

# COMMUNITY LOCAL LAW NO. 1 OF 2022

NOTE: THIS LOCAL LAW NEEDS TO BE READ IN CONJUNCTION WITH ANY OTHER RELEVANT PROVISIONS IN COUNCIL'S POLICIES OR WITH ANY OTHER DOCUMENTS THAT THE LOCAL LAW INCORPORATES FOR APPLICATION.

**SOUTHERN GRAMPIANS SHIRE COUNCIL  
COMMUNITY LOCAL LAW No 1 of 2022  
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## **PART ONE - PRELIMINARY PROVISIONS**

This is the Southern Grampians Shire ***Council Community Local Law No. 1 of 2021.***

### **1. Objectives**

The objectives of this Local Law are to provide for the peace, order and good governance of the Southern Grampians Shire by:

- (1) Regulating and controlling uses and activities on Council land and roads so that Council is aware of uses or activities which may:
  - (a) be detrimental to the amenity of the area or the enjoyment of facilities on land and roads;
  - (b) cause damage to Council and community assets;
  - (c) create a danger or expose others to risk;
  - (d) interfere with the safety and convenience of people travelling on or using Council land or roads; and/or
  - (e) impede free and safe access and movement for people, in particular those with sight and movement impairment or disabilities.
- (2) Managing, regulating and controlling activities and uses on any land:
  - (a) which may be dangerous, cause a nuisance or be detrimental to the amenity of the area or the environment;
  - (b) in a way that is directed at maintaining a healthy and safe environment for residents and visitors;
  - (c) in a way that promotes community expectations and demands about their desired lifestyle and the availability of goods and services provided to them;
- (3) Identifying activities and uses that are not permitted to achieve the purposes in subclauses (1) and (2).
- (4) Providing for the administration of Council's powers and functions.

### **2. Authorising Provision**

This Local Law is made under Section 71 of the ***Local Government Act 2020.***

### **3. Commencement, Cessation and Application of Local Law**

This Local Law:

- (1) commences on TBA, unless specified otherwise;
- (2) unless sooner revoked, this Local Law ceases to operate on the day that is 10 years after its commencement; and

(3) operates throughout the municipal district.

#### **4. Repeal of other Local Laws**

On the commencement of this Local Law, **Southern Grampians Shire Council Community Local Law No.1 of 2015** is revoked and ceases operation, save that any notice or consent given or any business matter or thing commenced, made or done under the revoked Local Law is not affected.

#### **5. Other Legislation**

Anything allowed under any Act, Regulation or Planning Scheme is not affected by any prohibition, requirement or restriction under this Local Law.

This Local Law was prepared following due consideration of the **Charter of Human Rights and Responsibilities Act 2006**.

#### **6. Definitions of Words used in this Local Law**

The following words have the meaning given to them unless stated otherwise. Any word defined by the **Local Government Act 2020** has the same meaning in this Local Law except as otherwise defined here.

<b>Act</b>	means the <b>Local Government Act 2020</b> .
<b>Abandoned Vehicle</b>	means a vehicle left on Council land or road where the registered owner cannot be ascertained by an Authorised Officer and which has been abandoned.
<b>Advertising Sign</b>	means any board, notice, structure, banner or other similar device used for the purpose of soliciting sales or notifying people of the presence of an adjacent property where goods or services may be obtained.
<b>Alcohol</b>	means a beverage, or other prescribed substance, intended for human consumption with an alcohol content greater than 0.5 per cent by volume at a temperature of 20 degrees Celsius.
<b>Animal</b>	means any vertebrate except a human.
<b>Applicant</b>	means a person who applies for a permit under this Local Law.
<b>Appropriate fee</b>	means the applicable fee determined by Council from time to time in accordance with this Local Law.
<b>Assistance animal</b>	has the same meaning as in the <b>Disability Discrimination Act 1992</b> .
<b>Authorised Officer</b>	means an Officer appointed under section 224 of the <b>Local Government Act 1989</b> .

<b>Built up area</b>	means an area in which there is urban development or in which street lighting is provided.
<b>Builder</b>	means: <ul style="list-style-type: none"><li>(a) a building practitioner under the <b><i>Building Act 1993</i></b>;</li><li>(b) a builder under the <b><i>Domestic Building Contracts Act 1995</i></b>; and</li><li>(c) an owner of a building site.</li></ul>
<b>Builders' refuse</b>	includes any solid or liquid domestic or commercial waste, debris or rubbish and, without limiting the generality of the above, includes any glass, metal, plastic, paper, fabric, wood, food, food wrappers and containers, vegetation, soil, sand, concrete, rocks and any other waste material, substance or thing generated by or in connection with building work.
<b>Building site</b>	means any land on which building work is being undertaken.
<b>Building site container</b>	means a suitable container for the disposal of builders' refuse that is not less than 1.5 cubic metres in volume that has a lid attached to it that is intended to prevent debris and other waste deposited in it from leaving the site and becoming windblown refuse.
<b>Building work</b>	has the same meaning as: <ul style="list-style-type: none"><li>(a) in the <b><i>Building Act 1993</i></b>; and</li><li>(a) domestic building work in the <b><i>Domestic Building Contracts Act 1995</i></b>.</li></ul>
<b>Bulk rubbish container</b>	means any rubbish container used on private land but does not include containers used in connection with Council's regular domestic rubbish collection.
<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 appropriate theatrical and visual forms.
<b>Caged Birds</b>	means birds ordinarily kept in a cage, aviary or otherwise restricted in their ability to fly away.
<b>Camping</b>	means the occupation or use of a sleeping bag, swag, tent, makeshift structure, caravan, campervan, mobile home or any other vehicle (including under the vehicle) for sleeping for all or part of a night or as temporary accommodation but excludes brief 'power napping' in a vehicle beside a highway for one hour or less.

<b>Chief Executive Officer</b>	means the person appointed as the Chief Executive Officer of Council and any person acting in that position from time to time.
<b>Council</b>	means the Southern Grampians Shire Council.
<b>Council Building</b>	means any structure or building (and its grounds) owned, occupied, controlled or managed by Council, which has some or all areas designated for public or community access but may also have some or all areas designated for employee or staff only access.
<b>Council Land</b>	means any land owned by, vested in or under the control of Council including roads, reserves, parking areas, watercourses, and reservations together with any improvements erected thereon.
<b>Dilapidated</b>	means fallen into a state of disrepair, decayed, deteriorated, destroyed by fire, broken down or a partial ruin through neglect, misuse or otherwise.
<b>Domestic pets</b>	means dogs and cats.
<b>Driving</b>	means the practise of moving stock over a short distance (for example, from farm to farm).
<b>Droving</b>	means the practise of walking livestock over a long distance for the purpose of feeding stock along roadsides (for example, for drought relief).
<b>Fire Danger Period</b>	has the same meaning as in the <b><i>Country Fire Authority Act 1958</i></b> in respect of the land within the municipal district and any part thereof.
<b>Firewood</b>	means fallen trees, logs, branches, understorey and stumps used for burning.
<b>Fireworks</b>	means a device in which combustible materials are lighted and produce coloured flames, sparks, noise and smoke, including pyrotechnics.
<b>Hazardous pests</b>	means nesting and/or swarming animals which potentially pose a risk to the general public as they may be poisonous or capable of delivering stings and include, but are not limited to, fire ants, English and European wasps, feral and/or swarming bees, but does not include honey bees within an apiary and animals kept as pets.
<b>Heavy vehicle</b>	has the same meaning as in the <b><i>Road Safety Act 1986</i></b> .
<b>Hen Fowls</b>	means hens intended for laying.
<b>Incinerator</b>	means a structure or device that is not enclosed in a building which is used or is intended, adapted or designed to be used



or capable of being used for the purpose of burning any matter, material or substance not licensed or otherwise subject to control under the provisions of any other Act and not a barbeque.

<b>Lake Hamilton Reserve</b>	means the area outlined in red in the map in Schedule 1.
<b>Litter</b>	has the same meaning as in the <b><i>Environment Protection Act 2017</i></b> .
<b>Livestock</b>	includes horse, cow, bull, sheep, pig, poultry and any other animal or bird raised for a domestic, commercial or farming purpose, other than domestic pets.
<b>Local Law</b>	means this Local Law.
<b>Local Road</b>	means a road which Council has the care and management of under the <b><i>Road Management Act 2004</i></b> or any other Act.
<b>Long vehicle</b>	has the same meaning as in the <b><i>Road Safety Act 1986</i></b> .
<b>Municipal district</b>	means the municipal district of Council.
<b>Nature Strip</b>	means the section of the road under Council control located between the property boundary and the thoroughfare, but not including the footpath or kerb and channel.
<b>Nightsoil</b>	means untreated human excrement from septic tank waste systems (for example, long drops).
<b>Notice to Comply</b>	means a notice issued under clause 21 of this Local Law.
<b>Noxious weed</b>	has the same meaning as in the <b><i>Catchment and Land Protection Act 1994</i></b> .
<b>Nuisance Animal</b>	means an animal engaged in any activity, behaviour or condition which is liable to be dangerous to health, offensive or injurious to personal comfort.
<b>Penalty unit</b>	has the same meaning as in section 110(1) of the <b><i>Sentencing Act 1991</i></b> .
<b>Permit</b>	means a permit issued under this Local Law.
<b>Person</b>	includes the owner or occupier or the person in charge of any property and includes a corporation.
<b>Planning Scheme</b>	means the Southern Grampians Planning Scheme.
<b>Policies Manual</b>	means the policies contained in the policies manual adopted by Council from time to time and used in conjunction with this Local Law.

<b>Poultry</b>	means any domestic fowl, gallinaceous bird and bird kept for food or eggs but does not include roosters.
<b>Public place</b>	includes: <ul style="list-style-type: none"><li>(a) any public highway, road, bridge, footpath, alley, passage, car park or thoroughfare open to and used by the public notwithstanding that it may be formed on private property;</li><li>(b) any park, garden, reserve or other place of public recreation;</li><li>(c) any part of the Lake Hamilton reserve; and</li><li>(d) any public toilets or public shelters.</li></ul>
<b>Recreation vehicle</b>	means and includes any vehicle which may be propelled or operated by internal combustion, electricity or any other external power and which is normally used for recreational purposes but does not include a pedal powered vehicle or motorised wheelchair.
<b>Road</b>	has the same meaning as in the <b><i>Local Government Act 1989</i></b> .
<b>Roadside Management Plan</b>	means the Roadside Management Plan adopted by Council from time to time.
<b>Rural Area</b>	means land within a rural zone under the Planning Scheme.
<b>Scare gun or noise emitting device</b>	means a device for producing a loud explosive sound for the purpose of scaring away birds from crops and orchards.
<b>Service Authority</b>	means any company or public body responsible for the maintenance of telecommunications, gas, electricity, water, sewerage or drainage facilities in or on a road.
<b>Shopping Trolley</b>	means a wheeled container or receptacle supplied by a retailer for enabling customers to transport goods.
<b>Statutory Authority</b>	means: <ul style="list-style-type: none"><li>(a) a Government Department; and</li><li>(b) a body established by an Act of the Parliament of Victoria, any other State or Territory of the Commonwealth, or the Commonwealth.</li></ul>
<b>Street Festival</b>	means an organised recreational, cultural, commercial or social gathering of people which is held on a road.
<b>Street Party</b>	means an organised social gathering of people that is held on a road.

