

PYRENEES
— S H I R E —



Pyrenees Shire Council

Local Law No. 2 Environment

Adopted by Council on 18th April 2017

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PART 1 – PRELIMINARY

1.1 TITLE

This Local Law is the Pyrenees Shire Council Local Law No.2 Environment and referred to below as this Local Law.

1.2 OBJECTIVES OF THIS LOCAL LAW

The objectives of this Local Law are:

- (a) to provide a safe and healthy environment in which residents of the municipal district enjoy a quality of life that meets the general expectations of the community; and
- (b) to prohibit, regulate and control activities which may be detrimental to the quality of life of the municipal district; and
- (c) in a way which is consistent with, and in furtherance of, the objectives specified in paragraphs (a) and (b) of this clause to prohibit, regulate and control activities and circumstances associated with –
 - (i) unsightly land; and
 - (ii) temporary dwellings; and
 - (iii) Animals, including animal numbers and the keeping and control of animals.
 - (iv) The safe and fair use and enjoyment of public places.
 - (v) Waste disposal.
 - (vi) Noise emanating from certain premises.
- (d) to provide for the peace order and good government of the municipal district; and
- (e) to provide for the administration of the Council's powers and functions.

1.3 THE POWER TO MAKE THIS LOCAL LAW

The Council's power to make this Local Law is contained in Part 5 of the Local Government Act 1989 and Part 3 of the Domestic (Feral and nuisance) Animals Act 1994.

1.4 OPERATIONAL DATE OF THIS LOCAL LAW

This Local Law commences on the date of its publication in the Government Gazette.

1.5 APPLICATION OF LOCAL LAW

- (a) This Local Law applies throughout the whole of the municipal district.
- (b) This Local Law does not apply where any act or thing is authorised by any Act, Regulation or Planning Scheme.
- (c) The provisions of this Local Law do not apply to Council contractors, agents and employees to the extent that the proper discharge of their obligations constitute a breach of this Local Law.

1.6 STANDARDS AND LOCAL LAW PROVISIONS AND THEIR RELATIONSHIP

Parts 1 to 9 of this Local Law set out the legal obligations which must be complied with. Part 10 of this Local Law sets out –

- (a) criteria to which persons exercising discretions under this Local Law must have regard; and
- (b) standards which are referred to in Parts 1 –9.

1.7 DEFINITIONS

Act:	the Local Government Act, 1989.
Applicant:	the person who applies for a permit under this Local Law.
Authorised Officer:	an authorised officer appointed under section 224 of the Act including a Police Officer.
Caravan:	Includes any caravan whether or not any of the wheels or axles thereof have been removed or the body of the vehicle or structure is resting directly on the ground or other supports and further includes any structures annexed thereto.
Council:	the Pyrenees Shire Council.
Land:	Includes structures permanently fixed to the land.
Livestock:	Has the same meaning as defined in the Impounding of Livestock Act 1994, namely an animal (including a bird) of any species used in connection with primary productions or kept for recreational purposes other than a dog or a cat.
Penalty Unit:	a penalty unit as provided by the Sentencing Act 1991.
Person:	Includes the owner or occupier or the person in charge of any land or premises and includes a corporate body.
Public Place:	a road; and/or land which is owned, occupied or managed by Council
Road:	a highway, street, lane, bridge, thoroughfare or other place that is open to or used by the public highway, carriageway, footpath, traffic island, nature strip and any area that is provided to separate vehicle traffic on a highway, street, land, bridge, thoroughfare or other place. It

also means any place that is declared to be a highway under Section 3(2)(a) of the Road Safety Act 1986.

Temporary Dwelling a building, caravan or other relatable structure intended to be used for the purpose of temporary accommodation during the construction of a permanent dwelling that meets with the requirements of the Building Act 1993 & Moveable Dwellings Act 1988.

**Camping/
Temporary
Accommodation**

: a tent, a caravan, and any associated annexe structures, a van or portable device, or any conveyance, structure or thing which is designed for human habitation or constructed on and transportable in one or more parts whether or not by means of its own chassis; and capable of being placed on and removed from a site within 24 hours.

PART 2 – ADMINISTRATION OF THIS LOCAL LAW

2.1 EXERCISE OF DISCRETIONS

- (a) In exercising any discretion contained in this Local Law the Council will have regard to-
 - (i) The objectives of this Local Law; and
 - (ii) The standards, as appropriate, contained in Part 10; and
 - (iii) Any guidelines prepared by the Council from time to time.
- (b) The Council may from time to time prepare guidelines for use by the Council, Council officers and other persons for the purpose of this Local Law.
- (c) Guidelines prepared by the Council must not be inconsistent with the objectives of this Local Law or with the standards contained in Part 10.
- (d) In preparing guidelines the Council must have regard to the objectives of this Local Law and the standards contained in Part 10.

2.2 REGISTER OF DETERMINATIONS

- (a) Any determinations made or guidelines prepared by the Council for the purposes of this Local Law including the determination of fees and charges, must be maintained by the Council in a register kept for that purpose.
- (b) The register kept for the purpose of this clause must be made available for inspection at the office of the Council during normal office hours.

2.3 REASONABLE TIME TO COMPLY

The time required by A Notice to Comply served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account if applicable:

- (i) The amount of work involved;
- (ii) The degree of difficulty;
- (iii) The availability of necessary materials or other necessary items;
- (iv) Climatic conditions;
- (v) The degree of risk potential risk; or
- (vi) Any other relevant factor.

2.4 POWER OF AUTHORISED OFFICERS TO DIRECT – NOTICE TO COMPLY

Any authorised officer may by serving a notice in the form of Schedule 1 direct any owner, occupier or other relevant person to remedy the situation which constitutes a breach under this Local Law.

