

# PYRENEES

— S H I R E —



## General Local Law 2019

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## PART 1 – PRELIMINARY

### 1.1 TITLE

This is the Pyrenees Shire Council General Local Law 2019.

### 1.2 OBJECTIVES OF THIS LOCAL LAW

The objectives of this Local Law are to provide for:

- (1) 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;
- (2) the peace, order and good governance of the municipal district;
- (3) the administration of Council's powers and functions;
- (4) protection of Council's assets;
- (5) the management of traffic, use of roads by persons, vehicles and animals; and
- (6) the control and regulation of secondary activities on roads including:
  - (a) trading;
  - (b) the placing of goods and equipment;
  - (c) repairs to vehicles; and
  - (d) parties, festivals and processions in a fair, equitable and safe manner which does not compromise the primary need for the passage and re-passage of people and goods.

### 1.3 AUTHORISING PROVISIONS

This Local Law is made under Part 5 of the *Local Government Act 1989*.

### 1.4 COMMENCEMENT, REVOCATION AND AREA OF OPERATION

This Local Law:

- (a) commences on 7 March 2019;
- (b) unless revoked sooner, ceases to operate on 6 March 2029; and
- (c) applies to the whole of the municipal district.

### 1.5 REVOCATION OF LOCAL LAWS

On commencement of this Local Law, the following Local Laws become superseded and revoked:

- Pyrenees Shire Council - *Local Law No. 2 Environment 2013*
- Pyrenees Shire Council - *Local Law No. 3 Streets and Roads 2013*

### 1.6 EXEMPTIONS

- (1) A service authority or a person employed by or acting on behalf of a service authority is not required to obtain a permit in respect of work which is for the purposes of the service authority.

- (2) A person who should, but for subclause (1), be required to obtain a permit in respect of any activity must notify Council of the activity prior to its commencement.
- (3) This Local Law does not apply where any act or thing is authorised by any Act or Regulation.
- (4) The provisions of this Local Law do not apply to Council contractors, agents and employees in performing their duties as directed by Council.

## 1.7 DEFINITIONS

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

<b>Act</b>	means <i>The Local Government Act 1989</i> (Vic).
<b>Applicant</b>	means the person who applies for a permit under this Local Law.
<b>Authorised Officer</b>	means an Authorised Officer appointed under Section 224 of the Act including a Police Officer.
<b>Camping</b>	means 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.
<b>Council</b>	means Pyrenees Shire Council.
<b>Council Land</b>	means a road, footpath, road reserve and/or land which is owned, occupied or managed by Council.
<b>Domestic Pets</b>	means any animal kept primarily for a person's company or enjoyment, but excludes animals kept for commercial purposes.
<b>Incinerator</b>	means a structure, device or contraption (not enclosed in a building) which is: <ul style="list-style-type: none"> <li>(a) used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance;</li> <li>(b) not licensed or otherwise subject to control under the provisions of any legislation; and</li> <li>(c) not a Barbeque or a manufactured fireplace for the purpose of outdoor heating or cooking.</li> </ul>
<b>Livestock</b>	has the same meaning as the <i>Livestock Management Act 2010</i> and includes: <ul style="list-style-type: none"> <li>(a) any animal kept for the purposes of primary production, including</li> </ul>

	<p>cattle, sheep, pigs, poultry, ratites, buffalo, camels, alpacas, goats and deer;</p> <p>(b) horses, including where used for recreation; or</p> <p>(c) any animals prescribed as livestock.</p>
<b>Noxious Weeds</b>	has the same meaning as in the <i>Catchment and Land Protection Act 1994</i> .
<b>Offensive</b>	means the same as under Section 58 <i>Public Health and Wellbeing Act 2008</i> .
<b>Open Air Burning</b>	has the same meaning as Section 34A of the <i>Country Fire Authority Act 1958</i> and means lighting a fire, authorising the lighting of a fire or allowing a fire to remain alight in the open air. A fire is in the open air if it is in any place other than within a permanent structure consisting of a roof and fully enclosed on all sides; including a caravan.
<b>Permit</b>	means a permit issued by Council under this Local Law.
<b>Penalty Unit</b>	has the same meaning as section 110 of the <i>Sentencing Act 1991</i> .
<b>Planning Scheme</b>	means the Pyrenees Planning Scheme.
<b>Public Place</b>	<p>means any –</p> <p>public highway, road, street, bridge, footway, footpath, court, alley, passage, or thoroughfare notwithstanding that it may be formed on private property;</p> <p>(a) park, garden, reserve or other place of public recreation or resort;</p> <p>(b) place of public resort;</p> <p>(c) vacant land or vacant space adjoining any road;</p> <p>(d) Council building;</p> <p>(e) Council Land;</p> <p>(f) place prescribed by the Council as a Public Place;</p> <p>(g) any Public Place within the meaning of the words "Public Place" whether under this Local Law or otherwise.</p>
<b>Recreation Vehicles</b>	means all mini bikes, trail bikes, motor bikes, motor scooters, go- karts, motor cars and any other bike or vehicle propelled by a motor which is normally used for recreational purposes, but does not include any vehicle used primarily in respect of primary production, construction or maintenance or motor homes or buses or drones.
<b>Residential Area</b>	includes land zoned Low Density Residential, Township, General Residential or Urban Floodway under the Pyrenees Planning Scheme.