<b>Township Area</b>	means land within a township, public use, business, residential, low density residential, special use, industrial or rural living zone under the Planning Scheme.
<b>Vehicle</b>	has the same meaning as in the <b>Road Safety Act 1986</b> .
<b>Vehicle crossing</b>	means the constructed surface between the road pavement and the property boundary for vehicle access to the property, including any footpath section, crossing culverts, kerb and channel or layback.
<b>Wheeled recreation device</b>	has the same meaning as in the <b>Road Safety Road Rules 2009</b> .
<b>Working day</b>	means a day other than a Saturday, Sunday or public holiday in Victoria.

## **PART TWO – ADMINISTRATION AND ENFORCEMENT**

### **DIVISION 1 - PERMITS, FEES AND DELEGATIONS**

#### **7. Applying for a Permit**

- (1) A person who wishes to apply for a permit may do so by:
  - (a) lodging with Council an application in the relevant form; and
  - (b) paying to Council the appropriate application fee.
- (2) Council may require an applicant to provide additional information before dealing with an application for a permit or for exemption.
- (3) Council may require notice of an application to be given in a specified form before a permit is issued which may provide an opportunity for any person to make a submission and to be heard on the application.
- (4) In deciding whether to grant a permit Council may take into consideration whether the proposed activity or use will:
  - (a) conform with any related policies of Council;
  - (b) cause a danger or hazard to pedestrians or vehicles;
  - (c) disturb, annoy or disrupt adjacent property owners or occupiers;
  - (d) be detrimental to the amenity of the area;
  - (e) destroy native vegetation on Council land or roads;
  - (f) damage native vegetation or wildlife habitat;
  - (g) impact Council's legislative and offset obligations;

- (h) cause damage to Council assets;
- (i) require the consent of, or should be referred to, any other public authority or individual;
- (j) require additional arrangements to be made for waste water disposal, litter and garbage disposal, lighting and security;
- (k) obstruct a footpath so that it will not be possible to maintain a clear walkway at all times;
- (l) necessitate the applicant to have insurance against any risk;
- (m) necessitate a written indemnification of Council against liability arising from activities authorised by the permit; and
- (n) any other matters relevant to the circumstances of the application.

#### **8. Issue of Permits**

Council may:

- (1) issue a permit with or without conditions; or
- (2) refuse to issue a permit.

#### **9. Duration of permits**

- (1) A permit is in force until the expiry date indicated on the permit, unless it is cancelled before the expiry date.
- (2) If no expiry date is indicated on the permit, the permit expires twelve months after the date on which it is issued.
- (3) Before the permit expires, a person may request Council to extend the permit for a further period of time, not exceeding 12 months.

#### **10. Conditional permits**

- (1) A conditional permit is subject to conditions which Council considers to be appropriate in the circumstances including:
  - (a) the payment of a fee or charge;
  - (b) the payment of a security deposit, bond or guarantee to Council to secure the proper performance of conditions on a permit or to rectify any damage caused to Council assets as a result of the use or activity allowed by the permit;
  - (c) a time limit to be applied either specifying the duration, commencement or completion date;
  - (d) that the applicant be insured and/or provide a written indemnification of Council against liability arising from the activity or use;

- (e) the rectification, remedying or restoration of a situation or circumstance;
  - (f) where the applicant is not the owner of the subject property, that the consent of the owner is obtained;
  - (g) the granting of some other permit or authorisation; and
  - (h) such other matters relevant to the permit.
- (2) The conditions of a permit must be set out in the permit.
- (3) Council may, during the currency of a permit, alter the conditions of a permit if it considers it to be appropriate to do so, after providing the permit holder with an opportunity to make comment on the proposed alteration.

#### **11. Cancellation of Permit**

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

#### **12. Correction of Permits**

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

**13. Transfer of Permit**

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

**Penalty: 1 Penalty Units**

**14. Council exempt from obtaining permits**

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

**15. Fees**

- (1) Council may, from time to time by resolution, determine fees, charges, guarantees or bonds that are applied for the purposes of this Local Law.
- (2) In determining any fees and charges, Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge.
- (3) Council may waive, reduce or alter any specific fee, charge, and bond or guarantee with or without conditions.

**16. Registers**

- (1) Council must maintain a record of permits, including details of corrections and cancellations.
- (2) Council must maintain a register of determinations made and of guidelines or procedures prepared for the purposes of this Local Law.
- (3) Council must ensure that the registers are available for public inspection at the office of Council during normal business hours and otherwise in accordance with its Public Transparency Policy.

**17. Exemptions**

- (1) Council may by written notice exempt any person or class of persons from the requirement to have a permit, either generally or at specified times.
- (2) An exemption may be granted subject to conditions.
- (3) A person must comply with the conditions of an exemption.
- (4) An exemption may be cancelled or corrected as if it were a permit.

**18. Misleading Conduct**

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

**Penalty: 2.5 Penalty Units**

**Note: All Permits are issued having regard to the Policies Manual.**

## DIVISION 2 - ENFORCEMENT

### 19. ***Compliance with Directions***

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

***Penalty: 1 Penalty Units***

### 20. ***Warning to Offenders***

Where there is a breach of this Local Law an Authorised Officer may request the person breaching the Local Law to stop or remedy the breach.

### 21. ***Authorised Officers may issue a Notice to Comply***

- (1) Where a breach of this Local Law has occurred, the Authorised Officer may by serving a Notice to Comply direct any person to remedy any situation which constitutes a breach of this Local Law or do anything required to be done under this Local Law.
- (2) If a Notice to Comply is issued to a permit holder who is not the owner of the land and the owner's consent was required to be given to the application for the permit, the owner must be provided with a copy of the Notice to Comply.

### 22. ***Time to Comply***

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

### 23. ***Failure to adhere to a Notice to Comply***

- (1) Any person who fails to remedy a breach or complete any act within the time required by a Notice to Comply is guilty of an offence.
- (2) If anything required to be done by a Notice to Comply is not done within the time provided, Council may itself or have another person complete the

required work in accordance with section 117 of the Act and recover the costs from the person who failed to comply.

**Penalty: 2 Penalty Units**

**24. Power of Authorised Officers to Act in Urgent Circumstances**

In urgent circumstances an Authorised Officer may take action to remove, remedy or rectify a situation without first serving a Notice to Comply if:

- (1) the circumstances are or the situation is sufficiently urgent and 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;
- (2) details of the circumstances and remedying action are provided as soon as possible to the person on whose behalf the action was taken; and
- (3) the action taken does not extend beyond what is necessary to cause the immediate abatement of or to minimise the risk or danger involved.

**25. Power of Authorised Officers to Impound**

- (1) Where any items, goods or equipment are used in contravention of this Local Law, an Authorised Officer may remove and impound them.
- (2) Where any items, goods or equipment are impounded under this provision, an Authorised Officer must as soon as possible and where practicable serve a Notice of Impounding on the owner or the person responsible for the item setting out the fees and charges payable and the time by which the items, goods or equipment must be retrieved.
- (3) Where the identity or whereabouts of the owner or the person responsible for the impounded item is unknown, the Authorised Officer must take reasonable steps to establish the identity or whereabouts of the person and, if the person still cannot be found, may dispose of the impounded items, goods or equipment in the following way:
  - (a) where the items, goods or equipment are declared by the Chief Executive Officer or their nominee to have no saleable value, they may be disposed of in the most economical way determined by that officer; or
  - (b) where the items, goods or equipment are declared by the Chief Executive Officer or their nominee to have some saleable value, they may be disposed of by tender, public auction or private sale but may be given away or disposed of if the sale is unsuccessful.
- (4) Any proceeds from the disposal of an impounded item will be paid to the owner or the person who appears to be authorised to receive the money, except for the reasonable costs incurred by Council in the administration of this Local Law.
- (5) If the person described in subclause (4) cannot be identified or located within 12 months of serving the Notice of Impounding, any proceeds of sale



cease to be payable to that person and must be dealt with as unclaimed money in accordance with the ***Unclaimed Money Act 2008***.

- (6) If an Authorised Officer has impounded anything in accordance with this Local Law, Council may refuse to release it until the appropriate fee or charge for its release has been paid to Council.

## **26. *Infringement Notices and Penalties***

- (1) As an alternative to prosecution for an offence, an Authorised Officer may issue an Infringement Notice containing the information required by the ***Infringements Act 2006***.
- (2) The infringement penalty for an offence against this Local Law is the infringement penalty specified in Schedule 3.
- (3) If no infringement penalty is specified in Schedule 3 the infringement penalty will be 2 penalty units.

## **27. *Offences***

- (1) A person is guilty of an offence if the person:
- (a) does something which a provision of this Local Law prohibits or makes an offence;
  - (b) fails to do something which a provision of this Local Law requires to be done;
  - (c) engages in an activity without a permit where a provision of this Local Law requires a permit to be obtained;
  - (d) breaches or fails to comply with a condition of a permit or exemption issued under this Local Law;
  - (e) fails to comply with a Notice to Comply issued under this Local Law;
  - (f) fails to comply with a direction of an Authorised Officer; or
  - (g) fails to comply with a sign erected by Council.
- (2) If no penalty is specified for an offence against this Local Law, the penalty will be 10 penalty units.

# **PART THREE – ANIMALS AND LIVESTOCK**

## **28. *Keeping Excess Animals***

- (1) A person must not, without a permit, keep more animals, or types of animals, than that prescribed in the following provisions where the land is less than 0.2 hectares and located in the township area and where:

- (a) a rooster is to be kept for breeding purposes, except if it is kept for no longer than two (2) weeks in any calendar year;
  - (b) a horse is to be kept on the land; or
  - (c) the number of each category of animal exceeds the following or where there are more than four (4) types of animals in total:
    - (i) 2 dogs;
    - (ii) 2 cats;
    - (iii) 12 poultry;
    - (iv) 100 domestic birds;
    - (v) 2 goats;
    - (vi) 3 sheep;
    - (vii) 2 cockatoos;
    - (viii) 6 Guinea Pigs;
    - (ix) 4 Domestic Rabbits; and
    - (x) 4 Ferrets.
- (2) The requirement to obtain a permit under this provision does not apply where a planning permit has been obtained for animal boarding or breeding on the land.
- (3) An owner or occupier of any land on which an animal or animals are kept must ensure that:
- (a) the land is maintained in a sanitary and inoffensive condition;
  - (b) keeping the animals does not attract, breed or harbour pests;
  - (c) the shelter or housing for the animals is adequate having regard to the type and number of animals being kept; and
  - (d) the animals do not cause a nuisance, whether because of noise or otherwise.
- (4) In determining whether to grant a permit for the keeping of animals under this clause 28, Council must take into account:
- (a) the zoning of the land;
  - (b) the proximity of the animals to adjoining properties;
  - (c) the amenity of the area;
  - (d) the type and additional number of animals to be kept;

- (e) the likely effect on adjoining owners and whether they have been notified in writing and have commented or objected;
- (f) the likely effect on the amenity of the locality;
- (g) the adequacy of animal shelters; and
- (h) any other matter relevant to the circumstances of the application.