2.5 FAILURE TO ADHERE TO A NOTICE TO COMPLY

Any person who fails to remedy a situation in accordance with a Notice to Comply served under this Local Law is guilty of an offence of this Local Law and liable to pay the amount of the penalty specified by this Local Law.

Penalty: 5 penalty units

Infringement Notice: 2 penalty units

2.6 POWER OF AUTHORISED OFFICERS TO ACT IN URGENT CIRCUMSTANCES

- (a) An authorised officer may, in urgent circumstances arising as a result of a failure to comply with this Local Law, take action to remove, remedy or rectify a situation without the necessity to serve a Notice to Comply provided:
 - (i) he or she considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice, may place a person, animal, property or thing at risk or in danger; and
 - (ii) The Chief Executive Officer, or his delegated representative not being the authorised officer administering this provision approves of the proposed action; and
 - (iii) details of the circumstances and remedying action are as soon as possible, forwarded to the person on whose behalf the action was taken; and
 - (iv) the Council is advised of the action taken.
- (b) The action taken by an authorised officer under sub-clause (1) must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.

2.7 POWER TO IMPOUND

- (a) The Council may impound any item that encroaches upon, has been left on, interferes with or obstructs a public place or the use of a public place.
- (b) The Council may:-
 - (i) release the impounded item to its owner on payment of a fee determined by Council, which is not to exceed an amount that reasonably represents the cost to the Council of impounding, keeping and releasing the item; and
 - (ii) sell, destroy, dispose of or give away the impounded item if the owner of the item has not paid the fee within 14 days of service of a notice under clause 2.6(3) or after having complied with clause 2.6(4).
- (c) If Council impounds an item under clause 2.6(1) it must serve on the owner a notice in the form of Schedule 2 as soon as possible after the item is impounded.
- (d) If the identity or whereabouts of the owner of an item impounded under clause 2.6(1) are unknown, Council must take reasonable steps to ascertain the owner's identity and or whereabouts prior to exercising its powers under clause 2.6(2).
- (e) Council is entitled to retain out of the proceeds of sale of any impounded item, its reasonable costs incurred in impounding, keeping and selling the item.
- (f) In the event that the owner cannot be located within one year of the date of the Notice referred to in Sub-Clause (3) of this Local Law or, if the item has been disposed of pursuant to Sub-Clause (4) hereof, within one year of the item being impounded, any proceeds remaining after deduction of the costs referred to in Sub-Clause (5) of this Local Law may be retained by the Council and paid into the Municipal fund.

PART 3 – PERMITS

3.1 APPLICATION FOR PERMIT

- (a) The form of an application for a permit under this Local Law will be in the form of Schedule 3 and be accompanied by the appropriate fee.
- (b) The Council may require a person making an application for a permit to give public notice which will entitle any person to make a submission and to be heard in accordance with section 223 of the Act.

3.2 PERMIT MAY BE CONDITIONAL

A permit under this Local Law may be issued subject to the Council determining the conditions on which it is prepared to issue the permit including conditions relating to:

- (a) the payment of a fee or charge;
- (b) a standard to be applied;
- (c) a time limit to be applied either specifying the duration, commencement or completion date;
- (d) that the permit is subject to the happening of an event;
- (e) the rectification, remedying or restoration of a situation or circumstance;

- (f) where the applicant is not the owner of the subject property, the necessity to obtain the consent of the owner;
- (g) the granting of some other permit which may be required by the Council whether under this Local Law or otherwise.
- (h) Any other condition considered necessary by the Council.

3.3 ADDITIONAL INFORMATION

The Council or any authorised officer may require an applicant to provide additional information before determining an application for a permit.

3.4 DURATION OF PERMITS

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

3.5 CANCELLATION OF PERMITS

- (a) A permit may be cancelled by the Council at any time, if it is clear that the conditions under which the permit was issued have not been complied with provided:
 - (i) A Notice to Comply in accordance with Part 2 of this Local Law has been served upon the permit holder; and
 - (ii) There has been a failure to comply with the Notice to Comply; and
 - (iii) The failure to comply continues for a period of seven days after the date specified in the Notice.
- (b) Where 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 the issue of Notice to Comply.

PART 4 – FEES, CHARGES AND COSTS

4.1 SETTING FEES AND CHARGES

The Council may from time to time by resolution determine the fees and charges to apply under this Local Law which may include an administrative or processing fee or charge, and the Council must give public notice of its resolution to set or alter fees and charges.

4.2 WAIVER OR ALTERATION TO FEES AND CHARGES

The Council may waive, reduce or alter any fee or charge with or without conditions.

PART 5 – ENVIRONMENT

5.1 HAZARDOUS OR UNSIGHTLY LAND

- (a) No owner or occupier shall allow or permit his or her land or any road reserve land abutting their land to be kept in a manner which in the opinion of the Council or an authorised officer is unsightly, hazardous or detrimental to the general amenity of the surrounding area and shall include but not be limited to land which:
 - (i) harbours rubbish
 - (ii) harbours machinery and/ or implements
 - (iii) contains disused excavation or waste material

- (iv) harbours motor vehicles whether in working order or not.
- (v) kept in a manner that is hazardous or likely to cause danger to life or property.

Penalty: 5 penalty units

Infringement Notice: 2.5 penalty units

- (b) Where the Council is of the opinion that the condition of any land is unsightly or detrimental to the general amenity of the surrounding area it may serve a Notice to Comply on the owner or the occupier of the land.