<b>Road</b>	has the same meaning as in the Act and applies to roads for which Council has responsibility for under the <i>Road Management Act 2004</i> but does not include a State road under the Road Management Act unless a provision in the Local Law is expressly applied to a State road.
<b>Rural Area</b>	includes land zoned Rural Living, Rural Conservation, Rural Activity or Farming under the Pyrenees Planning Scheme.
<b>Spruik</b>	means attracting custom, promoting or publicising, by calling out or speaking in public to passers-by, with or without sound amplification equipment.
<b>Service Authority</b>	means any company or public body responsible for the installation of telecommunications, gas, electricity, water, sewerage, drainage or other services under the authority of an Act of Victoria or the Commonwealth and may include an emergency service.
<b>Temporary Dwelling</b>	means 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 <i>Building Act 1993</i> .
<b>Vehicle</b>	has the same meaning as in the <i>Road Safety Road Rules 2017</i> and as defined in the <i>Road Safety Act 1986</i> .
<b>Vehicle Crossover</b>	means the constructed surface between the road pavement to the property boundary for vehicle access, including any Footpath section, crossing culverts, kerb and channel or layback.
<b>Wheeled Recreational Device</b>	has the same meaning as in the <i>Road Safety Road Rules 2017</i> and means equipment built to transport a person, propelled by human power or gravity, and ordinarily used for recreation or play and: <ul style="list-style-type: none"> <li>(a) includes roller blades, roller skates, a skateboard or similar wheeled device;</li> <li>(b) includes Wheeled Toys as defined in the <i>Road Safety Road Rules 2017</i>; but</li> <li>(c) does not include a bicycle.</li> </ul>



## PART 2 – ADMINISTRATION OF THIS LOCAL LAW

### 2.1 APPLICATION FOR PERMIT

- (1) A person who makes an application for a permit under this Local Law must:
  - (a) make the application in the form prescribed by Council or an Authorised Officer; and
  - (b) pay the appropriate application fee.
- (2) Council or an Authorised Officer may require an Applicant to provide additional information before determining an application for a permit.
- (3) Council may require a person making an application to give public notice and entitle any person to make a submission.
- (4) Council or an Authorised Officer, in its absolute discretion may issue a permit with or without conditions or refuse the issue of a permit or waive the requirement for a permit.

### 2.2 CONSIDERING APPLICATIONS

In considering an application for a permit the Council or an Authorised Officer may consider:

- (1) any policy or guideline adopted by the Council relating to the subject matter of the application for the permit;
- (2) any submission that may be received in respect of the application;
- (3) any comments that may be made in respect of the application by any public authority, Government department, community organisation or other body or person; and/or
- (4) any other relevant matter.

### 2.3 DURATION OF PERMITS

A permit will expire on the date specified in the permit or if no date is specified one year after the date of issue.

### 2.4 CORRECTION OF PERMIT

The Council or an Authorised Officer may correct a permit issued if the permit contains:

- (1) a clerical mistake or an error;
- (2) an evident and material miscalculation of figures or any evident and material mistake in the description of any person, thing or property referred to in the permit; or
- (3) Council or an Authorised Officer must note the correction in the register of permits.

### 2.5 CANCELLATION OF PERMITS

- (1) Council or an Authorised Officer may cancel a permit issued under this Local Law in the following circumstances:
  - (a) a material misstatement or concealment of facts in relation to the application for a permit;
  - (b) any material mistake in relation to the issue of the permit;

- (c) any material change of circumstances which has occurred since the issue of the permit;
- (d) where there has been any failure to comply with a condition of the permit; or
- (e) if a Notice of Comply is issued and served in accordance with Part 8 of this Local Law and:-
  - i. there is a failure to comply within the time specified in the Notice to Comply; and
  - ii. the failure to comply continues for a period of seven days after the date specified in the Notice to Comply.

## 2.6 SETTING FEES AND CHARGES

- (1) Council may by resolution determine the fees and charges to apply under this Local Law.
- (2) Council must give public notice of its resolution to set or alter fees and charges.
- (3) Council may waive or reduce any fee or charge with or without conditions.

## PART 3 – ENVIRONMENTAL AMENITY AND PROPERTY

### 3.1 DANGEROUS OR UNSIGHTLY LAND

The owner or occupier of land must not cause or allow the land or any road reserve abutting the land to be kept in a manner which is dangerous, unsightly or detrimental to the general amenity of the surrounding area.

In determining whether the land use is in breach, Council will consider the zoning of the land and the following matters:

(1) Land:

- (a) contains unconstrained rubbish;
- (b) contains machinery, scrap metal and/or implements;
- (c) contains disused excavations, building waste or fencing materials;
- (d) contains waste or other materials;
- (e) is kept in a manner that is dangerous or likely to cause danger to life or property;
- (f) has weeds or grass that exceed 200mm in height on land less than 4000m<sup>2</sup> or 1 acre;
- (g) is a harbourage for vermin;
- (h) is used, without a permit, for the storage of motor vehicles whether registered or not;
- (i) contains Noxious Weeds or environmental weeds; and/or
- (j) any other matter that is detrimental to the amenity of the local area.

(2) In determining whether a commercial or industrial premise is in breach, Council will consider the following:

- (a) matters referred to in subclause (1);
- (b) recyclable materials such as bottles, cardboard and cooking oils must be adequately stored so that:
  - i. they cannot be interfered with by unauthorised persons; or
  - ii. cannot escape beyond the premises on which they are stored;
- (c) cardboard or boxes must be placed for collection secured or tied in a bundle so that they cannot escape from the collection site;
- (d) crates and other returnable delivery containers must be kept on the premises and stored until they are returned to the owner; and/or
- (e) waste must not be:
  - i. discharged, emptied or disposed of in any way onto any road or into a drain;
  - ii. burned or incinerated; or
  - iii. left for collection on the roadside where it comprises hazardous waste as defined in the *Environment Protection Act 1970*.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

### 3.2 DILAPIDATED BUILDINGS

The owner or occupier of land on which a building is located must not cause, allow or suffer that building to become dilapidated.