**Penalty: 1 Penalty Units**

**29. Animals in a Public Place**

A person must not, without a permit or contrary to the conditions of such permit, keep any livestock, small bird, large bird, poultry, rodent or reptile or any other animal in or on any public place, Council land or land managed by Council.

**Penalty: 1 Penalty Units**

**30. Prohibition on Certain Animals**

A person must not keep cattle, pigs or donkeys on land less than 0.2 hectares in size.

**Penalty: 1 Penalty Units**

**31. Control of Cats**

The owner of any cat must confine the cat to the owner's property either within the dwelling or within another escape-proof structure between the hours of sunset and sunrise.

**Penalty: 1 Penalty Units**

**32. Nuisance animals**

- (1) The owner or occupier of a property on which any livestock, small bird, large bird, rodent or reptile or any other animal is kept must not allow any noise or smell to emanate from the property so as to interfere with the reasonable comfort or convenience of persons who occupy any adjacent property or other property located within 100m of the property of that owner or occupier.
- (2) Nothing in subclause (1) applies in respect of any noise emanating from a domestic pet.

**Penalty: 1 Penalty Units**

**Note: Noise from dogs and cats is regulated by section 32 of the Domestic Animals Act 1994.**

**33. Nuisance Caused by Feeding Animals**

- (1) If the feeding of an uncaged bird and/or any animal by a person is causing a nuisance, damage to property, or contributing to health issues an Authorised Officer may direct the person to cease feeding the bird and/or animal.

- (2) Any person who is given a direction under this clause must comply with that direction.

**Penalty: 1 Penalty Units**

**34. Adequate Fencing for Animals**

- (1) The owner or occupier of a property on which any livestock, small bird, large bird, rodent or reptile or any other animal is kept must ensure that the property is adequately secured to prevent the animal from escaping that property.
- (2) If the fencing on the land where an animal is kept or is grazing is not adequate for the type of animal, or the fences are in a condition that would not prevent the animal from escaping onto a road or adjoining property, an Authorised Officer may serve a Notice to Comply on the owner or occupier of the land requiring an appropriate fence to be erected or a fence to be repaired or modified.

**Penalty: 2.5 Penalty Units**

**35. Shelters for Animals**

- (1) The owner or occupier of a property must ensure that any structure on that property used for housing any livestock, small bird, large bird, rodent or reptile or any other animal is for the purpose, having regard to:
  - (a) the type of animals being kept;
  - (b) the height of the shelter;
  - (c) the location of the shelter in relation to neighbouring properties;
  - (d) the size of the shelter in relation to the animals to be housed in it;
  - (e) the security of the shelter in relation to the animals to be housed in it; and
  - (f) any other matter or issue pertaining to the shelter considered to be relevant.
- (2) The owner or occupier of a property must ensure that any structure on that property used for housing any livestock, small bird, large bird, rodent or reptile or any other animal and the area within three (3) metres of such structure is maintained:
  - (a) in a clean, inoffensive and sanitary condition; and
  - (b) so, it does not cause any nuisance.
- (3) All animal shelters must be maintained so that:
  - (a) manure and other waste do not remain on the land;
  - (b) food is kept in fly- and vermin-proof containers;

- (c) adequate drainage of the land is provided;
- (d) grass, weeds, refuse, rubbish and other material does not build up within three metres of the animal shelter; and
- (e) the animal shelter and the land are kept in a clean and sanitary condition.

**Penalty: 1 Penalty Units**

**36. Requirement to remove animal excrement**

- (1) A person who owns or is in charge of an animal must not allow any part of the animal's excrement to remain on any:
  - (a) road or Council land in a built-up area;
  - (b) or in any park, garden reserve or other place of public recreation or resort.
- (2) A person who owns or is in charge of an animal must carry a bag, container or device to remove the animal's excrement and properly dispose of it.

**Penalty: 1 Penalty Unit**

**37. Horses on Reserves**

A person in charge of a horse must not ride or lead a horse on land in any area if Council has designated that area as an area in which riding or leading a horse is not permitted.

**Penalty: 1 Penalty Units**

**38. Dogs in Livestock Exchange**

An owner or person in charge of a working dog must ensure that the dog is muzzled when working in the Hamilton Regional Livestock Exchange.

**Penalty: 1 Penalty Units**

**39. Keeping of Bees**

- (1) A person must not, without a permit, keep or allow to be kept any beehive on any land within a township area or on land zoned residential 1, low density residential or township under the Planning Scheme.
- (2) This clause does not apply where a planning permit has been obtained for the purposes of keeping bees for commercial purposes.
- (3) In deciding whether to grant a permit to keep bees in a township area Council will take into consideration:
  - (a) whether the applicant is a registered bee keeper and keeps the hive in accordance with the Apiary Code of Practice;

- (b) whether or not the location is a public place;
- (c) the location and distance of the hives from the boundaries of the land;
- (d) the numbers and type of boxes to be kept on the land;
- (e) the likely nuisance or danger to any person;
- (f) the availability and location of the hives to a permanent supply of water;
- (g) the ability to protect surrounding premises by a screen that is impenetrable to bees and which forms a continuous barrier around the hives;
- (h) whether the hives will comply with any requirements of the Department of Environment, Land, Water and Planning;
- (i) the health or wellbeing of any person; and
- (j) any other matter relevant to the circumstances associated with the application.

**Penalty: 1 Penalty Units**

**40. Control of Wasps (Non-Native)**

- (1) The owner or occupier of a property must not allow or suffer English wasps or European wasps to nest on the property.
- (2) Upon becoming aware of the existence of an English or European wasp nest on property, the owner or occupier of that property must, within a reasonable time, take reasonable steps to cause the nest to be destroyed.

**Penalty: 1 Penalty Units**

**41. Driving Livestock within the Municipal District**

- (1) A person may drive livestock along any road in the municipal district for the purpose of moving the livestock from one farm or part of a farm to another provided that the following requirements to minimise the risk to road users are complied with:
  - (a) the livestock are moved between farming properties only between sunrise and sunset;
  - (b) the proposed route does not impede/impact on any areas identified by Council from time to time as medium, high or very high conservation significance;
  - (c) there is a person in charge of the livestock at all times who is competent in handling the livestock being moved and who supervises the livestock movement; and

- (d) adequate alerts of the movement of livestock are provided to motorists, including the presence of an amber flashing light and signs placed behind and ahead of the livestock while they are being moved, and remain in place until the livestock are confined on the destination property.
- (2) The signs placed ahead and behind of the livestock must comply with the requirements of the **Road Safety Road Rules 2009** and must be covered or removed at completion of the movement between farming properties.
- (3) The movement of livestock must only occur on roads permitted under the Roadside Management Plan (if applicable) and must comply with any requirements or additional restrictions in the Policies Manual.

**Penalty: 2.5 Penalty Units**

**42. Droving Livestock through the Municipal District**

- (1) A person must not, without a permit, drove livestock on a journey of more than 24 hours duration through the municipal district.
- (2) An application for a livestock droving permit must be made not less than 5 working days before it is proposed to drove the livestock.
- (3) A permit issued to drove livestock may contain conditions, including that the livestock:
  - (a) are driven only on roads specified in the permit and that any departure from the specified routes requires the prior written consent of Council;
  - (b) travel a minimum distance each day and that, if required, the person in charge of the livestock makes a declaration to the effect that the livestock are fit and healthy and able to travel the minimum distance specified;
  - (c) are moved only between the hours of sunrise and sunset;
  - (d) are adequately supervised at all times;
  - (e) are kept between signs indicating that livestock are on the road; and
  - (f) is watered in accordance with a watering plan developed by the applicant to the satisfaction of Council.
- (4) The signs placed ahead and behind of the livestock must comply with the requirements of the **Road Safety Road Rules 2009** and must be removed at completion of the movement of the livestock.
- (5) In addition to complying with any conditions of a permit, droving livestock in the municipal district must comply with any requirements in the Policies Manual.

- (6) A droving livestock permit expires as soon as the droving which it permits has been completed or on the expiry date specified on the permit, whichever is sooner.

**Penalty: 2.5 Penalty Units**

**43. Droving, Livestock Permits**

- (1) In determining whether to grant a permit to drive livestock, either within the municipal district or to a point beyond the municipal district, Council must take into account:
- (a) the number and type of livestock to be driven;
  - (b) whether the most direct or practical route from the point of departure to the destination is through or within the municipal district;
  - (c) whether appropriate reflective signs and/or flashing lights are necessary when livestock are camped overnight;
  - (d) whether requirements for appropriate reflective signs and/or flashing lights complying with any relevant legislation can be complied with;
  - (e) whether the livestock are capable of travelling the specified distance each day;
  - (f) whether it is necessary to have the health and fitness of the livestock certified by a stock inspector or veterinarian; and
  - (g) the conservation value of the roadside vegetation on the specified route.

**44. Roadside Grazing**

- (1) A person must not, without a permit, graze livestock on the roadside.
- (2) Roadside grazing should not have:
- (a) any impact on reasonably expected traffic using the road for either through passage or access to adjoining properties; or
  - (b) any negative impact on road user's safety, including cyclists and pedestrians.
- (3) Roadside grazing will not be permitted:
- (a) on areas identified by Council from time to time as medium, high or very high conservation significance, unless the grazing is part of an approved Vegetation Management Plan approved by the Department of Environment, Land, Water and Planning Regional Biodiversity staff; or



- (b) if any Victorian advisory list flora or fauna are known or strongly suspected to occur on the affected roadside, unless Council determines that grazing is unlikely to negatively impact on the relevant flora and/or fauna.
- (4) Roadside grazing will only be permitted:
- (a) on the roadside adjoining the applicant's property, unless part of a fuel management request from the Country Fire Authority and then agreed to by other adjoining landholders upon Council referral (if any);
  - (b) under conditions including, but not limited to, the following:
    - (i) the applicant provides a stock health declaration for any stock to be grazed (to be renewed every 3 months);
    - (ii) maximum and minimum rates and periods of stocking can be specified;
    - (iii) no reasonable public access to waterways, roadside water bodies or other public land is impacted;
    - (iv) grazing and access may only occur in areas, and at times, where the risk of erosion or significant soil disturbance is minimal and, in general, on-going access will not be permitted to roadside drainage infrastructure due to the risk of damage and the high cost of maintenance of these assets;
    - (v) grazing permission may be temporarily or permanently rescinded at 48 hours' notice giving reasons;
    - (vi) grazing permission may be subject to immediate cancellation for non-compliance with the permit conditions; and
    - (vii) grazing permission, unless otherwise specified in the permit, does not permit:
      - (A) vehicle access other than at existing legal access points across a road reserve;
      - (B) the removal of rock, stone, soil, timber or vegetation (other than through grazing); and
      - (C) land surface modifications or any alteration to local water flows.
- (5) In considering an application for roadside grazing, Council will consider potential impacts on neighbouring properties, especially the proximity of dwellings, domestic animal locations, dams and stock handling facilities.