5.2 CAMPING/TEMPORARY ACCOMMODATION

- (a) A person must not camp or in temporary accommodation as defined under this local law on Council land, roadsides or private land, unless they are located within a Caravan Park registered under the *Residential Tenancy Act 1997* or an area determined by Council as being available for camping purposes.

Maximum penalty: 20 Penalty Units
Infringement Notice 2.5 Penalty Units

Subsequent offences: 30 Penalty Units

- (b) Notwithstanding anything to the contrary contained in Part (a) of this Local Law, a permit may be granted to reside in a Moveable Dwelling on private land within the municipality for a single period not exceeding 21 days in a single Calendar year. In assessing applications, Council will have consideration of the following matters:
 - Availability of suitable all-weather access to the site that will allow adequate access for emergency vehicles,
 - Provision of adequate sanitary facilities and availability of a chemical toilet,
 - Potential risks from bushfire, along with the availability of a suitable water supply for fire fighting.

At the end of the period specified in the permit, all camping/temporary accommodation structures must be removed from the site immediately following the completion of the approved occupancy period to the satisfaction of Council's Local Laws unit.

- (c) Notwithstanding anything to the contrary contained in Parts a) or b) of this local law, a permit may be granted to use a single caravan (or other approved form of temporary accommodation) on the same lot as a permanent residence, for the sole purpose of providing accommodation for a dependent/s of its primary occupants. In assessing the application Council will consider the criteria listed under part b) of this Local Law.

5.3 TEMPORARY DWELLINGS

A person must not reside within a temporary dwelling as defined by this local law on private property, unless a permit has been granted in accordance with the provisions of Part b) of this local law

Maximum Penalty: 20 Penalty Units

Infringement Notice 2.5 Penalty Units

Subsequent offences: 40 Penalty Units

- (b) Notwithstanding anything to the contrary contained in Part a) of this Law, Council may issue a permit for a Temporary Dwelling for a maximum period of two (2) years, provided the following requirements are satisfied are met:
 - (i) A Building and any required Planning Permit must have been issued for a permanent residency on the site; and

- (ii) The temporary residence complies with the requirements of the *Building Act 1993* & *Moveable Dwellings Act 1988* and is considered capable of providing for an adequate standard of habitation; and
- (iii) Adequate sanitary facilities (toilet, shower, laundry trough and kitchen sink) are provided to the satisfaction of Council's Environmental Health Unit; and
- (iv) Adequate services (electricity and reticulated or alternative potable water supply) are provided to the site; and
- (v) An approved Wastewater treatment and disposal system has been installed to the satisfaction of Council's Environmental Health Officer that enables solid and liquid waste to be disposed of safely and without detriment to the environment; and
- (vi) Whether the temporary dwelling can be suitably sited and designed to adequately manage the potential risk from bushfire. In assessing applications for temporary dwellings located within the Bushfire Management Overlay, Council will have consideration of the siting of the building in relation to vegetation and the amount of defensible space that can be provided, availability of all-weather access & adequacy of water supply for fire fighting. Any referral comments provided by the CFA will also be considered; and
- (vii) Whether the granting of a permit will have a detrimental impact on neighbouring properties.

A person who has obtained a permit for a temporary dwelling in accordance with the requirements of local law 5.3 must ensure that all conditions imposed by the permit are complied with, which may include the requirements specified in 5.3 b) of this Local Law.

Within three (3) months of the issue of a Certificate of Occupancy for a permanent residence, the temporary dwelling must be removed from the site to the satisfaction of Council.

Permits for Temporary dwelling issued in accordance with this local law may only be extended at the discretion of Council for a maximum period of twelve (12) months, subject to further application being made by the property owner. Council will only grant extensions in circumstances where substantial progress has been made toward the completion of the permanent dwelling and the necessary Building and Planning permits remain in place for the permanent residence.

In the event that no permit is granted for a Temporary Dwelling, or the works associated with Temporary Dwelling are not removed from the site to the satisfaction of Council following expiration of the permit referred to in the Notice to Comply, the Council may, after giving reasonable notice to the owner and occupier of the Temporary Dwelling undertake the necessary action to remove the building from the property and may recover the costs incurred in doing so from the owner in a Court of competent jurisdiction as a debt due to the Council.

5.4 STORAGE OF MACHINERY OR SECOND HAND GOODS ON PROPERTY

- (a) No person may without a permit, use any land in the municipal district for the storage of machinery or second hand goods of any kind or for the assembly or dismantling of such machinery or goods which are considered by Council to be detrimental to the amenity of the neighbourhood.

Penalty: 5 penalty units

Infringement Notice: 1 penalty unit

- (b) In determining whether to grant a permit, the Council must have regard to any standards or guidelines set out in Part 10 of this Local Law.

- (c) A permit is not required under this section where a licence has been obtained under the Second-hand Dealers and Pawnbrokers Act 1990.

5.5 INCINERATORS/ OPEN AIR BURNING

- (a) No person may light, allow to be lit or remain alight any incinerator of any kind in any part of the municipal district which is zoned industrial, business or residential under Council's Planning Scheme.

Penalty: 5 penalty units Infringement Notice: 1 penalty unit

- (b) Clause (1) does not apply on horticultural properties or on land used for the grazing of stock, on the provision that the incinerator is not within 100 metres of a neighbouring residence.

- (c) No person may, without a permit, burn or cause to burn any material in the open air on any land, street or road in the municipal district.

Penalty: 5 penalty units Infringement Notice: 1 penalty unit

- (d) Permits shall not be issued in accordance with clauses (a) and (b) during the ' fire danger period', as declared in accordance with the CFA Act 1958.

- (e) Despite sub-clause (a) no person may light, allow to be lit or remain alight an incinerator in any part of the municipal district on Fire Ban Day.