In determining whether there is a breach Council will consider:

- (a) the adequacy of the standard of habitation;

- (b) the likely detriment or nuisance being caused;
- (c) the condition or state of sanitary facilities; and/or
- (d) the length of time the structure has been in a dilapidated or state of disrepair.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

### 3.3 CAMPING

- (1) A person must not, without a permit, occupy a tent, caravan or other temporary or make-shift structure in a Public Place unless in an area designated by Council as a camping area.
- (2) The owner or occupier of land must not, without a permit, occupy or allow a person to occupy a tent, Caravan or other temporary or makeshift structure on the land for a period exceeding a total of 31 days in a single calendar year.
- (3) A permit is required for camping on any private land if the camping exceeds 10 consecutive nights.
- (4) Subclauses (1) and (2) do not apply to persons within a Caravan Park registered under the *Residential Tenancies Act 1997*.
- (5) 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.

In determining whether to issue a permit for camping on private land for a period exceeding 10 consecutive days, or for camping on private land that exceeds 31 days in a single calendar year, Council may consider:

- (a) availability of suitable all-weather access to the site that will allow adequate access for emergency vehicles;
- (b) provision of adequate sanitary facilities and availability of a chemical toilet;
- (c) potential risks from bushfire, along with the availability of a suitable water supply for firefighting; and/or
- (d) whether there is access to clean and reliable sources of water, shelter structures, and heating.

Infringement Notice: 2 penalty units

Court penalty: 15 penalty units

### 3.4 TEMPORARY DWELLINGS

- (1) The owner or occupier of land must not, without a permit, occupy or allow any person to occupy a temporary dwelling on the land.
- (2) A permit may be granted for a period up to 2 years if Council is satisfied that:
  - (a) a current building permit and any required planning permit has been issued for a permanent residency on the site;

- (b) the temporary dwelling complies with the requirements of the *Building Act 1993* and is considered capable of providing for an adequate standard of habitation;
- (c) a letter of support for approval of a temporary dwelling has been provided by a Relevant Building Surveyor;
- (d) adequate sanitary facilities (toilet, shower, laundry trough and kitchen sink) are provided to the satisfaction of Council's Environmental Health Unit;
- (e) the dwelling is connected to a reticulated water supply or has an alternate potable water supply;
- (f) the dwelling is connected to reticulated electricity supply or has an alternate energy source;
- (g) 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
- (h) within three (3) months of the issue of a Certificate of Occupancy for a permanent residence, the temporary dwelling must be decommissioned to the satisfaction of Council.

In determining whether to issue a permit, Council will also consider:

- (a) whether the temporary dwelling can be suitably sited and designed to adequately manage the potential risk from bushfire; and/or
  - (b) whether the issuing of a permit will have a detrimental impact on neighbouring properties.
- (3) Council may grant an extension of time for an existing temporary dwelling permit, for a maximum period of 12 months, in circumstances where substantial progress has been made toward the completion of the permanent dwelling and the necessary Building Permit and Planning Permit remain in place for the permanent residence.

Infringement Notice: 10 penalty units

Court penalty: 20 penalty units

### 3.5 SHIPPING CONTAINERS

- (1) A person must not, without a permit, cause or allow a shipping container to be placed, kept, stored or used in any other manner on land unless:
- (a) it is permitted under the Planning Scheme; and/or
  - (b) it is permitted under a Building Permit.
- (2) In considering whether to approve a permit for a temporary shipping container, Council will have regard to the following:
- (a) whether the shipping container on private land is 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;
  - (b) the length of time the shipping containers and other structures will be erected on the land and the date the shipping container will be removed;

- (c) the suitability of the land and whether the shipping container can be appropriately located and screened or painted so as to minimise the visual impact on the amenity of the area;
- (d) the location of the land and the specific siting of the container;
- (e) the purpose of the shipping container on the land;
- (f) the land-use of the applicant's land and that of adjoining allotments;
- (g) the number of shipping containers or other structures to be located on the land;
- (h) any likely damage to be caused; and/or
- (i) any other matter the Authorised Officer or delegated officer reasonably believes is relevant to the application.

(3) The maximum time permitted for the temporary shipping container to be located on the site is two (2) years from the date of issue.

(4) Subclause (1) does not apply where a shipping container is placed on land for a period not exceeding 7 days for the purpose of loading or unloading goods.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

### 3.6 INCINERATORS

(1) A person must not light, allow to be lit, remain alight or use an incinerator.

(2) Subclause (1) does not apply to land in the Rural Living, Rural Conservation and Farming Zones where the incinerator is greater than 100 metres from land not in the same ownership.

(3) Nothing in subclause (2) permits a person to light a fire, or allow a fire to continue to burn during a Fire Danger Period unless otherwise permitted by the Country Fire Authority.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

### 3.7 OPEN AIR BURNING

(1) A person must not, without a permit, burn or cause or allow to burn any material in the open air.