**Penalty: 2.5 Penalty Units**

**45. Removal of mud and animal excrement**

Notwithstanding any other provision in this Local Law an owner of any vehicle/ plant or livestock must ensure that there is no accumulation of mud or animal excrement on any road, road reserve or roadside which is likely to or may cause injury to any person using the road, road reserve or roadside and must forthwith remove that accumulation from the road, road reserve or roadside.

**Penalty: 1 Penalty Units**

## **PART FOUR – CAMPING**

**46. Camping on Council Land or in Public Places**

- (1) A person must not, without a permit:
  - (a) occupy or use any Council land or public place for camping; or
  - (b) keep, erect or place any tent, caravan or annexe on any Council land or in a public place.
- (2) Subclause (1) does not apply to:
  - (a) land where camping is authorised under the ***Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020***; or
  - (b) camping for less than twenty-four hours in an area where Council has determined that overnight camping is permitted.
- (3) In determining whether to grant a permit to allow camping on Council land or in a public place that is not a licensed caravan park and has not been designated by Council as a camping area, Council must take into account:
  - (a) the location of the land;
  - (b) the zoning of the land;
  - (c) the suitability of the land for camping;
  - (d) the number of tents or other structures to be located on the land;
  - (e) the length of time the tents and other structures will be erected on the land;
  - (f) the availability of sanitary facilities to the land;
  - (g) the likely damage to be caused to the land; and
  - (h) any other matter relevant to the circumstances of the application.

**Penalty: 5 Penalty Units**

**47. Camping on Privately Owned Land**

- (1) The owner or occupier of land must not, without a permit, allow camping for non-commercial purposes for more than 14 consecutive days on that land.
- (2) The owner or occupier of land which is vacant or which contains a dwelling must not, without a permit, occupy or allow any other person to occupy any caravan, tent, tiny house/movable dwelling or motor home on that land unless the following conditions are met:
  - (a) the occupation does not exceed a cumulative total of 60 days in any calendar year;
  - (b) no rent, licence fee or charge is paid by any person in respect of the occupation;
  - (c) occupation of the caravan, tent, tiny house/movable dwelling or motor home is not offensive and does not cause a nuisance for any reason, including but not limited to noise, effluent or waste;
  - (d) the caravan, tent, tiny house/movable dwelling or motor home is not located within:
    - (i) 6 metres of the frontage of the land;
    - (ii) 1.2 metres of any boundary of the land; or
    - (iii) 30 metres of a watercourse;
  - (e) the caravan, tent, tiny house/movable dwelling or motor home is vacated on declared days of total fire ban;
  - (f) the land is not situated within a residential zone identified in the Planning Scheme;
  - (g) if a dwelling is located on the land, the sanitary facilities provided in it are maintained to a reasonable standard and are made available without charge to the occupant(s) of the caravan, tent, tiny house/movable dwelling or motor home; and
  - (h) if the land is vacant, the caravan, tent, tiny house/movable dwelling or motor home has adequate sanitary facilities and the sanitation facilities are maintained to a reasonable standard.

**Penalty: 5 Penalty Units**

## **PART FIVE – BUILDING SITES**

**48. Asset Protection**

- (1) Prior to the commencement of any building work (including work that does not require a building permit) an owner, builder or appointed agent must give written notice to Council about the existing condition of, and what, if any, damage already exists to, any Council assets or infrastructure which:

- (a) is on or adjacent to the land to which the building permit relates or on which the building work is to be undertaken; or
  - (b) may be affected by the building work.
- (2) If the owner, builder or appointed agent does not give notice to Council in accordance with subclause (1) it is deemed that there was no existing damage to any Council assets and infrastructure on or adjacent to the land to which the building permit relates or on which the building work is to be undertaken.
- (3) As soon as is reasonably practicable after receiving notice of the completion of the building work, Council must cause an inspection to be carried out of the Council assets and infrastructure to assess whether any damage has been caused as a result of the building work.
- (4) If the inspection reveals that the building work has caused damage to Council assets and infrastructure, an Authorised Officer may give notice to the owner, builder or appointed agent requiring that person to repair or cause to be repaired the damaged Council assets or infrastructure described in the notice within 28 days of the notice being given.
- (5) The owner, builder or appointed agent must:
  - (a) install a temporary vehicle crossing prior to the commencement of building work;
  - (b) maintain the temporary vehicle crossing until the completion of the building work; and
  - (c) ensure that all vehicle access to the building site occurs only over the temporary vehicle crossing.
- (6) The owner, builder or appointed agent must comply with any directions issued by an Authorised Officer in connection with the construction of the temporary vehicle crossing.
- (7) The owner of any vehicle which:
  - (a) accesses a building site; or
  - (b) accesses land adjacent to a building site; or
  - (c) accesses a building site via land adjacent to a building site,other than over a temporary vehicle crossing is guilty of an offence.

**Penalty: 2.5 Penalty Units**

**49. Fencing of Building Sites**

- (1) Prior to the commencement of any building work the owner, builder or appointed agent must ensure that a site fence is erected on each individual site that:

- (a) is not less than 1800mm in height;
- (b) will prevent windblown refuse and litter from being transported from the site; and
- (c) will not have more than one access opening to the site which is:
  - (i) not greater than 2800mm in width;
  - (ii) fitted with gates not less than 1800mm in height that will prevent windblown refuse and litter being transported from the site;
  - (iii) located to correspond with the location of the temporary vehicle crossing for the building site; and
  - (iv) kept closed at all times when works are not in progress.
- (2) The entire site fence is to be erected on the boundary of the site's property line and no part of it, including support feet, must protrude in or on any land other than the building site on which the building work is occurring.
- (3) If a builder has more than one adjoining site where building work is being undertaken simultaneously the site fence may enclose all of the sites under the builder's control.
- (4) Each section of the site fence is to be maintained as close as practicable to vertical at all times and must remain erected until the completion of the building work.

**Penalty: 4 Penalty Units**

**50. Inspection of Building Sites**

If, as a result of an inspection of a building or subdivision site, Council identifies any damage which appears to result from a failure to comply with this Local Law, an Authorised Officer may direct the responsible party in writing to repair the damage within a specified time.

**51. Stormwater Protection**

Where any building work is being carried out on any land, the owner, builder or appointed agent must ensure that the site is developed and managed to minimise the risk of stormwater pollution through the contamination of run-off by chemicals, sediments, animal waste or gross pollutants in accordance with industry best practice, including the adoption of measures to:

- (1) minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting roads or washed into the stormwater system; and
- (2) prevent building clean-up, wash-down or other wastes being discharged off-site or allowed to enter the stormwater system.

**Penalty: 4 Penalty Units**

**52. Controlling Refuse and Building Materials**

- (1) Prior to the commencement of and during any building work the owner, builder or appointed agent must:
- (a) provide a container on the building site for disposing builders' refuse that may be windblown which must:
    - (i) be maintained in working order by having a functioning lid that effectively contains all the builders' refuse on the building;
    - (ii) be not less than 1.5 cubic metres in volume; and
    - (iii) remain on the building site at all times;
  - (b) place the container on the building site and keep it in place until the building work is completed, except when it is necessary to remove it for the purpose of emptying it;
  - (c) not place the container on any Council land, road, street or nature strip unless approved by Council;
  - (d) empty the container immediately when full and provide a replacement if the container has to be removed from the building site during the emptying process;
  - (e) prevent mud and dirt being carried out by vehicles from the building site onto adjoining roads;
  - (f) be responsible for the tidiness of any abutting nature strip and ensure no builders' refuse, building materials, vehicles or items are placed on nature strips or other Council land, unless approved by Council;
  - (g) ensure that no builders' refuse, building materials, vehicles or items are placed on any adjoining property that is not under their ownership or control without the consent of the owner or occupier of that adjoining property;
  - (h) ensure that any footpath adjacent to the building site or which is likely to be affected by the building work is kept clear of mud and dirt at all times; and
  - (i) ensure that all polystyrene materials on the building site are secured at all times so that any surplus cannot leave the building site without human assistance.
- (2) Council may waive in writing the need to comply with any requirements in subclause (1) and the production of such waiver is a defence to a prosecution for an offence against this clause 52 if the waiver applies to the alleged offence.

**Penalty: 2.5 Penalty Units**

**53. Disposal of Builders' Refuse**

During building work the owner, builder or appointed agent must ensure that:

- (1) all builders' refuse that could become windblown refuse or litter is placed in the container referred to in clause 52;
- (2) any builders' refuse is not deposited in or on any land other than the building site directly under their control;
- (3) the builders' refuse is not deposited in or over any part of the stormwater system; and
- (4) all residual polystyrene foam material is removed from the site within 48 hours of the completion of the slab pour.

**Penalty: 2.5 Penalty Units**

**54. Removal of Builders' Refuse**

- (1) On any land where building work is being or has been carried out the owner, builder or appointed agent must remove and lawfully dispose of all refuse including, without limiting the generality of the above, the builders' refuse in the container referred to in clause 52, within twenty-one (21) days of completion of the building work or issue of an occupancy permit, whichever occurs last.
- (2) The driver of any vehicle involved in placing or removing builders' refuse containers must access the building site by way of a temporary vehicle crossing unless otherwise permitted by Council and in accordance with that permission.

**Penalty: 2.5 Penalty Units**

**55. Sanitary Facilities**

- (1) At the commencement of any building works, the owner, builder or appointed agent must provide a sewerated toilet or fresh water flush with water seal type portable toilet (closed) system and ensure that it is fully serviced for the use of any person on the building until completion of the building work.
- (2) The owner, builder or appointed agent must advise Council in writing within seven (7) days of the installation of a sewerated toilet.
- (3) Where building work is being undertaken on adjacent sites simultaneously by the same person Council may permit one sewerated toilet or one fresh water flush with water seal type portable toilet (closed) system that is fully serviced to be provided for every three adjoining sites.