5.6 BURNING OF OFFENSIVE MATERIALS

- (a) No person may burn or cause to burn any offensive materials in any part of the municipal district including any substance which contains:

- (i) any manufactured chemical;
- (ii) any rubber or plastic;
- (iii) any petroleum;
- (iv) any paint or receptacle which contains or which contained paint;
- (v) food waste, fish or other offensive or noxious matter; and
- (vi) any other material as determined by the Council from time to time.

Penalty: 5 penalty units

Infringement Notice: 2 penalty units

5.7 RECREATION VEHICLES ON PUBLIC LAND

- (a) No person may without a permit use a recreation vehicle on any Council controlled land or reserve unless the land or reserve has been designated for that purpose.

Penalty: 2 penalty units

Infringement Notice: 1 penalty unit

- (b) In determining whether to grant a permit, the Council must have regard to any standards or guidelines in Part 10 of this Local Law.
- (c) No person may use any recreation vehicle in the municipal district where a permit has been issued on any Fire Ban Day.

Penalty: 2 penalty units

Infringement Notice: 1 penalty unit

5.8 RECREATION VEHICLES ON PRIVATE LAND

- (a) No owner or occupier shall allow or permit an activity involving the use of a motor vehicle (including a motorcycle) to take place on their land so as to cause significant degradation or damage to the land or to the vegetation on that land.
- (b) This local law only applies to land in the Rural Conservation Zone of the Pyrenees Planning Scheme and does not apply to any activity in respect to which a permit has been issued pursuant to the Pyrenees Planning Scheme or which is permitted under that Planning Scheme.

Penalty: 5 penalty units

Infringement Notice: 1 penalty unit

5.9 DILAPIDATED BUILDINGS

- (a) The owner or occupier of land on which a building is located must not allow that building to become dilapidated.
- (b) In determining whether there has been a breach of Clause (a), the Authorised officer must have regard to the standards set out in Part 10 of this Local Law.

Maximum Fine: 5 Penalty Units

Infringement Notice: 1 Penalty Unit

5.10 SHIPPING CONTAINERS

Unless in accordance with a permit issued under this Local Law an owner or occupier must not cause or allow a shipping container to be placed on private property, without having obtained a permit issued in accordance with this Local Law.

Shipping containers located on land within the Rural Zones, are exempt from requiring a permit under this local law if they are not visible from a public road or place.

In deciding whether to issue a permit in accordance with this local law, Council must have regard to the Guidelines for the Placement of Shipping Containers on Private Land, set out in Part 10 of this local law.

Maximum Penalty: 10 Penalty Units.

Infringement Notice 1 Penalty Unit.

In the event that no permit is granted for a Shipping Container, or the Shipping Container is not removed following the expiration of the permit referred to in the Notice to Comply, the Council may, after giving reasonable notice to the owner of the Shipping Container, remove the same from the property and recover the costs incurred by doing so from the owner in a Court of competent jurisdiction as a debt due to the Council.

PART 6 – ANIMALS

6.1 SCOPE OF PART

Clause 6.2 does not apply to animals or livestock kept on land rated as farmland.

6.2 NUMBERS

Without a permit an owner or occupier of land must not keep or allow to be kept on that land more than-

- (a) Four different types of animals or livestock; and
- (b) Any more in number of each type of the following animals or livestock;
 - (i) 2 dogs;
 - (ii) 2 cats;
 - (iii) 10 poultry;
 - (iv) 10 birds;
 - (v) 10 rabbits;
 - (vi) 1 cow;
 - (vii) 1 goat;
 - (viii) 2 sheep; or
 - (ix) 1 horse
- (c) Two restricted breed dogs as defined by Section 3 of the Domestic (Feral and Nuisance) Animals Act 1994. The number of restricted breed dogs to be kept or allowed to be kept on any land shall not exceed two without a permit.
- (d) This Local Law does not apply where a planning permit has been obtained for land used for the purposes of animal boarding or breeding or where the occupier is licensed in accordance with the Wildlife Act 1975; or where the occupier is a member of a breeding or racing organisation which is approved by the Council.
- (e) Where a person is the owner or occupier of adjoining allotments, all of the allotments shall be regarded as one parcel of land for the purposes of this Local Law. (Note: The purpose of this sub-clause is to prevent the keeping of the number of animals referred to in clause 6.2(b) on each separate allotment)
- (f) In determining whether to grant a permit the Council must have regard to any standards or guidelines set out in Part 10 of this Local Law.
- (g) In certain circumstances an Authorised Officer may issue a restricted Local Laws permit for up to 5 (five) dogs only.
- (h) Horses and cattle must not be kept on a residential property less than 2000m² without a Local Laws permit (Authorised Officer's discretion)

Penalty: 5 penalty units

Infringement Notice: 1 penalty unit

6.3 FENCING

An owner or occupier of land on which livestock is kept must ensure that the land is adequately fenced so as to prevent the livestock's escape from the land.

Infringement Notice: 2 penalty units

6.4 DROVING

- (a) A permit is required to move or drive any livestock on a road for a distance exceeding 500 metres except in the following circumstances:-
- (i) The livestock are being moved to an adjoining or adjacent property;
 - (ii) The livestock are being relocated in an emergency or to avoid or minimise danger to the livestock.
- (b) In all cases, the livestock must be moved in accordance with the guidelines prepared by Vic Roads or its successor.

Infringement Notice: 1 penalty unit

6.5 MANDATORY DESEXING OF CATS

Mandatory desexing of first time registered cats, except for those cats exempt under 10B of Domestic (Feral and Nuisance) Animals Act 1994 takes effect as of the current registration period (2009). Unless exempt, an entire cat (non desexed) is not able to be registered.