(2) Subclause (1) does not apply to:

- (a) land in the Rural Living, Rural Conservation and Farming Zones where the location of the fire is not less than 100 metres from land not in the same ownership unless:
  - i. the material being burnt is a windrow/heap larger than 3m<sup>2</sup> or crop stubble;
- (b) barbeque, pizza oven or other properly constructed appliance while it is being used for cooking food;
- (c) fire in a chimenea, fire pit or other similar and properly constructed appliance while being used for heating;

- (3) Nothing in subclause (1) and (2) permits a person to light a fire or allow a fire to continue to burn during a Fire Danger Period unless otherwise permitted by the Country Fire Authority.
- (4) A person responsible for burning or lighting a fire on any land in the open air must ensure that:
  - (a) it does not offend or cause a nuisance to another person in the vicinity or beyond the property boundary; and
  - (b) Country Fire Authority have been notified.
- (5) A person who has lit or allowed a fire to remain alight contrary to the provisions in this section or any condition contained in a permit must extinguish the fire immediately on being directed to do so by :
  - (a) an Authorised Officer; or
  - (b) a member of Victoria Police or the Country Fire Authority.

In determining whether to issue a permit, Council will require a minimum 100m setback from any neighbouring properties and will consider the volume of the material being burnt.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

### 3.8 BURNING OF OFFENSIVE MATERIALS

- (1) A person must not burn or cause to burn offensive materials in any part of the municipal district including substances which contains:
  - (a) any manufactured chemical;
  - (b) any rubber or plastic;
  - (c) any petroleum;
  - (d) any paint or receptacle which contains or which contained paint;
  - (e) food waste or fish; or
  - (f) other offensive or noxious matter.

Infringement Notice: 5 penalty units

Court penalty: 15 penalty units

### 3.9 LIGHT POLLUTION

An owner or occupier of land must ensure that any artificial light on the land does not impact the amenity of the local area or cause a nuisance.

Council officers may issue a Notice to Comply subject to consideration of:

- (a) the specific location of the property and its proximity to local astronomical equipment and viewing areas; and
- (b) whether the extent of external lighting is appropriate to the land use and occupation of the dwelling or business;

Infringement Notice: 2 penalty units

Court penalty: 10 penalty units

### 3.10 PRIVATE ACCESS TO RESERVES

The owner or occupier of land adjacent to Council Land other than a road must not install or keep:

- (a) a gateway which services; or
- (b) any other means of access to or from the Council Land.

Where an owner or occupier of land is found to have installed a means of private access they may be required by Council to reinstate the location to the original condition at the land owner's cost.

Infringement Notice: 3 penalty units

Court penalty: 10 penalty units

### 3.11 CONTROL OF BUILDING AND CONSTRUCTION SITES

(1) Waste receptacles and building refuse.

The

- (a) owner of a Building site; and
- (b) a Builder and each employee or agent of a builder, engaged to carry out building works on the building site

must ensure that:

- i. a facility is provided for waste and is of a size and construction that adequately contains all waste;
- ii. the waste facility remains on the land during the period of the building work (other than when required to be emptied);
- iii. the facility is not placed on Council Land without a permit;
- iv. the facility is emptied whenever full, and, if necessary, provide a replacement facility;
- v. the lid on the refuse facility remains closed at all times except when placing building refuse in the refuse facility;
- vi. all wind-blown building refuse created or accumulated on the building site is deposited into the refuse facility upon the building refuse being created or accumulated;
- vii. all materials/ refuse for or from the building site, including waffle pods, are to be contained within the boundaries of the building site and measures are taken to secure refuse from breaking free in windy conditions;
- viii. any mud or slurry remains on the building site and that any vehicle exiting the building site does not carry any mud or slurry onto the adjoining or nearby road; and
- ix. all waste is removed and lawfully disposed of within seven (7) days of the completion of the building work or issue of an occupancy permit, whichever occurs last.

(2) Site Identification.

Prior to the commencement of any building work the owner, builder or appointed agent must erect a sign at the main entrance to the building site which:

- (a) is at least 600mm height and 400 mm width;



- (b) is placed in such a location to be clearly legible in normal lighting conditions from the road immediately adjacent to the front boundary;
- (c) contains the lot number, street and suburb as described in the relevant certificate of title;
- (d) identified the name, postal address and 24 hour contact telephone number (s) of the person in charge of the building work and the site supervisor; and
- (e) this site identification must not be removed until completion of the building work.

### (3) Site Fencing

Prior to the commencement of any building work, the owner, builder or appointed agent must erect a fence around the entire perimeter of a building site which:

- (a) is not less than 1500mm in height;
- (b) is capable of preventing litter from being transported from the building site by wind;
- (c) has no more than one access opening which has a width not greater than 2800mm, is fitted with 1500mm high gates and is located to correspond with the vehicle crossing referable to the building site; and
- (d) the owner, builder or appointed agent must ensure that the site fencing referred to subclause (3) is maintained at all times and remains in place for the duration of the building work.

### (4) Discharge of Water and Stormwater Protection

Where building work is being carried out on any land the owner, the builder, a contractor or appointed agent who is carrying out the work, must ensure that contaminated water including run off of chemicals, sediments, concrete, soil, wash down, animal waste or other pollutants does not enter the storm water system.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

## 3.12 SPOIL ON ROADS

### (1) A person must not:

- (a) drive; or
- (b) allow or cause to be driven,

a vehicle on a road or footway in the course of any trade, industry or commercial undertaking, unless the wheels and tyres of the vehicle are free from soil, earth, clay or like substances.

### (2) A person must not allow any produce, soil, liquid waste, vegetation debris or like substance to fall from or escape onto a road or footway from any vehicle or any equipment in the course of any trade, industry or commercial undertaking.

### (3) A person must not allow any grease, oil, mud, clay or like substance to run off a motor vehicle he or she is cleaning in the course of any trade, industry or commercial undertaking onto a road, footway or into a drain.