**Penalty: 2.5 Penalty Units**

**56. Identifying a Building Site**

- (1) Prior to the commencement of any building work the owner must provide Council with the details of the builder responsible for the building work.
- (2) If, prior to the completion of the building work, there is a change of builder, the owner must, within seven days of that change, give written notice to Council.
- (3) The notice under subclause (2) must specify the date of the change of builder and be signed by the owner and the new builder.
- (4) From the date of receipt of the notice under subclause (3) the new builder specified in the notice becomes the builder for the purposes of this Local Law.
- (5) Prior to the commencement of any subdivision work the owner, the person contracted to undertake the subdivision work or appointed agent must erect a sign at each access gate to the subdivision which:
  - (a) is at least 800 mm in height and 1200 mm in width;
  - (b) is placed in such a location that makes it clearly visible and legible from the road;
  - (c) contains the name of the person or organisation which owns the subdivision; and
  - (d) contains the name, postal address and a business contact telephone number for the person in charge of the subdivision works which can be reached between 8am and 6pm on working days.
- (6) The sign must be displayed until completion of the subdivision work.

**Penalty: 2.5 Penalty Units**

## **PART SIX- USE OF ROADS, COUNCIL LAND AND PUBLIC PLACES**

**57. Activities on Council Land**

A person must not on Council land, without a permit:

- (1) light a fire or allow any fire to remain alight except:
  - (a) a barbecue or fire pit provided by Council; or
  - (b) a portable liquid petroleum gas barbecue;
- (2) plant any tree or plant;
- (3) place or erect any fence, gate or any other object that impedes the public access and use of any Council land;



- (4) except in an area set aside for the purpose, ride or drive a vehicle or animal in a manner or in a place which is likely to damage or ruin any grassed area or turf surface or otherwise interfere with the use of the Council land by another person;
- (5) pitch, erect or occupy any camp, tent, temporary shelter, movable dwelling, caravan, trailer or vehicle used as a mobile home;
- (6) hang, place, affix or erect any advertising sign or advertisement;
- (7) play, organise, practise or engage in any organised competitive sport;
- (8) engage in, play or practice any game or sport in such a manner as to be a danger to the safety of any person;
- (9) operate or allow to be operated any amusement for which a charge is made;
- (10) trade from Council land, including a road, where trading is to be done from a vehicle, stall or any other temporary structure and irrespective of whether trading is on a permanent or casual basis;
- (11) sell any food, drink or other article or possess any food, drink or other article with the intention of selling it or exposing or offering it for sale;
- (12) use any sound amplification device;
- (13) hold any event or commercial or promotional activity;
- (14) conduct personal training services for individuals or groups for which a charge is made;
- (15) hold any circus, carnival, fete, festival, or fair; or
- (16) conduct or celebrate a wedding.

***Penalty: 1 Penalty Units***

**58. Council Buildings**

- (1) Council or an Authorised Officer may:
  - (a) determine the hours when any Council Building will be open to the public;
  - (b) restrict access to a Council Building or part of it;
  - (c) close any Council Building or part of it to the public;
  - (d) establish conditions of entry to a Council Building;
  - (e) set and collect fees or charges for admission to or the hire or use of a Council Building, part of a Council Building or any Council land used in connection with a Council Building;

- (f) authorise any person to occupy a Council Building or restrict access to a Council Building;
  - (g) authorise any person to charge and collect fees for admission to or the use of a Council Building or part of a Council Building; or
  - (h) establish conditions applying to fees and charges for admission to or the hire or use of a Council Building, part of a Council Building or any Council land or property of Council used in connection with a Council Building.
- (2) A person must not, without the consent of Council or an Authorised Officer or a permit:
- (a) act contrary to any conditions of entry applicable to a Council Building;
  - (b) enter or remain in a Council Building without paying any fee or charge applicable to that Council Building or to the hire or use of the Council Building;
  - (c) hire or use any property of Council used in connection with a Council Building without first paying any fee or charge which is applicable;
  - (d) enter a Council Building other than through an entrance provided for that purpose;
  - (e) enter or remain in a Council Building during hours when the Council Building is not open to the public;
  - (f) remain in a Council Building after being directed to leave by an Authorised Officer; or
  - (g) enter a Council Building, after having been directed to leave that Council Building by an Authorised Officer, until the person is granted written permission to do so by Council or an Authorised Officer.

***Penalty: 1 Penalty Units***

**59. *Behaviour in Council Buildings***

- (1) A person must not:
- (a) commit any nuisance in a Council Building;
  - (b) interfere with another person's use and enjoyment of a Council Building;
  - (c) in a Council Building act in a manner which endangers any other person;

- (d) use indecent, insulting, offensive or abusive language in a Council Building;
- (e) behave in an indecent, offensive, insulting or riotous manner in a Council Building;
- (f) destroy, damage, interfere with or deface a Council Building or anything located at, on or in a Council Building;
- (g) remove any object which is owned by Council from a Council Building, without the consent of Council or an Authorised Officer;
- (h) act in a manner contrary to any restriction or prohibition contained in the inscription on a sign at, on or in a Council Building;
- (i) deposit any litter in a Council Building, except in a receptacle provided for that purpose;
- (j) except for a child under the age of six (6) years in the care of a responsible person, and for a carer providing assistance to a person with a disability, enter or use any dressing room, shower, convenience or other area in a Council Building which has been appropriated for persons of the opposite gender;
- (k) sell any goods or services in a Council Building, without the consent of Council or an Authorised Officer;
- (l) erect, affix, place or leave any advertisement in or on a Council Building, without the consent of Council or an Authorised Officer;
- (m) erect, operate or cause to be erected or operated any amusement in a Council Building, without the consent of Council or an Authorised Officer;
- (n) obstruct, hinder or interfere with any member of Council staff in the performance of their duties in a Council Building;
- (o) act contrary to any lawful direction of an Authorised Officer or member of Council staff given in a Council Building, including, without limitation, a direction to leave the Council Building, whether or not a fee for admission to the Council Building has been paid;
- (p) use or interfere with any lifesaving or emergency device located in a Council Building, unless:
  - (i) using the device in an emergency; or
  - (ii) participating in an instruction approved by Council or an Authorised Officer;
- (q) organise any function or event in a Council Building, without the consent of Council or an Authorised Officer;

- (r) bring any animal into, or allow any animal under his or her control to remain in, a Council Building, without the consent of Council or an Authorised Officer, except for an assistance animal;
- (s) bring any vehicle or toy vehicle into a Council Building, without the consent of Council or an Authorised Officer, except for:
  - (i) a pram or pusher being used by a child; or
  - (ii) a wheelchair or motor scooter being used by a physically disabled person;
- (t) bring into a Council 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 Council Building; or
  - (iii) cause discomfort to any person,without the consent of Council or an Authorised Officer; or
- (u) smoke within four (4) metres of entrances (pedestrian access points) to Council Buildings.

**Penalty: 1 Penalty Units**

**60. Behaviour on Council Land**

- (1) A person using Council land must not behave in a way that could cause harm or injury or which interferes with any other person's enjoyment of Council land.
- (2) Without limiting the generality of subclause (1), a person must not, on Council land:
  - (a) use language or behave in a way that is indecent, offensive or abusive;
  - (b) use language or behave in a way that disturbs, interferes with or obstructs any person's enjoyment of Council land;
  - (c) act in a way which could endanger any person, cause any damage to any property or the environment or interfere with the quiet enjoyment of the Council land by any person;
  - (d) damage, destroy, deface, remove or interfere with Council land or anything in or on any building, improvement or other structure of any kind on Council land;
  - (e) act contrary to any conditions or signs that contain conditions that apply to the use of the Council land; or

- (f) act contrary to any lawful direction of an Authorised Officer.
- (3) A person must not:
- (a) walk on any plot, bed, border or any other area set aside for vegetation;
  - (b) throw, place or allow to be thrown or placed any liquid, stone, stick, paper, dirt or other object, substance or thing into any wetland, lake or pond;
  - (c) use any children's playground equipment other than for the purpose for which it is provided;
  - (d) fish or swim in, paddle, dive or jump into or enter any wetland, lake, pond or fountain contrary to any sign erected on the Council land;
  - (e) abandon any animal or bird;
  - (f) destroy, damage or interfere with any flora or kill, injure or interfere with any fauna; or
  - (g) allow any other condition on land which the person owns or occupies to cause damage to or interfere with Council land.

**Penalty: 1 Penalty Units**

**61. Using Footpaths for Commercial Activities**

- (1) A person must not, without a permit, use a footpath for commercial activities, including:
- (a) outdoor eating and/or drinking;
  - (b) displaying goods for sale;
  - (c) displaying movable advertising signs; and
  - (d) street furniture.
- (2) In addition to complying with any conditions of a permit, a person using a footpath for commercial activities must comply with any:
- (a) applicable requirements in the Policies Manual; and
  - (b) code of practice, standard or policy relating to people with a disability.
- (3) In considering whether to grant a permit for using a footpath for commercial activities, Council must take into account whether any:
- (a) equipment to be placed on the footpath makes a positive contribution to the amenity of the street;

- (b) equipment to be placed on the footpath is stable and safe for pedestrians and diners;
- (c) equipment to be placed on the footpath has rubber/plastic stops on the legs to stop slippage and to prevent damage to the footpath;
- (d) chairs to be placed on the footpath are individual seats or bench seats and the number of legs a chair has;
- (e) equipment to be placed on the footpath has legs that form a central column;
- (f) equipment to be placed on the footpath has oscillating or moving parts; and
- (g) a-frame signs to be placed on the footpath have other notices, signs or objects attached.

**Penalty: 2.5 Penalty Units**

**62. Collections, Subscriptions and Raffles**

- (1) A person must not, without a permit, solicit collections, gifts of money or subscriptions where it is proposed to collect or solicit on or from any Council land, or from house to house.
- (2) An application for a permit under subclause (1) must:
  - (a) be in the form required by Council from time to time;
  - (b) be submitted to Council no more than 3 months and no less than 14 days prior to the activity occurring; and
  - (c) include the following details:
    - (i) method of collection or solicitation;
    - (ii) date, time and location of collection or solicitation;
    - (iii) use or recipient of funds collected;
    - (iv) registered charity number (if applicable); and
    - (v) any additional information required by Council.
- (3) In determining whether to grant a permit under subclause (1), Council must take into account:
  - (a) the times and days proposed to collect;
  - (b) the manner or thing to be collected;
  - (c) the areas where the collections will take place;
  - (d) the impact on traffic and the safety of pedestrians;

- (e) the impact on the amenity of the surrounding area including, but not limited to, the frequency of use of the required area;
- (f) any complaints received about the activity;
- (g) the age and capacity to supervise of participants;
- (h) whether evidence has been produced that the applicant has current public liability insurance of not less than \$10M;
- (i) any view of the Victoria Police or the Roads Corporation (where relevant) concerning the proposed location or conduct of any collection;
- (j) whether any other necessary consents or approvals required under other legislation have been obtained; and
- (k) any other matter relevant to the circumstances of the application.

**Penalty: 2.5 Penalty Units**

**63. Sale of Prohibited Goods from Council Controlled Land**

A person using Council land must not sell, distribute or promote the spread of national and or state declared weeds and pests.