* Owners of cats which are not already registered and are not desexed will be fined 2x Penalty Units for failing to register a cat. (Under section 10 of the Domestic Animals Act 1994)

6.6 CAT CURFEW

Cats must be confined to an owner's property between the hours of sunset & sunrise within township zones of Avoca, Amphitheatre, Beaufort, Landsborough, Lexton, Moonambel, Snake Valley and Waubra. The hours of sunset and sunrise, are defined by the Bureau of Meteorology.

* Penalty for breach of 6.6 Cat Curfew- First Offence is 1x Penalty Unit or up to 3x PU for further breaches.

6.7 DOGS ON LEASH

Dogs must remain on leash within the business precincts of the townships of Avoca, Amphitheatre, Beaufort, Moonambel, Landsborough, Lexton, Snake Valley and Waubra. The dog on leash order will also apply to sign posted areas around schools and kindergartens.

* Penalty for breach of 6.7 Dogs on Leash- First Offence: 1x Penalty Unit or up to 4 x Penalty Units for further breaches.

6.8 DOG EXCREMENT

- (a) An owner or person in charge of a dog must remove and dispose of excrement deposited in public places such as foot paths streets nature strips and reserves.
- (b) A person in charge of a dog must also carry a facility for the effective removal of dog excrement.

* Penalty for breach of 6.8 Dog Excrement (a) = 1x Penalty Unit, (b) 0.5 Penalty Units

*Note Penalty Unit is \$100.00 as per the Sentencing Act 1991

PART 7 – WASTE

7.1 DOMESTIC WASTE

- (a) The occupier of every dwelling or other property where the Council provides a garbage service in the municipal district must comply with the standards or guidelines in Part 10 of this Local Law.
- (b) The type of bin to be used for the municipal collection is only to be a mobile garbage bin as approved and/or supplied by the Council to a particular property.
- (c) It is an offence to remove a bin from a property except on the day of collection or unless the bin is being taken to, or returned from the municipal tip.

Penalty: 2 penalty units

Infringement Notice: 1 penalty unit

- (d) Where the bin is missing from a property the owner is required to obtain a new bin from the Council at the price determined by the Council from time to time.
- (e) Any bin purchased in accordance with Sub Clause (4) remains allocated to the property for which it was purchased.

Penalty: 2 penalty units

Infringement Notice: 1 penalty unit

7.2 TRADE WASTE AND WASTE HOPPERS (INCLUDING RECYCLING BINS)

- (a) An occupier of property may arrange for the collection of trade waste or for the placement of a waste hopper or recycling bin subject to the standards and guidelines in Part 10 of this Local Law being complied with.

Penalty: 2 penalty units

Infringement Notice: 1 penalty unit

- (b) It will be an offence for any person to place any waste or material in a trade waste hopper or recycling bin contrary to the contents of notice on the hopper or recycling bin required by the standards or guidelines in Part 10.

Penalty: 2 penalty units

Infringement Notice: 1 penalty unit

- (c) No person may place waste or litter from residential, commercial, retail or industrial premises in street litter bins provided by the Council.

Penalty: 2 penalty units

Infringement Notice: 1 penalty unit

7.3 TRANSPORTATION OF WASTE

No person may convey or cause to be conveyed in any vehicle on any road in the municipal district, any manure, dead animal or parts thereof, offal, bones, hides, skins, offensive matter, refuse, rubbish or other waste matter unless the load is constructed and adequately covered so as to prevent leakage onto a road.

Penalty: 5 penalty units Infringement Notice: 2 penalty units

7.4 USE OF TIPS BY NON-RESIDENTS AND NON RATEPAYERS

- (a) The council may allow persons other than residents and ratepayers to use the municipal tip if the Council considers that it is reasonably practicable to allow non-residents and non-ratepayers to use municipal tips having regard to traffic conditions, available space, facilities and level of demand from residents and ratepayers, it may allow persons other than residents.
- (b) A person who is permitted to use a municipal tip under this provision must pay the fees and charges and comply with the terms and conditions determined by the Council for use of the tip by such persons.

Penalty: 2 penalty units Infringement Notice: 1 penalty unit

- (c) The Council may refuse entry to a person who fails to comply with the terms and conditions of use of tips.

7.5 DEPOSITING OF WASTE AT MUNICIPAL TIPS

Every person using municipal tips must deposit waste in accordance with the directions of the tip attendant and any signs erected at the tip.

Penalty: 2 penalty units Infringement Notice: 1 penalty unit

7.6 DUMPING OF ICE CHESTS, TRUNKS OR SIMILAR CONTAINERS

Any person who places or leaves or allows to remain a disused refrigerator, ice chest, ice-box, trunk, chest or any other similar article having a compartment which has a capacity of around 0.04 cubic metres or more on any land in the municipal district must comply to the standards or guidelines in Part 10 of this Local Law and subject to:

- (i) removing every door and lid; and
- (ii) removing every lock, catch and hinge attached to a door or lid; or
- (iii) otherwise rendering every door and lid incapable of being fastened.
- (iv) degassing any commercial and/or industrial refrigeration units not in accordance with EPA requirements will be guilty of an offence under this Local Law.

Penalty: 5 penalty units Infringement Notice: 2 penalty units

7.7 SCAVENGING AT MUNICIPAL TIPS

- (a) No person may without a permit remove material of any kind which has been deposited at a municipal tip.

Penalty: 2 penalty units Infringement Notice: 1 penalty unit

- (b) In determining whether to grant a permit the Council must have regard to any standards or guidelines in Part 10 of this Local Law.