- (4) Council may direct a person to remove any spoil from the Council Land and return the Council Land to its pre-existing condition, to Council's satisfaction.

Infringement Notice: 3 penalty units

Court penalty: 10 penalty units

### 3.13 EMERGENCY WATER / STANDPIPES

A person must not, without Council approval, take water from a Council operated standpipe.

Council approval may be delivered in the following means:

- (a) public notice;
- (b) Council's website;
- (c) social media; and/or
- (d) in writing.

Infringement Notice: 3 penalty units

Court penalty: 10 penalty units

### 3.14 STORAGE OF VEHICLES

- (1) A person must not without a permit, use any land to keep or allow to be kept, any more than one unregistered vehicle if any part of the vehicle is reasonably visible.
- (2) Subclause 1 does not apply to land where the storage of unregistered vehicles is a permitted under the planning scheme.

In deciding whether to grant a permit for the storage of vehicles, consideration will be given to:

- (a) the zoning of the land;
- (b) the type and number of vehicles to be kept; and
- (c) the amenity of the neighbouring area.

If a permit is granted for the storage of vehicles, standard conditions may include the requirement for screening, restrictions on dismantling any vehicles on site, and strict grass and weed control around the storage area.

Infringement Notice: 5 penalty units

Court penalty: 15 penalty units

## PART 4 – ANIMALS

### 4.1 ANIMAL KEEPING

- (1) The owner or occupier of land must not, without a permit, keep or allow to be kept on that land any more Domestic Pets than is set out in the following table.

*Table 1: Number of animals per property/assessment\**

Area	Dogs	Cats	Poultry (Excluding Roosters)	Pigeons or other small birds	Other small animals**	Livestock kept as Domestic Pets
Residential Area	2	2	10	10	5	Permit required.
Rural Area (less than 2 ha)	2	2	10	10	10	Permit required if property under 0.4 hectares or 1 acre
Rural Area (more than 2 ha)	4	4	50	20	10	

\* Planning Scheme controls may also apply in some Zones in addition to the Local Law requirements.

\*\* Including but not limited to, rabbits, guinea pigs, birds, ferrets, mice or similar, but excluding Livestock.

- (2) For the purpose of calculating the maximum limit of the number of animals kept, the progeny of any animal which is lawfully kept will be exempt for 12 weeks after their birth.
- (3) Where a person is the owner or occupier of adjoining allotments, all of the allotments shall be regarded as one assessment of land for the purposes of subclause (1).
- (4) The owner or occupier of land on which animals are kept must ensure that the animals are housed and fenced in accordance with the relevant Code of Practice.
- (5) The owner or occupier of land on which any animal is kept must not allow any animal to be kept in any way which is detrimental to the amenity of the surrounding area.
- (6) Permit requirements for animal keeping do not apply to agricultural land uses operating in compliance with the *Pyrenees Planning Scheme*.
- (7) Dogs kept in a Farming Zone for the purpose of working stock are exempt from the requirement for an excess animal permit if the number of working dogs is 10 or less.
- (8) Domestic pets are not permitted to be kept on land zoned Commercial or Industrial under the *Pyrenees Planning Scheme*.

In determining whether to issue a permit, Council may consider:

- (a) the location of the land;
- (b) the number, type and purpose of keeping the animals;

- (c) the land-use of the applicant's land and that of adjoining allotments;
- (d) the suitability of the land for housing and fencing the animals;
- (e) any likely impact on neighbourhood amenity; or
- (f) any other matter the Authorised Officer or delegated officer reasonably believes is relevant to the application.

Infringement Notice: 3 penalty units

Court penalty: 10 penalty units

#### 4.2 ANIMAL LITTER

(1) The owner or person in charge of an animal in a Public Place must:

- (a) carry a litter device suitable for the collection of any excrement from that animal;
- (b) produce the device on request by an Authorised Officer; and
- (c) immediately collect and dispose of any excrement from that animal into a waste receptacle.

Infringement Notice: 2 penalty units

Court penalty: 10 penalty units

#### 4.3 DROVING OF LIVESTOCK

A person must not, without a permit, move or drive any livestock on any road unless:

- (a) for a distance of less than 500 metres;
- (b) the livestock are being moved to an adjoining or adjacent property; or
- (c) the livestock are being relocated in an emergency or to avoid or minimise danger to the livestock.

Any additional requirements, decision guidelines or restrictions that may apply to the droving of livestock are set out in Council's Policy on the *Droving of Livestock*.

Infringement Notice: 10 penalty units

Court penalty: 20 penalty units

#### 4.4 ROADSIDE GRAZING

A person must not, without a permit, allow livestock to graze in a Public Place.

In determining whether to issue a permit Council will consider:

- (a) the location of the intended roadside grazing;
- (b) the uses of land surrounding the location of the intended roadside grazing;
- (c) environmental site values;
- (d) the period of time for the permit does not exceed 12 months; and/or
- (e) proof of public liability insurance policy that indemnifies Council against all actions, cost claims, charges, expenses and damage whatsoever which may be brought or made or claimed against Council to a value of not less than \$20 million.

Infringement Notice: 10 penalty units

Court penalty: 20 penalty units

#### 4.5 HORSE RIDING

A person must not, without a permit, ride or lead a horse or cause or authorise another person to ride or lead a horse on a footpath or nature strip.

Infringement Notice: 2 penalty units

Court penalty: 10 penalty units

#### 4.6 WASPS

The owner or occupier of land must not allow an English or European wasp nest or Bee Hive to remain on the land.

