road, Footpath or Nature Strip	10
	<b>Part 7 - Waste Management</b>	
7.5(a) and (b)	Requirements on a person with regard to the placement of hard waste for hard waste collection	10
7.8	Requirement that a person does not deposit any residential, green, trade or commercial waste into a street or park bin.	10
	<b>Part 8 - Animals</b>	
8.7(a) and (b)	Requirement on the person in control of a dog to not allow any excrement of the dog to remain on and Road, Council Land or Public Place and to carry a suitable litter device at all times.	10

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## Schedule 3      Infringement Penalty Units

Clause	General Description	Infringement Penalty Unit
	<b>Part 2 - Administration and Enforcement</b>	
2.2.3	Requirement to comply with the conditions of a permit	5
2.5.2	Requirement to comply with a notice to comply	5
	<b>Part 3 - Protection and Management of Council Assets and Infrastructure</b>	
3.1(a), (b), (c), (d) and (e)	Requirement that a person must not without a permit destroy, damage, deface, interfere with, excavate or tap into any council land or asset	2
3.2 (a) and (b)	Requirement to maintain the nature strip	2
3.3(a)	Requirement to obtain an asset protection permit	5
3.3(b)	Requirement to notify Council	1
3.3(c)	Requirement to repair or reinstate any damage to council asset or infrastructure	5
3.4	Requirement not to discharge of any substance other than stormwater into the councils stormwater network	5
3.5(a)	Requirement to ensure that vehicle access and egress is only via a properly constructed and approved access point	2
3.5(c)	Requirement to obtain a permit to construct remove or alter a vehicle crossing	5
	<b>Part 4 - Building Sites</b>	
0	Requirement to minimise stormwater pollution	3
4.2	Requirement to contain Building Works within Building Site	3
4.3(a)	Requirement to erect fencing	4
4.3(b)	Requirements with regard to gates and openings	2
4.3(c)	Requirements with regard to reinstatement of fencing	4
4.4(a)	Requirements to provide a suitable rubbish container on site.	4
4.4(b)	Requirements regarding the placement and removal of rubbish containers.	4

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Clause	General Description	Infringement Penalty Unit	
4.5	Requirement to control windblown Refuse and dust	3	
4.6(a)	Requirement to provide a site sign	2	
4.6(b)	Requirement to ensure that the building site sign is updated in light of any changes	1	
4.7	Requirement to provide a toilet for workers	5	
4.8	Requirements regarding hours of operation	4	
4.9	Requirement to comply with a direction to cease works	5	
	<b>Part 5 - Activities and Behaviour on Roads, Council Land, Municipal Places and Public Places</b>		
5.1(a) to (i)	Requirements on persons to behave in certain ways in a Municipal Place	2	
5.2(c)	Requirements re-entry and remaining in a Municipal Place	2	
5.3(a) to (d)	Requirements on persons to behave in certain ways in a Municipal Building	2	
5.4(a) to (n)	Requirements on persons to behave in certain ways in a Municipal Reserve	2	
5.5.1(a)	Requirement to hold a permit to undertake a commercial activity	4	
5.5.1(b)	Requirement not to commission another to breach clause 5.5.1 a)	5	
5.5.1(c)	Requirement with regard to the placement of Signs	4	
5.5.1(d)	Requirement to remove a sign when requested by an authorised officer or member of the Emergency Services	2	
5.5.2(a)	Requirement to obtain a permit prior to undertaking works or obstructing access on a road, Council Land or Municipal Place	4	
5.5.2(b)	Requirement to undertake any works to the standard specified by council	4	
5.5.3 (a) to (c)	Requirement not to camp without a permit on a Road, Council Land or a Municipal Place	2	
5.5.4(a)	Requirements not to undertake specific activities with vehicle on any Road, Council Land or Municipal Place.	2	
5.5.4(b)	Requirements not to undertake specific activities with vehicle on any, Council Land or Municipal Place.	4	
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Clause	General Description	Infringement Penalty Unit
5.6(a)	Requirement to hold a permit to ride or drive a vehicle in a municipal place	2
5.6(b) and (c)	Requirement to hold a permit to either light a fire or play amplified music in a Municipal Place	2
5.7(a)	Requirement to hold a permit to use a recreational vehicle on council land or Municipal Place	5
5.7(b)	Requirement to not ride an unregistered recreational vehicle on Council land or a Municipal Place	2
5.7(c)	Requirement on the owner of an unregistered recreational Vehicle not to knowingly allow a person to ride the vehicle on Council land or a Municipal Place	4
5.8(a)	Requirement on a person not to abandon a shopping trolley on any Road or Council land.	2
5.8(b)	Requirement on a retailer to not make a shopping trolley available for use unless it has a locking mechanism attached	5
5.9(a) and (b)	Requirements on persons with regard to the use and purchase of a Parking Permit	2
5.10	Requirement that a person must not without a permit collect fire wood from any Road, Council Land or Municipal Place	2
5.11(d)	Requirements with regard to a persons consumption and possession of alcohol in an Alcohol Restriction Area	2
5.12	Requirement to comply with the reasonable direction of an authorised officer or the requirements set out in a sign in a Municipal Place or on Council Land	2
<b>Part 6 - Land Use and Amenity</b>		
6.1(a) and (b)	Requirement with regard to the positioning and visibility of the property number	1
6.2	Requirement to ensure that land is kept in a manner that it is not unsightly	4
6.3(a)	Requirement on an owner to not allow any vacant land to become unsafe	5
6.3(b)	Requirement on an owner of a building to not allow that building to become Dilapidated or unsafe	5
6.4	Requirement that the owner or occupier ensure that any drain or stormwater retention system is maintained and fit for purpose	4
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Clause	General Description	Infringement Penalty Unit
6.5(a) and (b)	Requirement that any owner or occupier ensure that any vegetation or structure does not obstructs the view of a motor vehicle, sign or signal on a Road of any person using that Road	2
6.6(a) and (b) and b)	Requirement on an owner or occupier to ensure that vegetation does not encroach upon or obstruct any Road, Footpath or Nature Strip	2
0	Requirement that the Owner or Occupier of land in a Residential Area must hold a permit to store or place a shipping container	5
6.8	Requirement to hold a permit to park, keep, store or allow to remain a Heavy Vehicle on any Land within a Residential Area	4
6.9	Requirement with regard to the audibility of audible alarms in a Residential and Commercial Areas	2
6.10(a)	Requirement that a person in certain circumstances must hold a permit camp on private land	2
6.10(b)	Requirement that the Owner or Occupier of Land in certain circumstances must hold a permit to allow camping on private land	4
6.11(a), (b) and (c)	Requirement that a person in certain circumstances must hold a permit to use allow the use of a recreational vehicle on private land	3
	<b>Part 7 - Waste Management</b>	
7.1(a) to 7.1(g)	Requirements on the owner of land to ensure that septic tanks are maintained in specific ways	4
7.2	Requirement that a person hold a permit to irrigate land with untreated grey water	4
7.3	Requirement that the owner and occupier of a commercial business in a commercial area provide and maintain suitable and sufficient containers for the storage of waste	2
7.4(a), (b) and (c)	Requirements on the owner and occupier of any land with regard to the type, number, placement and removal of refuse and recycling bins	2
7.5(a) and (b)	Requirements on a person with regard to the placement of hard waste for hard waste collection	2
7.6(a)	Requirements on a person not to remove, damage or interfere with any hard waste placed out for collection	2