7.8 DRAINAGE TAPPINGS

- (a) No person may without the approval of Council tap into or interfere with any drain under the control of the Council.

Penalty: 5 penalty

Infringement Notice: 2 Penalty Units

Sub-clause (1) does not apply where the Council has certified a plan of subdivision or given its approval for the drain to be tapped under any other legislation administered by it.

PART 8 – PUBLIC PLACES

8.1 GOOD ORDER AND BEHAVIOUR

A person shall not in any public place engage in or use offensive, indecent or obscene language or behaviour, deface any property, obstruct or harass any person, harangue or cause unreasonably loud noise and no person shall deposit any used syringe, expectorate, urinate or excrete in any public place, unless the public place was established for such a purpose.

Infringement Notice: 2 penalty units

8.2 COUNCIL SIGNS

A person must comply with any sign erected in a public place by Council.

Penalty:

Infringement Notice: 1 penalty unit

8.3 CONSUMPTION OF LIQUOR

- (a) A person shall not at any time consume any liquor, or have in their possession or under their control any liquor, other than in a sealed container:-

- (i) on a road or road reserve

Penalty: 5 penalty units

Infringement Notice: 1 penalty unit

8.4 NOISE FROM BUSINESS AND INDUSTRIAL PREMISES

Without a permit an owner or occupier of premises in a business or industrial zone as defined in the Pyrenees Planning Scheme must not –

- (a) emit or allow to be emitted any amplified speech, music or other sounds which are amplified; and
- (b) speak or call out from the premises for the purpose of attracting customers to the premises from a road.

Infringement Notice: 1 penalty unit

8.5 NOISE IN A PUBLIC PLACE

Without a permit a person must not in a public place –

- (a) sing or play a musical instrument or perform any other kind of entertainment for the public;
- (b) deliver a public address; or
- (c) use any sound amplification equipment.

Penalty: 5penalty units

Infringement Notice: 1 penalty unit

8.6 HANDBILLS

Without a permit a person must not distribute any handbills or other printed material, goods, gifts or advertising material in a public place.

Infringement Notice: 1 penalty unit

PART 9 – ENFORCEMENT

9.1 OFFENCES

A person is guilty of an offence if the person –

- (a) does something which a provision of this Local Law prohibits to be done;
- (b) fails to do something which a provision of this Local Law requires to be done;
- (c) engages in activity without a current permit where a provision of this Local Law requires that person obtain a permit before engaging in that activity;
- (d) breaches or fails to comply with a condition of a permit issued under this Local Law; or
- (e) fails to comply with a direction of an authorised officer under Part 2.

Infringement Notice: 2 penalty unit

9.2 PENALTIES

Penalties for infringement notices which may be issued as an alternative to prosecution in respect to offences against this Local Law are relevant to the penalty units with one penalty unit being \$100.00 as set in the Sentencing Act 1991.

9.3 INFRINGEMENT NOTICE

- (a) An authorised officer may serve a local law infringement notice in the form of Schedule 5 on a person whom the officer believes has committed an infringement of this Local Law requiring the person to pay the penalty for that infringement within 28 days of the issue of the infringement notice.
- (b) If the infringement notice is not withdrawn and the person pays to the Council the amount referred to in the infringement notice within the period of 28 days or such further period as the Council or an authorised officer may allow, no conviction will be recorded against that person for the alleged infringement.
- (c) The Council or authorised officer may at any time withdraw an infringement notice either as a result of consideration of any representations made or with a view to prosecuting for an offence.
- (d) In the event of the failure of a person served with an infringement notice to pay the amount specified within 28 days of the issue of the notice or such further time as the Council or the authorised officer may permit, the Council or the authorised officer may pursue the matter by prosecuting for an offence or by taking any steps which may be available for enforcing penalties by registration of infringement notices.
- (e) Any person served with a local law infringement notice is entitled to disregard the notice and defend the prosecution in Court.
- (f) The penalty referred to herein may be paid at the Council offices.

PART 10 –STANDARDS

10.1 URGENT CIRCUMSTANCES

What is regarded as urgent circumstances will depend on the circumstance of each situation. Factors to be taken into account include –

- (a) Where:-
 - (i) the person by whose default, permission or sufferance the situation has arisen; or
 - (ii) the owner or occupier of the premises or the property affected is not known or cannot be found.

- (b) Where in the opinion of the authorised officer there exists an urgent risk or threat to:-
 - (i) public health;
 - (ii) public safety;
 - (iii) the environment; or
 - (iv) animal welfare.

Infringement Notice: 1 penalty unit

10.2 SHIPPING CONTAINERS

- (a) Guidelines for placement of shipping containers on private land

In considering an application for a Shipping Container permit under Part 5.10 of Local Law 2, the Council must have regard to the following:

- (b) Shipping Containers in Urban Townships (Land Zoned R1Z, LDRZ, Residential 1, Low Density Residential Zone or Township Zone):
 - (i) A permit may be issued to keep a shipping container on private land for the purpose of on-site storage of building materials and equipment, prior to and during the construction of a permanent dwelling on the land.
 - (ii) If such a permit is issued, the container must be removed from the site within 3 months of the issue of a certificate of occupancy for the permanent residence.
 - (iii) Any permits issued must contain conditions requiring that the shipping container be located and appropriately screened so as to minimise the visual impact on the amenity of the area.
 - (iv) The maximum time permitted for the shipping container to be allowed to remain on the site is two (2) years from the date of issue.

- (c) Shipping Containers on Rural Properties (those properties included within the Farming, Rural Living, and Rural Conservation Zones within the Pyrenees Planning Scheme):
 - (i) If a permit is issued, conditions must be included requiring that the container to be located in an unobtrusive area and/or suitably screened so that it does not detract from the visual amenity of the area.