Infringement Notice: 2 penalty units

Court penalty: 10 penalty units

#### 4.7 LIVESTOCK FENCING AND CONFINEMENT

- (1) The owner or occupier of land on which livestock is kept must ensure that the land is adequately fenced to ensure that the livestock are securely confined within the land.
- (2) If an Authorised Officer or Delegated Officer is of the opinion that land used for grazing or keeping of livestock is not adequately fenced then, in addition to any penalty that may be imposed, a Notice to Comply may be issued directing the owner or occupier of the land to do any or all of the following:
  - (a) install, repair, replace or modify fences or gates;
  - (b) remove any livestock from the land and direct that the land may not be used for keeping livestock until required works are completed.
- (3) If livestock is found at large outside the land of the owner, or not securely confined to the owners land, the owner is guilty of an offence.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

## Part 5 - WASTE AND RECYCLING

### 5.1 ROADSIDE COLLECTION

- (1) All domestic waste materials and recycling must be placed in an approved container for Council roadside collection.
- (2) The owner or occupier of a property must ensure that only materials notified by Council as suitable for recycling are included in containers for recycling collection by Council.
- (3) A person must not place the following material in a container for collection by the Council:
  - (a) slops, liquid waste or offensive material;
  - (b) dirt, dust, or other matter from any vacuum cleaner, ashes, hair or other similar matter or moist waste, unless it has been securely wrapped in paper or some other impermeable cover or container to prevent its escape;
  - (c) 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;
  - (d) glass or other sharp objects unless they are properly contained or wrapped in such a way as to render them harmless and inoffensive;
  - (e) oil, paint, solvents or similar substance or any other substance which may damage the bin or reduce its strength or effectiveness;
  - (f) disposable nappies and personal hygiene products unless they have been securely wrapped in impervious material prior to being placed in the bin; and/or
  - (g) trade wastes of any kind.
- (4) The owner or occupier of a property must:
  - (a) place containers outside the premises for collection in accordance with Council directions;
  - (b) return container to the premises within 3 days of being emptied;
  - (c) remove and dispose of any rubbish at or outside the premises that have spilled during collection;
  - (d) maintain all containers for collection in a clean, tidy and safe condition; and
  - (e) only place one container for collection, unless otherwise approved for multiple collection containers.
- (5) A person must not remove a bin from land except on the day of collection unless the bin is being taken to, or returned from the municipal tip.
- (6) Where the bin is missing from land the owner is required to obtain a new bin from the Council at the price determined by the Council.
- (7) Any bin purchased in accordance with subclause 0 remains allocated to the property for which it was purchased and the property of Pyrenees Shire Council

Infringement Notice: 2 penalty units

Court penalty: 10 penalty units

## 5.2 TRADE WASTE AND WASTE BINS

- (1) The owner or occupier of premises where trade waste is generated, whether or not a service for the collection and disposal of domestic or trade waste is provided must ensure that the trade waste is placed in an approved bin, waste receptacle or recycling bin ready for collection.
- (2) All containers used for the collection of trade waste must:
  - (a) be constructed of impervious material to prevent leakage, absorption or escape of waste;
  - (b) be water tight, fly and vermin proof with a lid which is continuously kept closed when the container is not being used or emptied; and
  - (c) if not a mobile bin, must have a drain and plug for cleaning purposes.
- (3) Trade waste containers, must be located on the premises to allow for easy access and regular collection of contents or more regular collection if the contents are likely to become offensive.
- (4) Trade waste containers must be:
  - (a) maintained by the owner and occupier of the premises in a clean, tidy and safe condition; and
  - (b) thoroughly cleaned after each emptying.
- (5) Trade waste containers must display a sign which indicates:
  - (a) the type of waste permitted to be deposited in it; and
  - (b) that it is an offence to deposit material contrary to the sign.
- (6) A person must not deposit any waste in a trade waste container contrary to a sign on the container.
- (7) Trade waste receptacles must not be placed on Council land without a permit.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

## 5.3 PUBLIC LITTER AND RECYCLING BINS

A person must not deposit in a public litter or recycling bin any-

- (a) domestic or household waste;
- (b) retail, commercial, industrial or trade waste;
- (c) a lit cigarette; or
- (d) burning materials.

Infringement Notice: 2 penalty units

Court penalty: 15 penalty units

## 5.4 HARD WASTE COLLECTION

If:

- (a) Council or an Authorised Officer has given public notice that a hard rubbish or green waste collection will be made; or

- (b) Council or an Authorised Officer has arranged to collect any hard rubbish left out for collection by a person; then,

hard rubbish or green waste must be left for collection in a tidy, safe and orderly manner, and in accordance with the Council's or the Authorised Officer's directions.

Infringement Notice: 2 penalty units

Court penalty: 15 penalty units

## 5.5 USE OF MUNICIPAL TRANSFER STATIONS

- (1) The municipal transfer stations are available to residents and ratepayers of the Council, for the disposal of waste generated from within the municipal area, subject to the fees, charges, terms and conditions as determined by Council's annual budget.
- (2) Any resident or ratepayer using the municipal Transfer Station must comply with the conditions determined by Council and must pay any applicable fees and charges.
- (3) Council may allow non-residents and non-ratepayers to use the municipal transfer station having regard to traffic conditions, available space, facilities and level of demand from residents and ratepayers.
- (4) Any person who is permitted to use a municipal Transfer Station under subclause (3) must pay any fees and charges and comply with the terms and conditions determined by Council.
- (5) Council may refuse entry to any person who fails to pay the required fee or charge or who fails to comply with the terms and conditions of use of the Transfer Station.
- (6) Every person using municipal Transfer Station must deposit waste in accordance with the directions of the transfer station attendant and any signs erected at the Transfer Station.
- (7) A person must not without a permit search through or remove material of any kind which has been deposited at a municipal Transfer Station.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