**Penalty: 2.5 Penalty Units**

**64. Street Parties, Festivals and Outdoor Entertainment Events**

- (1) A person must not, without a permit, hold a street party, festival or outdoor entertainment event on a road.
- (2) Where an application for a permit relates to a street party, festival or outdoor entertainment event to be held on a road for which Council is not the responsible or coordinating road authority, the consent of both the Chief Commissioner of Police and the relevant road authority must also be obtained.
- (3) A person to whom a permit is issued under subclause (1) must, in addition to complying with any conditions of the permit, comply with any applicable requirements in the Policies Manual.
- (4) In determining whether to grant a permit for a street party, festival or outdoor entertainment event on a road, Council must take into account:
  - (a) whether the road can be closed for vehicular traffic, or partly closed with safe and effective separation of vehicular traffic and patrons and equipment;
  - (b) whether the agreement of **Victoria Police** and the **Roads Corporation** has been obtained and their requirements met, including an appropriate traffic detour signing scheme;

- (c) whether all owners and occupiers of the properties with any immediate vehicle access via the section of the road to be closed have been advised by letter and given seven days to comment or object;
- (d) whether a person on behalf of the applicant has been nominated to erect and remove the barriers which closed the road at locations and times specified by Council;
- (e) whether the footpath on at least one side of the road can be kept clear of obstructions;
- (f) whether notice has been published in a newspaper generally circulating in the municipal district giving interested persons seven days to comment or object; and
- (g) any other matter relevant to the circumstances of the application.

**Penalty: 2.5 Penalty Units**

**65. Busking, Spruiking and Pavement Art**

- (1) A person must not, without a permit, busk on Council land, including a road, or a public place.
- (2) If a permit is granted under subclause (1), it will contain at least the following conditions, unless an Authorised Officer determines otherwise:
  - (a) sound amplification equipment may only be used subject to any requirements of Council as to sound volume;
  - (b) no permit may be issued for longer than six months but that a renewal may be applied for after that time;
  - (c) Council reserves the right to revoke the permit at any time;
  - (d) no permit holder may sell or offer or expose for sale any article or commodity;
  - (e) any drawings, sketches or artwork made on any footpath must be limited to the use of easily erasable non-permanent medium such as chalk, charcoal or pastel and must not be crayon, paint or any other permanent or marking medium;
  - (f) the permit holder must comply with all directions of Victoria Police or an Authorised Officer, which might include ceasing busking or moving from the busking location where congestion or inconvenience is being caused to other users of the Council land; and
  - (g) that the permit holder must not advertise or associate his or her busking with advertising in conjunction with any performance.



- (3) In determining whether to grant a permit under subclause (1), Council must take into account whether:
  - (a) any undue obstruction will be caused to pedestrians or traffic in the area of Council land to which the permit applies; and
  - (b) any other interference will be caused in relation to other approved activities in the area of Council land to which the permit applies.
- (4) A person must not, without a permit, spruik on, or from any private property onto, any Council land, including a road.
- (5) A person must not, without a permit, use any sound amplification equipment in connection with spruiking on, or from any private property onto, any Council land, including a road.
- (6) A person must not, without a permit, paint or draw on any Council land, including a road, or on any property belonging to Council, for the purpose of public entertainment, performance or the collection of money.

**Penalty: 2.5 Penalty Units**

**66. Alcohol not to be consumed in specified areas**

- (1) The consumption of alcohol or carrying of alcohol in an open container is prohibited in the following specified areas and times:
  - (a) at any time in a public place in the area bounded by and including Lonsdale, Cox, French and Kennedy Streets, Hamilton, as shown in Schedule 2; and
  - (b) Hamilton Botanic Gardens from Sunset to Sunrise.

**Note: Where the line which defines the boundary of a restricted area follows a road then the boundary will include the whole of the road reserve.**

- (2) The prohibition in subclause (1) does not apply where:
  - (a) Council has given a written exemption for people participating in a function or ceremony; or
  - (b) the alcohol is consumed at premises that are licenced or authorised under the **Liquor Control reform Act 1998**.
- (3) In determining whether to grant an exemption to subclause (1), Council must take into account:
  - (a) the nature, duration and location of the event;
  - (b) the effect on the quiet enjoyment of people in the municipal district;
  - (c) the comments in any submissions received; and
  - (d) any other matter relevant to the application.

**Penalty: 1 Penalty Units**

**PART SEVEN- ENVIRONMENTAL HEALTH AND WASTE**

**67. Scavenging at Municipal Landfill Sites, Recycling and Waste Transfer Facilities**

- (1) A person must not, without a permit or consent from an Authorised Officer, remove material of any kind that has been deposited at any municipal landfill site, recycling facility or waste transfer facility.
- (2) In deciding whether to grant a permit under subclause (1), Council must take into account:
  - (a) the nature of the material to be scavenged;
  - (b) the recyclable value of the material to Council;
  - (c) the number of other current permits issued for the same purpose; and
  - (d) any other matter relevant to the circumstances associated with the application.

**Penalty: 2.5 Penalty Units**

**68. Separation of Recyclables and Organic Waste**

- (1) A person must not place anything other than recyclables in any mobile bin provided and designated by Council for the disposal of recyclables.
- (2) A person must not place anything other than organic (food and garden) waste in any mobile bin provided and designated for the disposal of organic (food and garden) waste.
- (3) Council is not required to collect any mobile bin provided to any owner, occupier or property if it contains material other than that for which the mobile bin has been provided and designated by Council.

**Penalty: 1 Penalty Units**

**69. Prohibited Waste**

A person must not place, or cause or allow to be placed, in any mobile bin provided by Council any:

- (1) slops or liquid waste;
- (2) moist refuse, unless the moist refuse has previously been strained and securely wrapped in paper so as to prevent its escape or leakage;

- (3) dust from any vacuum cleaner, hair or other like substance, unless the dust, hair or other substance has first been securely wrapped in paper so as to prevent its escape;
- (4) ashes or other like substance, unless the ashes are or other substance is non-combustible and free from any heat-generating particles;
- (5) window glass or other sharp object, unless the window glass or other sharp object is wrapped or secured in such a manner as to render it harmless and inoffensive;
- (6) commercial or domestic building waste, such as brick, rubble, concrete, timber, plaster, tiles or soil;
- (7) hazardous chemical or material, such as asbestos;
- (8) volatile, explosive or flammable substance;
- (9) night soil;
- (10) oil, paints, solvents or like substances;
- (11) waste of a shape, size or weight that cannot be contained in the mobile bin provided by Council;
- (12) household refuse or waste matter of any kind the combined weight of which, in the case of a mobile bin provided by Council, exceeds 80 kilograms;
- (13) needle, syringe or medical waste;
- (14) industrial waste; or
- (15) other object or matter which is or is likely to be hazardous to health or the environment.

**Penalty: 1 Penalty Units**

**70. Bulk Rubbish Containers**

- (1) A person must not, without a permit, place a bulk rubbish container on a road or a public place.
- (2) In determining whether to grant a permit to place a bulk rubbish container on a road or a public place, Council must take into account:
  - (a) whether the bulk rubbish container will obstruct the passage of vehicles and pedestrians, obscure the view of motorists or present a physical hazard;
  - (b) whether the bulk rubbish container will contravene any traffic control signs;
  - (c) whether hazard lights can be securely attached on the side nearest passing traffic or placed on the carriageway so a passing motorist can identify the extent and the form of the container;

- (d) protection of Council assets;
- (e) whether evidence has been produced that the applicant has current public liability insurance of not less than \$10M; and
- (f) any other matter relevant to the circumstances of the application.

**Penalty: 2.5 Penalty Units**

**71. Deposit of Refuse and Recyclables**

A Person must not:

- (1) deposit any household refuse (hard waste), recyclable or other waste upon any Council land, including a road, or any public place;
- (2) except at a refuse disposal site, deposit any household refuse or other rubbish upon another person's property; or
- (3) place out for collection any household refuse unless it is in a mobile bin provided by Council, or otherwise in accordance with the requirements of Council or an Authorised Officer.

**Penalty: 1 Penalty Units**

**72. Street Litter bins and Recycling bins**

- (1) A person must not leave any rubbish or waste in any street litter bin or street recycling bin provided by Council contrary to any notice describing the type of rubbish or waste that can be deposited in it.
- (2) A person other than a person authorised by Council must not interfere with any domestic, recyclable, commercial or industrial waste left for collection.

**Penalty: 1 Penalty Units**

## **PART EIGHT – VEHICLES, PARKING AND PETROL PUMPS**

**73. Parking a Heavy Vehicle in a Residential Zone**

A person must not, without a permit, park, keep, repair or restore a heavy vehicle on land in a residential zone under the Planning Scheme.

**Penalty: 1 Penalty Units**

**74. Recreation Vehicles**

- (1) No person may, without a permit, use a recreation vehicle:
  - (a) on any land within a township area; or
  - (b) on any Council land other than a road, and then in accordance with any applicable requirements of the **Road Safety Road Rules 2017** or other applicable legislation.

- (2) In determining whether to grant a permit for the use of a recreation vehicle, Council must take into account:
- (a) the location of the land where the vehicle is to be used;
  - (b) the zoning of the land;
  - (c) the suitability of the land for the use of the recreation vehicle;
  - (d) the number of recreation vehicles for which the permit is required;
  - (e) the days, times and hours the vehicles are to be used; and
  - (f) any other matter relevant to the circumstances of the application.

**Penalty: 2.5 Penalty Units**

**75. Maintaining Vehicle Crossings**

An owner of land must ensure that:

- (1) each point of vehicle access to the land from an adjacent carriageway or road has a properly constructed vehicle crossing linking that carriageway to the premises; and
- (2) each vehicle crossing to the premises and any channel or pipe under or forming part of that crossing are maintained to the standard determined by Council or an Authorised Officer from time to time.

**Penalty: 2.5 Penalty Units**

**76. Repairing Vehicles**

A person must not dismantle, paint, carry out maintenance on or repair a vehicle on any Council land, including a road, except for an emergency or where it is necessary to enable the vehicle to be removed.

**Penalty: 1 Penalty Units**

**77. Noise from vehicles in public places**

- (1) A person in charge of a vehicle on a road or in a municipal place must not allow any noise from ancillary equipment in the vehicle including but not limited to a digital music player, radio, compact disk player or tape deck to cause unreasonable noise or to unreasonably interfere with the comfort of any other person.
- (2) For the purposes of determining whether noise from ancillary equipment in a vehicle or amplified music or sound is unreasonable or is unreasonably interfering with the comfort of another person, an Authorised Officer will have regard to:
  - (a) the volume, intensity or duration;

- (b) the time, place and any other relevant circumstance in which the noise is emitted; and
- (c) and the distance from the nearest habitable dwelling.