10.3 DILAPIDATED BUILDINGS

In determining whether the owner and/or occupier is in breach of this Local Law, the Council must take into account:

- (a) The adequacy of the standard of habitation,
- (b) The likely detriment or nuisance being caused,
- (c) The condition or state of sanitary facilities,
- (d) The length of time the structure has been in a dilapidated or state of disrepair.

10.4 DOMESTIC WASTE

- (a) **Use of Bins**
All domestic waste must be placed in an approved bin on the days from time to time specified by the Council.
- (b) **Placement of Bins**
Bins must be placed on the verge of the vehicle crossing or roadway abutting the property, the night before the waste is to be collected.
- (c) **Prohibited Waste**
The following material is prohibited from being placed in rubbish bins for collection by the Council:
 - (i) slops, liquid waste or offensive material;
 - (ii) dirt, dust, or other matter from any vacuum cleaner, ashes, hair or other similar matter or moist refuse, unless it has been securely wrapped in paper or some other impermeable cover or container to prevent its escape;
 - (iii) ashes or other like matter unless they have been mixed with water to form a consistency of a stiff paste before being wrapped and placed in the bin;
 - (iv) glass or other sharp objects unless they are properly contained or wrapped in such a way as to render them harmless and inoffensive;
 - (v) oil, paint, solvents or similar substance or any other substance which may damage the bin or reduce its strength or effectiveness;
 - (vi) disposable napkins unless they have been cleaned of solids and securely wrapped in impervious material prior to being placed in the bin;
 - (vii) trade wastes of any kind.
- (d) **Recycling and Hard Garbage Collection**
Where the Council has notified occupiers of a recycling or hard garbage collection, the material to be recycled and the hard garbage to be collected must be left for collection in accordance with the Council's instructions.
- (e) **Removal of Bins and any Spillage**
Once the waste has been collected by the Council, the empty bins must be returned to the property by the occupier and any waste which has spilled onto the road, nature-

strip or surrounding area, must be removed by the occupier responsible for the bin, as soon as practicable.

- (f) **Cleanliness**
Bins must be maintained in a clean and tidy manner so as not to be offensive to any person.
- (g) **Bins In Excess of 3 - Multiple Dwelling**
In the case of the regular collection of rubbish in excess of 3 bins to any one dwelling, that dwelling to be regarded as a multiple dwelling, for the purpose of calculating the garbage charge as determined by the Council from time to time.

10.5 TRADE WASTE AND WASTE HOPPERS (INCLUDING RECYCLING BINS)

- (a) **Construction of Bins**
 - (i) Waste Hoppers or Bins used for the collection and storage of trade waste must:
 - (ii) be constructed of approved impervious material to the satisfaction of the Environmental Health Officer to prevent leakage, absorption or accumulation of any refuse or rubbish that may be deposited in it;
 - (iii) be water-tight, fly and vermin proof;
 - (iv) contain a removable drainage plug for the purpose of cleaning; and
 - (v) be fitted with fly, and vermin proof lid with overlapping flanges which must be kept continuously closed;
- (b) **Emptying of Trade Waste Bins**
Waste Hoppers or bins must be emptied at least weekly or more regularly if the contents become offensive.
- (c) **Cleanliness and Storage of Bins**
The occupier must ensure that:
 - (i) the bin is stored and maintained in a clean, sanitary and inoffensive condition and must clean and at all times keep clean any footway, pavement or ground adjoining the storage area, to the satisfaction of the Environmental Health Officer;
 - (ii) the surface upon which the bin is stored, is impervious, graded and drained to the sewer or an approved outlet with such silt traps or other treatment devices as required by the Environmental Health Officer;
 - (iii) the storage site is supplied with a tap connection and hose of a size approved by the Environmental Health Officer;
 - (iv) the bin is screened in such a way and with such material as approved by the Environmental Health Officer;
 - (v) the bin is adequately fenced or constructed in such a way so as to deny access to the public; and
 - (vi) the bin is cleaned and disinfected thoroughly after each emptying.

(d) Notice of Materials to be Deposited

Every waste hopper or recycling bin used for the collection of waste or recyclable material must display a notice indicating the type of waste or material which is permitted and stating that it is an offence to deposit any material contrary to the notice.

10.6 DUMPING OF ICE CHESTS, TRUNKS OR SIMILAR CONTAINERS

In determining whether to accept a commercial or industrial refrigeration unit, the Council must take into account any policies of the Environment Protection Authority concerning degassing certification certificates.

10.7 SCAVENGING AT MUNICIPAL TIP

In determining whether to grant a permit for scavenging at the municipal tip, the Council must take into account:

- (a) the nature of the material to be scavenged;
- (b) the recyclable value of the materials to the 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.

**PYRENEES SHIRE COUNCIL
LOCAL LAW NO. 2 ENVIRONMENT
SCHEDULE 1 – NOTICE TO COMPLY**

To:

Address:

The following constitutes a breach under provision of the Council’s Local Law No. 2. You must remedy the breach/and carry out the works referred to below within days from the date of this notice.

Nature of breach:

Works to be carried out:

You should contact the Local Laws Officers at the municipal offices between the hours of 8:30am and 5:00pm for any further information about this Notice.

If you fail to comply with this Notice you will be guilty of an offence and liable for payment of the penalty of \$..... (penalty) and the authorised officer may proceed to carry out the work, the cost of which, in addition to the above penalty you will later be liable for.

Name of Authorised Officer:

Telephone:

Signature of Authorised Officer

Date:

**PYRENEES SHIRE COUNCIL
LOCAL LAW NO. 2 ENVIRONMENT
SCHEDULE 2 – NOTICE OF IMPOUNDING**

To:

Address:

The following item(s) has/have been impounded in accordance with Clause 2.7 of Council's Local Law No. 2.