## 5.6 DRAINAGE TAPPING

- (1) A person must not, without the approval of Council, tap into or interfere with any drain under the control of the Council.
- (2) Any damage to Council infrastructure that is caused by any person tapping into or interfering with any drain, with or without Council approval, must be repaired at the expense of that person.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units



## Part 6 - COMMUNITY SAFETY AND PUBLIC PLACES

### 6.1 CONSUMPTION OF ALCOHOL

- (1) A person whilst in a Public Place must not, without a permit, consume or be in possession of any alcohol in an unsealed container.
- (2) Subclause (1) does not apply to:
  - (a) a location that is subject to a Liquor License; or
  - (b) a Public Place proclaimed by Council as a place where a person may consume or be in possession of any alcohol in an unsealed container.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

### 6.2 SMOKING IN PUBLIC PLACES

- (1) Council may declare a Public Place or part of a Public Place to be a Non Smoking Area.
- (2) A person must not smoke in any Public Place that Council has declared to be a Non Smoking Area.

Infringement Notice: 2 penalty units

Court penalty: 15 penalty units

### 6.3 STREET PARTIES, FESTIVALS, EVENTS AND COMMERCIAL ACTIVITIES

A person, business or organisation must not, without a permit, hold a street party, festival, procession, event, or conduct commercial activities in a Public Place.

- (1) An application to conduct an event must be made sixty (60) days before the event is to take place.
- (2) An application for a permit must contain:
  - (a) the name, address and phone number of a nominated person through whom arrangements can be made;
  - (b) the group of people or the organisation on whose behalf the application is being made;
  - (c) the name of the street and/or the Public Place to be closed together with a diagram showing the section of street and/or the Public Place to be closed;
  - (d) a statement of the groups or class of persons who are being invited to the event;
  - (e) a Certificate of Currency for Public Liability Insurance covering the permit activities for an amount to the satisfaction of Council, preferably extending an indemnity to Council; and
  - (f) a risk management plan that adequately identifies the risk associated with the activities and the measures to eliminate, reduce or manage those risks.

When determining whether to issue a permit for an event, Council will consider:

- (a) if on a road, whether the road can be closed to vehicular traffic for the duration of the event;
- (b) whether all owners or occupiers of all properties with immediate vehicular access via the section of road to be closed have been advised by letter and given seven days to comment or object;

- (c) whether a person on behalf of the applicant has been nominated to erect and remove the barriers which close the road at locations and times specified by Council;
- (d) whether the footpath on at least one side of the road can be kept clear of obstructions;
- (e) whether there has been any assessment of the impact of the economic benefit to the area measured against the financial detriment to individual businesses; and/or
- (f) any other matter relevant to the circumstances to the application.

(3) Commercial activities include any event or activity that derives income for a business, such as conducting commercial fitness activities in a recreation reserve or Public Place and conducting guided tours in a Public Place.

(4) Unless allowed in permit conditions, commercial activities must not:

- (a) take place in an exclusion zone; and/or
- (b) use amplified music or audio equipment.

In deciding whether to issue a permit for commercial activities, Council may consider whether the proposed activity or use will:

- (a) conform with any related policies, guidelines and strategies of Council;
- (b) conform with the requirements of the Commonwealth *Disability Discrimination Act 1992* in which a minimum width passage must be provided for pedestrians and that in a retail shopping strip the guidance line for visually impaired pedestrians must be the building line as opposed to any other line marked on the footpath;
- (c) cause a danger or hazard to pedestrians or vehicles;
- (d) disturb, annoy or disrupt adjacent property owners or occupiers;
- (e) be detrimental to the amenity of the area;
- (f) destroy native vegetation on roads or Council land;
- (g) cause damage to Council assets;
- (h) require the consent or should be referred to obtain the opinion of any other public authority or individual;
- (i) require additional arrangements to be made for waste water disposal, litter and garbage disposal, lighting and security;
- (j) obstruct a footpath so that it will not be possible to maintain a clear walkway of at least 1.8 metres at all times;
- (k) necessitate the applicant to have Public Liability Insurance; and/or
- (l) any other matters relevant to the circumstances of the application.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

#### 6.4 ENTERTAINMENT, BUSKING AND PROMOTION

(1) A person whilst in a Public Place must not without a permit:

- (a) sing or play a musical instrument or perform any other kind of entertainment for the public;
- (b) deliver a public address;
- (c) spruik or call out from a footpath or roadside for the purpose of business, personal or charity promotion; or

(d) use any sound amplification equipment.

(2) The permit requirement at subclause (1) does not apply if the entertainment and busking forms part of an event approved under Clause 6.3.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

## 6.5 COLLECTIONS AND FUNDRAISING

A person whilst in a Public Place must not, without a permit, solicit, cause or authorise another person to collect a subscription, gift of money, goods or sell raffle tickets.

(1) In determining whether to issue a permit to allow collections, Council will consider:

- (a) the times and days it is proposed to collect;
- (b) the matter or thing to be collected;
- (c) the roads or areas in which the collections will take place;
- (d) the impact on traffic and safety of pedestrians, including the specific location of any table or display to be erected in association with the collection or fundraising;
- (e) the age of participant and capacity of the organiser to supervise the participants;
- (f) whether Public Liability insurance or indemnity has been provided to Council; and/or
- (g) any other matter relevant to the circumstances of the application.