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Clause	General Description	Infringement Penalty Unit
7.6(b)	Requirement not to place additional material in a bin or a hard waste collection placed out by another person	2
7.7(a) and (b)	Requirement that the owner or occupier ensure that their bins and their bin storage area are kept in a clean, inoffensive and sanitary condition.	2
7.7(c)	Requirement that the owner or occupier ensure that any bin is covered by a lid at all times.	2
7.8	Requirement that a person does not deposit any residential, green, trade or commercial waste into a street or park bin.	2
	<b>Part 8 - Animals</b>	
8.1(a)	Requirement that the owner or occupier hold a permit to keep specific types and numbers of animals.	4
8.3(a) and (b)	Requirement that the owner and occupier of any land do not allow any animal or the keeping of that animal to cause a nuisance	2
8.4(a) to (h)	Requirement on the owner or occupier of any premises to keep their animals and maintain their land to specific standards	2
8.5(a) and (b)	Requirements on the owner and occupier of premises as to where animal enclosures must be sited and what standards they must meet	2
8.6(a), (b) and (c)	Requirements as to where a person can construct a stable	4
8.7(a) and (b)	Requirement on the person in control of a dog to not allow any excrement of the dog to remain on and Road, Council Land or Public Place and to carry a suitable litter device at all times.	2
8.8(a)	Requirement that the owner and occupier premises on which livestock are kept is adequately fenced	4
8.8(b)	Requirement that a person must not allow livestock to wander or roam on any Road or Council Land	3
8.8(c) and (d)	Requirement that a person must not without a permit graze or move livestock on a Road	4
8.8(f)	Requirement that livestock are moved directly across the road.	2
	<b>Part 9 - Fires and Fire Hazards</b>	

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Clause	General Description	Infringement Penalty Unit
9.1	Requirement that a person not light a fire or allow a fire to remain alight unless a permit is obtained.	4
9.1(a) to (c)	Requirement that a person not light or allow to remain alight specific types of refuse	5
9.1(b)3	Requirement that a person who has lit, or allow to remain alight a fire must extinguish it if directed to do so by an Authorised officer	4

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