Describe items impounded:

You may collect these items by attending at the municipal offices between the hours of 8:30am and 5:00pm to see the Local Laws Officers and by paying the following:

Details of Fees and Charges:

If you fail to collect the item(s) and pay the required fees and charges by(date), the authorised officer will proceed to dispose of the item(s) in accordance with Council's policy.

Name of Authorised Officer:

Telephone:

Signature of Authorised Officer

Date:

**PYRENEES SHIRE COUNCIL
LOCAL LAW NO. 2 ENVIRONMENT
SCHEDULE 3 – APPLICATION FOR PERMIT (GENERAL)**

Name:

Address:

Wish to apply for a permit pursuant to the Local Law No. 2 clause as follows:

To be able to:

Address of land / premises works are to be carried out on:

Applicant Telephone:

Best Contact Time:

Signature of Applicant

Date:

Name of Owner

Owner Telephone:

Signature of Owner

Date:

Fees Due:

Date Paid:

Receipt #:

**PYRENEES SHIRE COUNCIL
LOCAL LAW NO. 2 ENVIRONMENT
SCHEDULE 4 – APPLICATION FOR PERMIT (TEMPORARY DWELLINGS 5.3)**

Name:

Address:

Wish to apply for a permit pursuant to the Local Law No. 2 Environment Clause 5.3 (Temporary Dwellings) to erect, establish or occupy a temporary dwelling on:

Property Address:

I enclose with this application the following:

- Site plan showing the proposed location of the temporary and permanent dwelling and vehicle access road in relation to property boundaries and existing trees.
- Details of the septic system that will be installed along with a copy of the required septic approval issued by the Pyrenees Shire
- Copies of elevation and floor plans and computations for the proposed temporary dwelling which must demonstrate compliance with the relevant requirements of the *Building Code of Australia*
- Copy of the Planning and Building permits which have been issued for the permanent residence to be constructed on the site and the building proposed to be used for the purpose of temporary accommodation;
- Provide a written statement indicating the reason for requiring the temporary dwelling and provide details of the period over which you intend to have it on the site
- Detail how you intend complying with the other temporary dwelling requirements stipulated within part 5.3 of this Local Law

Applicant Telephone:

Best Contact Time:

Signature of Applicant

Date:

Name of Owner

Owner Telephone:

Signature of Owner

Date:

Fees Due:

Date Paid:

Receipt #:

**PYRENEES SHIRE COUNCIL
LOCAL LAW NO. 2 ENVIRONMENT
SCHEDULE 4 – APPLICATION FOR PERMIT (CAMPING/TEMPORARY
ACCOMMODATION) (Local Law 5.2)**

Name:

Address:

Wish to apply for a permit pursuant to the Local Law No. 2 Environment Clause 5.2 to camp or locate a temporary form of accommodation on:

Property Address:

Enclose with this application the following:

- Site plan showing the proposed location of the temporary accommodation
- Dates over which you intend using the site for the purpose of temporary accommodation
- Details of the toilet and waste disposal system to be used during your period of temporary occupation
- Provide a signed statement that you intend to comply with all condition requirements of the permit and will remove the temporary accommodation from the site immediately following the completion of the period stated in the application

Applicant Telephone:

Best Contact Time:

Signature of Applicant

Date:

Name of Owner

Owner Telephone:

Signature of Owner

Date:

Fees Due:

Date Paid:

Receipt #:

**PYRENEES SHIRE COUNCIL
LOCAL LAW NO. 2 ENVIRONMENT
SCHEDULE 5 – INFRINGEMENT NOTICE**

Date of Notice:

Notice No:

Name:

Address:

I, being a duly authorised officer of the Pyrenees Shire Council have reason to believe that you have committed an offence against the Local Law No. 2 of the Council. The nature of the alleged offence and penalty is indicated below:

Clause No:

Applicable Penalty \$:

Nature of Infringement

Other particulars of alleged offence:

Date:

Time:

Location:

If you pay the penalty indicated within 28 days from the date of this notice by cheque, cash or money order for the full amount this matter will not be brought to court and no conviction will be recorded.

Pyrenees Shire Council
5 Lawrence Street
BEAUFORT VIC 3373

You are entitled to disregard this infringement notice and defend the prosecution for the offence in Court. Should you wish to make any submission concerning this infringement notice contact should be made with the Council's Authorised Officer.

Signature of Authorised Officer

Date:

**PYRENEES SHIRE COUNCIL
LOCAL LAW NO. 2 ENVIRONMENT
SCHEDULE 6 – FEE STRUCTURE**

Animals

Droving – Clause 6.5

Permit to drive any livestock on a road other than what is allowed under the Local Law:

Fee: \$ N/A

Environment

Temporary Accommodation – Clause 5.2

Permit required to occupy Temporary Accommodation in a public place or on private land:

Fee: 1st Year \$100.00
 2nd Year \$200.00

Temporary Permit for Caravan – Clause 5.2(3)

Fee: \$50.00

(Applies to an application for extension of permit)

Public Place

Noise from Business and Industrial Premises – Clause 8.4

Permit required in a commercial, business, or industrial zone to emit amplified sound or spruik form a premises:

Fee: \$20.00

Noise in a Public Place – Clause 8.5

Permit required to play musical instruments, use sound amplification equipment or deliver public addresses in a public place:

Fee: \$20.00

Handbills – Clause 8.6

Permit required to distribute handbills or printed materials, goods, gifts or advertising material in a public place:

Fees: \$20.00