**Penalty: 1 penalty Units**

**78. Parking Controls**

- (1) A person must not, without a permit, park a caravan or mobile home, trailer or horse float on a road for more than 14 consecutive days in any 12-month period.
- (2) Despite subclause (1), if a caravan or mobile home, trailer or horse float that has been parked on a road is:
  - (a) causing an unlawful obstruction;
  - (b) obstructing the free use of the road or confines the limits of the road; or
  - (c) creating a risk to the safety of pedestrians or other road users,

an Authorised Officer may, by issuing a Notice to Comply, require the owner to remove the caravan or mobile home, trailer or horse float.

**Penalty: 1 Penalty Units**

**79. Abandoned, unregistered or derelict vehicles in public places**

- (1) A person must not, without a permit, leave any derelict, abandoned or unregistered vehicle, or allow such a vehicle to remain, on any public place or Council land other than a road.
- (2) Where a vehicle left standing on a road, public place or council land is unregistered or has been left standing between 24 hours and 7 consecutive days and is derelict or abandoned, the vehicle and anything on or in the vehicle may be impounded by the Authorised Officer.

**Penalty: 2.5 penalty units**

**80. Storage of unregistered vehicles**

- (1) An owner or occupier of any land must not, without a permit, keep or allow to be kept on that land any more than two unregistered vehicles if the outline or any part of the vehicle is normally exposed to the view of another person.
- (2) This clause does not apply to land where the storage of unregistered vehicles is a permitted use under the Planning Scheme.

**Penalty: 1 penalty units**

**81. Sale of Vehicles**

- (1) A person must not, without a permit, park or cause a vehicle to be parked or left standing on any road or other public place for the purpose of exposing or displaying that vehicle for sale.
- (2) A person must not, without a permit, park any vehicle which has advertising painted or stuck directly onto it, or in any way attached to the body of the vehicle, with the intention of advertising by directing a person to a business, on Council land, including a road, or in a public place.

**Penalty: 1 penalty units**

**82. Skateboards and other Wheeled Recreation Devices**

- (1) A person must not use a skateboard or any wheeled recreation device in areas designated by Council as an area where their use is not permitted.
- (2) A person must not use a skateboard or any other wheeled recreation device on Council land, including a road, or in a public place in a way that:
  - (a) gives rise to a risk to the safety of, or a risk of injury to, other users of the Council land, road or public place;
  - (b) cause inconvenience to other users of the Council land, road or public place, or cause them to feel intimidated; or
  - (c) might cause damage to any property on the Council land, road or public place.

**Penalty: 1 Penalty Units**

**83. Petrol Pumps**

- (1) A person must not install or place a petrol pump on any road.
- (2) A person must not, without a permit, allow a petrol pump which was:
  - (a) installed or placed on a road at the commencement of this Local Law; and
  - (b) previously the subject of a permit or other consent issued by Council,to remain on a road.
- (3) A permit granted under subclause (2) will be subject to at least the following conditions:
  - (a) the permit holder must comply with all legislation regulating petrol pumps;
  - (b) the permit holder must obtain and maintain, for the duration of the permit, all necessary permits and consents under all legislation regulating petrol pumps, if they are required; and

- (c) the permit holder must obtain and maintain, for the duration of the permit, current public liability insurance of not less than \$10 million, or such other amount determined by Council from time to time, against all damages and claims for which the applicant may become liable arising out of the use, control or possession by the applicant of any petrol pump.
- (4) A permit granted under subclause (2) may only be transferred with the written consent of Council and on the condition that the current permit holder pays a transfer fee equal to one half of the annual permit fee determined by Council.
- (5) Council may refer an application for a permit under subclause (2), or an application to transfer a permit under subclause (4), to VicRoads for comment.

**Penalty: 2.5 Penalty Units**

## **PART NINE – LAKE HAMILTON RESERVE AND WATER**

### **84. Using Lake Hamilton Reserve**

- (1) A person must not, on Lake Hamilton Reserve, without a permit:
  - (a) use any part of it, or any buildings or facilities on it, if the use will exclude others from use or access for any period;
  - (b) bring any animals, except for a domestic pet on a leash or an assistance animal;
  - (c) erect or place any building or structure; or
  - (d) distribute any advertising material.
- (2) A person using Lake Hamilton Reserve must not:
  - (a) drive or ride any vehicle or bicycle or park any vehicle except in the areas set aside for that purpose;
  - (b) bring any glass bottles onto the beach or boat ramp
  - (c) bring any domestic pet onto the beach, except for an assistance animal:
  - (d) drive, ride or operate any motorised vehicle on the bicycle track; or
  - (e) act in a manner contrary to any restriction or prohibition on any sign erected in or on it.

**Penalty: 1 Penalty Units**



**85. Taking Water from Council Operated Standpipes, Roadside Dams, Culverts and Lake Hamilton**

- (1) A person must not, without a permit, take water from a Council operated standpipe, roadside dam, culvert or Lake Hamilton other than for the purposes of filling a Country Firefighting Authority, or other authorised, firefighting appliance.
- (2) A person taking water from a Council operated standpipe must:
  - (a) provide a copy of a permit when requested to do so by an Authorised Officer;
  - (b) comply with the conditions on the permit, including any conditions limiting the volume of water that can be taken, the period that water can be taken for and any regulations published by the relevant water authority; and
  - (c) each time that the standpipe is accessed, ensure that it is completely turned off, is securely locked and the key is returned to the standpipe operator.

**Penalty: 1 Penalty Units**

**86. Interference with Watercourse**

- (1) A person must not destroy, damage or interfere with any watercourse, wetland, ditch, creek, gutter, tunnel, bridge or levy which is vested in or under the management or control of Council.
- (2) A person must not, without a permit, divert the contents of any watercourse, wetland, ditch, creek, gutter, tunnel, bridge or levy which is vested in or under the management or control of Council.

**Penalty: 2.5 Penalty Units**

## **PART TEN – OBSTRUCTIONS, INTERFERENCE AND NOISE**

**87. Electric Fences**

- (1) A person must not, without a permit, erect an electric fence in a built-up area and where the fence:
  - (a) will be without a standoff; and
  - (b) will be about a footpath used by the public.
- (2) The owner or occupier of land on which an electric fence is erected must ensure that it is adequately signed at all times so that people know that it is electrified.

**Penalty: 1 Penalty Units**

**88. Scare Guns and Noise Emitting Devices**

- (1) A person must not, without a permit, use a scare gun or noise emitting device:
  - (a) before 6.00am or later than one hour after sunset; or
  - (b) within 300 metres of the closest residence.
- (2) Council may, from time to time by resolution, fix further conditions that will apply to the use of scare guns and noise emitting devices and a person must not, without permit, use a scare gun or noise emitting device contrary to those further conditions.

**Penalty: 1 Penalty Units**

**89. Fireworks**

- (1) A person must not, without a permit, conduct a firework display or otherwise ignite fireworks on Council land or public place and/or within one kilometre of any township area.
- (2) An application for a permit under subclause (1) must be submitted at least fourteen (14) days before the proposed fireworks display.
- (3) Applications for permits under subclause (1) must include:
  - (a) a complete copy of the WorkSafe Notification of Intention to Discharge Fireworks Form;
  - (b) a copy of the site plan that has been sent to WorkSafe;
  - (c) a community notification plan detailing how the community will be adequately notified of the display, including the potential impact on residents and on animals and livestock in proximity to the land on which the display will be conducted;
  - (d) a certificate of current public liability cover; and
  - (e) evidence of the required approval from the Country Fire Authority.
- (4) A permit issued under subclause (1) will include a condition that the display is conducted in accordance with the ***Dangerous Goods (Explosives) Regulations 2011***.

**Penalty: 2.5 Penalty Units**

**90. Removal of Fallen Timber**

- (1) A person must not, without a permit, remove any fallen timber, wood or tree litter from any Council land, including a road.

**Penalty: 1 penalty units**

- (2) Despite subclause (1), no fallen timber is to be removed from a roadside that is identified by Council from time to time as high or very high conservation significance, a roadside that is signed as a 'significant roadside area' or a road covered by a Vegetation Protection Overlay as defined in the **Planning Scheme**.

**Penalty: 2.5 penalty units**

**91. Removal of Sand and Gravel from Roadsides**

A person must not, without a permit, remove any sand or gravel material from any Council land, including a road.

**Penalty: 2.5 penalty units**

**92. Displaying Property Numbers**

- (1) The owner or occupier of any land that has been allocated a street or rural address number must mark the land with the allocated number.
- (2) The marking may be on the gutter, house, fence, mailbox or other place where it is clear, and readable.
- (3) The marking must be maintained so as to be readable at a distance of twenty (20) metres under normal daytime conditions.

**Note:** *The purpose of this Local Law is to enable emergency vehicles to more quickly find the address to which they have been dispatched and compliance with this Local Law may save lives.*

**Penalty: 1 Penalty Units**

**93. Using Incinerators and Open Air Burning**

- (1) A person must not, without a permit, burn outside, or cause or allow to be burned outside, on any land any materials, whether in the open air or in any built or manufactured incinerator or similar device.
- (2) A person who has lit a fire, or allowed a fire to be lit or remain alight, or has burned, or caused or permitted to be burned, any materials contrary to subclause (1) must extinguish the fire or burning materials immediately on being directed to do so by an Authorised Officer.
- (3) This Clause 93 does not apply to fires:
- (a) outside the Fire Danger Period on land within the farming zone under the Planning Scheme;
  - (b) outside the Fire Danger Period on land within the rural living zone under the Planning Scheme that exceeds 2 hectares in area;
  - (c) in a permanent or portable barbeque for the purpose of cooking food;

- (d) in a properly constructed or manufactured fireplace for the purpose of outdoor heating that is fit for purpose and designed, constructed, located and installed in a manner that will prevent detrimental offsite amenity impact;
  - (e) lit for the purpose of meal preparation or personal comfort in a built-up area if:
    - (i) the fire is lit in a properly constructed fireplace or in a trench at least 30cm deep;
    - (ii) the ground and airspace within a distance of 3m from the outer perimeters and uppermost point of the fire are clear of flammable material;
    - (iii) the fire does not occupy an area in excess of 1m<sup>2</sup> and the size of the fire and the dimensions of solid fuel used are the minimum necessary for the purpose; and
    - (iv) the fire is monitored by the person(s) benefitting from the fire until it is completely extinguished; or
  - (f) lit for the purposes of exercising or observing cultural or religious beliefs and practices.
- (4) Nothing in this Local Law prevents burning off by any public authority responsible for:
- (a) the maintenance of public land under its control; or
  - (b) fire reduction purposes.
- (5) Where an Authorised Officer or an officer of the Victoria Police or a member of the Country Fire Authority, operating pursuant to the **Country Fire Authority Act 1958**, considers that a person is causing a condition which is unsafe, dangerous to health, offensive or annoying to another person because of the way they are using an incinerator or because of burning in the open air, the Authorised Officer or officer of the Victoria Police or member of the Country Fire Authority may direct that the incinerator be extinguished or that the open air burning cease immediately.
- (6) A person who fails to comply with a direction issued under subclause (5) is guilty of an offence against this Local Law.
- (7) A person must not burn materials that are likely to be offensive, including:
- (a) chemicals;
  - (b) rubber or plastic;
  - (c) petroleum products or oil;
  - (d) paint or container used for paint;

- (e) food wastes, fish or other offensive food scraps;
- (f) wet, damp or green garden materials; and
- (g) any other offensive material.

**Note: A wood heater flue reasonably emits smoke when initially lit but very little when burning dry fuel. Small amounts of wafting flue smoke would not constitute an offence. Burning wet solid fuel, however, emits thick smoke and this falling into neighbouring properties might constitute an offence.**

**Note: This provision is intended to fill a gap between those everyday compromises we all must make to share our world with others, and more serious offences under the Public Health and Wellbeing Act 2008 and other legislation.**

**Penalty: 1 Penalty Units**

**94. Locating Trees and Plants and Other Obstructions**

An owner or occupier of land must not cause or allow any tree, plant, fencing, sign or other thing on that land to obstruct or interfere with pedestrian or vehicular traffic because it:

- (1) overhangs a property boundary at a height less than 2500 mm onto or over a footpath or other part of the road used by pedestrians; or
- (2) extends over any part of the road so that it:
  - (a) obstructs the view between vehicles at an intersection;
  - (b) obstructs the view between vehicles and pedestrians;
  - (c) obscures a traffic control device from an approaching vehicle or pedestrian; or
  - (d) obscures street lighting; or
- (3) otherwise constitutes a danger to vehicles or pedestrians or compromises the safe and convenient use of the road.

**Penalty: 1 Penalty Units**

**95. Planting vegetation on roads**

A person must not, without a permit, plant any trees or other vegetation on any part of a road other than in compliance with Council's Planting Vegetation on Roads Policy being a document incorporated by reference into this Local Law.

**Penalty: 1 Penalty Units**

**96. Condition and Appearance of Land and Buildings (unsightly)**

- (1) An owner or occupier of land must ensure that the land:

- (a) does not constitute or is not likely to constitute a danger to health or property;
  - (b) is not unsightly or detrimental to the general amenity of the neighbourhood in which it is located;
  - (c) through accumulation or hoarding of rubbish, waste or other materials gives the appearance of neglect or abandonment and is out of character with the general amenity of the area;
  - (d) does not have grass or weeds present on the land which exceeds 100 mm in height during a Fire Danger Period and 200 mm at all other times; and
  - (e) does not have on it a building that is unsightly, dilapidated or unsuitable for human habitation.
- (2) Subclause (1) does not apply to land in a semi-rural or rural area under the Planning Scheme, or to land in an area which Council has, by resolution, declared to be a high conservation area.
- (3) A person may store used or second-hand goods, machinery and equipment on land provided that the use or activity does not:
- (a) make the land dangerous or create the potential for the land to become dangerous to life and property because of the materials and substances that are kept on it;
  - (b) constitute or be likely to constitute a fire hazard because of the type of vegetation or height of vegetation on it;
  - (c) cause or be likely to cause a nuisance or be a health hazard because of the existence of noxious weeds or because the conditions provide a harbour for vermin; or
  - (d) detract from the amenity of the area or of land in the vicinity.

**Penalty: 2.5 Penalty Units**

**97. Nature Strip Maintenance**

- (1) The owner or occupier of a property within a township area must ensure that the nature strip between the road and the property boundary on any road which abuts the property is kept and maintained such that any grass, stubble, weeds, scrub, undergrowth or other like material on that nature strip does not generally exceed 100 mm in height during a Fire Danger Period and 200 mm at all other times.
- (2) Subclause (1) does not apply the owner or occupier of land in respect of which Council has allowed nature strip modification works to be conducted, provided that the owner or occupier maintains the nature strip in accordance with the conditions, if any, specified by Council when allowing the nature strip modification works.

**Penalty: 1 Penalty Units**

**98. Dilapidated Buildings**

The owner or occupier of land with any building or other structure which is unoccupied, unfit for occupation or normal use, or not occupied most of the time:

- (1) must not permit that building or structure to become dilapidated or further dilapidated;
- (2) must take all reasonable steps to secure that building or structure and the land from unauthorised access;
- (3) must maintain any building or structure in a state of good repair and appearance, including undertaking temporary repairs as required to ensure on-site safety and security and to avoid the appearance of neglect that detracts from the amenity of the locality; and
- (4) will commit a new offence under this Local Law for every 14 days any breach of this clause continues unless effective works have been undertaken to remedy any breach.

**Penalty: 5 Penalty Units**

**99. Land not to be dangerous**

- (1) The owner or occupier of any land must not allow that land to be dangerous to the health, safety or wellbeing of any person.
- (2) Without limiting the generality of subclause (1), land is deemed to be dangerous if it:
  - (a) has present uncontained asbestos; or
  - (b) is used for the storage of any substance which is dangerous or likely to cause danger to life or property without a permit under any legislation dealing with the storage of that substance.

**Penalty: 2.5 Penalty Units**

**100. Shipping Containers**

- (1) The owner or occupier of land in a residential zone under the Planning Scheme must not, without a permit, allow a shipping container, self-storage container or other similar container to be placed, kept, stored or repaired on that land.
- (2) Subclause (1) does not apply where the use of a shipping container is allowed by the Planning Scheme or a planning permit or Building Permit issued in respect of the land.

**Penalty: 1 Penalty unit**

**101. Shopping Trolleys**

- (1) A person must not leave a shopping trolley on any Council land, including a road and a bicycle path, or vacant land or cause or authorise another person to do so, except in an area designated for the leaving of shopping trolleys.
- (2) The owner of a shopping trolley must ensure that their name and trading name are clearly marked on the shopping trolley.
- (3) The owner of a shopping trolley must not allow the shopping trolley to be left on any Council land, including a road and a bicycle path, or vacant land or cause or authorise another person to do so, except in an area designated for the leaving of shopping trolleys.

**Penalty: 1 Penalty Units**





## SCHEDULE 2 AREAS WHERE ALCOHOL MUST NOT BE CONSUMED



## SCHEDULE 3

### PENALTIES FIXED FOR INFRINGEMENT NOTICE PURPOSES

Provision	Offence	Penalty Unit
13	Transfer of Permit	1
18	Misleading Conduct	2.5
19	Compliance with Directions	1
28	Keeping Excess Animals	1
29	Animals in a Public Place	1
30	Prohibition on Certain Animals	1
31	Control of Cats	1
32	Nuisance Animals	1
33	Nuisance Caused by Feeding Animals	1
34	Adequate Fencing for Animals	2.5
35	Shelters for Animals	1
36	Requirement to Remove Dog Excrement	1
37	Horses on Reserves	1
38	Dogs in Livestock Exchange	1
39	Keeping of Bees	1
40	Control of Wasps	1
41	Driving Livestock within the Municipal District	2.5
42	Droving Livestock through the Municipal District	2.5
44	Roadside Grazing	2.5
45	Removal of Mud and Animal Excrement	1
46	Camping on Council Land or in Public Places	5
47	Camping on Privately Owned Land	5
48	Asset Protection	2.5
49	Fencing of Building Sites	4
51	Stormwater Protection	4
52	Controlling Refuse and Building Materials	2.5
53	Disposal of Builders' Refuse	2.5
54	Removal of Builders' Refuse	2.5
55	Sanitary Facilities	2.5
56	Identifying a Building Site	2.5
57	Activities on Council Land	1
58	Councils Buildings	1
59	Behaviour in Council Buildings	1
60	Behaviour on Council Land	1
61	Using Footpaths for Commercial Activities	2.5
62	Trading, Collections, Subscriptions and Raffles	2.5
63	Sale of prohibited goods from Council controlled land	2.5
64	Street Parties, Festivals and Outdoor Entertainment Events	2.5
65	Busking, Spruiking and Pavement Art	2.5
66	Alcohol not to be consumed in specific areas	1
67	Scavenging at Municipal Landfill Sites, Recycling & Waste Transfer Facilities	2.5

<b>Provision</b>	<b>Offence</b>	<b>Penalty Unit</b>
<b>68</b>	Separation of Recyclables and Organic Waste	<b>1</b>
<b>69</b>	Prohibited Waste	<b>1</b>
<b>70</b>	Bulk Rubbish Containers	<b>2.5</b>
<b>71</b>	Deposit of Refuse and Recyclables	<b>1</b>
<b>72</b>	Street Litter Bins and Recycling Bins	<b>1</b>
<b>73</b>	Parking a Heavy Vehicle in a Residential Zone	<b>1</b>
<b>74</b>	Recreation Vehicles	<b>2.5</b>
<b>75</b>	Maintaining Vehicle Crossings	<b>2.5</b>
<b>76</b>	Repairing Vehicles	<b>1</b>
<b>77</b>	Noise from vehicles in public places	<b>1</b>
<b>78</b>	Parking Controls	<b>1</b>
<b>79</b>	Abandoned, unregistered or derelict vehicles in public places	<b>2.5</b>
<b>80</b>	Storage of Unregistered Vehicles	<b>1</b>
<b>81</b>	Sale of Vehicles	<b>1</b>
<b>82</b>	Skateboards and other wheeled recreation devices	<b>1</b>
<b>83</b>	Petrol Pumps	<b>2.5</b>
<b>84</b>	Using Lake Hamilton Reserve	<b>1</b>
<b>85</b>	Taking Water from Council Operated Standpipes, Roadside Dams, Culverts and Lake Hamilton	<b>1</b>
<b>86</b>	Interference with Watercourse	<b>2.5</b>
<b>87</b>	Electric Fences	<b>1</b>
<b>88</b>	Scare Guns & Noise Emitting Devices	<b>1</b>
<b>89</b>	Fireworks	<b>2.5</b>
<b>90(1)</b>	Removal of Fallen Timber	<b>1</b>
<b>90(2)</b>	Removal of Fallen Timber from high conservation area	<b>2.5</b>
<b>91</b>	Removal of Sand and Gravel from Roadsides	<b>2.5</b>
<b>92</b>	Displaying Property Numbers	<b>1</b>
<b>93</b>	Using Incinerators and Open Air Burning	<b>1</b>
<b>94</b>	Locating Trees and Plants and Other Obstructions	<b>1</b>
<b>95</b>	Planting Vegetation on Roads	<b>1</b>
<b>96</b>	Condition and Appearance of Land and Buildings	<b>2.5</b>
<b>97</b>	Nature Strip Maintenance	<b>1</b>
<b>98</b>	Dilapidated Buildings	<b>5</b>
<b>99</b>	Land Not to be Dangerous	<b>2.5</b>
<b>100</b>	Shipping Containers	<b>1</b>
<b>101</b>	Shopping Trolleys	<b>1</b>