(2) Where an application is made regarding raffles where required the organisation will need to be registered with or has gained approval from the Victorian Commission for Gambling and Liquor Regulation for the conduct of the raffle.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

## 6.6 DISPLAY AND SALE OF GOODS

(1) A person must not, or allow another person, without a permit to display or sell goods on, over or within any footpath, road or Public Place.

(2) Subclause (1) includes the display or sale of goods and services from a vehicle, caravan, trailer, table, stall or other similar structure.

In determining whether to issue a permit Council will consider:

- (a) whether the goods will be displayed outside the applicant's premises;
- (b) whether adequate lighting of the display area can be achieved if the normal business hours include hours of darkness;
- (c) whether the goods or the display may be of such material, layout or construction which could be a hazard to pedestrians;
  - i. articles are not permitted within 1.8 metres of the frontage of the property or 0.7 metres of the kerb;
  - ii. displays are not to exceed 1 metre in width or 3 metres in length;
  - iii. if multiple displays are required, there must be 1 metre left without obstruction at each end of the property's side boundary;
  - iv. displays must not overhang from above any lower than 2.4 metres.

- (d) whether Public Liability insurance or indemnity has been provided to Council;
- (e) consider the views of Council's Building Inspector;
- (f) consider the extent of compliance with State and Federal disability access legislation; and/or
- (g) any other matter relevant to the circumstances of the application;
- (h) where the footpath width is less than 3m, a permit may not be allowed if it cannot safely accommodate pedestrian traffic; and/or
- (i) where the footpath is adjacent to parallel parking, bus zones, taxi zones or a loading zone different minimum distances may apply to the kerbside area measurement.

For further guidance in determining whether to grant a permit to use the Footpath or any part of a Road or Council land for the purpose of displaying goods, refer to Council's policy in relation to Outdoor Dining, Signage and Trading.

Infringement Notice: 3 penalty units

Court penalty: 20 penalty units

## 6.7 ROADSIDE AND ITINERANT TRADING

- (1) A person must not, without a permit, engage in or undertake roadside or itinerant trading.
- (2) Council may from time to time:
  - (a) designate, alter or remove roadside and itinerant trading areas where trading may be conducted; and
  - (b) specify the kinds of goods or services that shall be available for sale from the designated roadside and itinerant trading area.

For further guidance on determining whether to grant a permit to use the Footpath or any part of a Road or Council land for roadside trading, refer to Council's policy in relation to itinerant trading.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

## 6.8 OUTDOOR DINING FACILITIES

A person must not, without a permit, place on a road, footpath or Public Place any tables and/or chairs, or any associated equipment, for the purpose of allowing food and drink to be sold to or consumed by any member of the public.

A permit for outdoor eating facilities will only allow placement of furniture and fixtures during the applicant's normal business trading hours.

In determining whether to issue a permit, Council will consider:

- (a) the location of the business;
- (b) the number of table and chairs to be displayed;
- (c) the description of associated equipment;
- (d) the design, material and overall quality of proposed furniture;
- (e) whether the outdoor dining facilities conforms with *Disability and Discrimination Act 1992* access requirements;
- (f) whether minimum setbacks can be provided as follows:

- i. outdoor eating area shall be at least 1.8 metres from cafe/restaurant frontage to enable a pedestrian thoroughfare;
- ii. setback of 0.7 metres from kerb;
- (g) whether there is sufficient shelter and shade provided to the outdoor dining area;
- (h) the views of Council's Building and Environmental Health departments;
- (i) where the footpath width is less than 3m, a permit may not be allowed; and/or
- (j) where the footpath is adjacent to parallel parking, bus zones, taxi zones or a loading zone different minimum distances may apply to the kerbside area measurement.
- (k) proof of public liability insurance and appropriate licensing and registration.

For further guidance in determining whether to grant a permit to use the Footpath or any part of a Road or Council land for the purpose of outdoor dining, refer to Council's policy in relation to Outdoor Dining, Signage and Trading.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

## 6.9 ADVERTISING SIGNS

A person or business must not, without a permit, erect, display, project or place an advertising sign on, over or within any footpath, road, road reserve or Public Place.

In determining whether to issue a permit Council will consider:

- (a) the location and Planning controls of the land where the advertising sign is to be displayed;
- (b) the width and height of the sign;
- (c) whether the sign is lit;
- (d) any other signs for the applicant's premises;
- (e) whether the construction will create a hazard to pedestrians;
  - i. articles are not permitted within 1.8 metres of the frontage of the property or 0.7 metres of the kerb;
- (f) whether Public Liability insurance or indemnity has been provided to Council;
- (g) the effect on the amenity of the neighbourhood;
- (h) any other matter relevant to the circumstances of the application;
- (i) where the footpath width is less than 3m, a permit may not be allowed; and/or
- (j) where the footpath is adjacent to parallel parking, bus zones, taxi zones or a loading zone different minimum distances may apply to the kerbside area measurement.

For further guidance in determining whether to grant a permit to use the Footpath or any part of a Road or Council land for the placement of an advertising sign, refer to Council's policy in relation to Outdoor Dining, Signage and Trading.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

## 6.10 ADVERTISING AND BILL POSTING

A person, business or organisation must not, without a permit, display, project, write, deface, place or affix any letter, figure, device, poster, sign or advertisement on Council's land or property.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

### 6.11 DISPLAY OF VEHICLES FOR SALE

- (1) A person must not in a Public Place display a vehicle for sale.
- (2) Subclause (1) does not apply to a vehicle being driven on a road, or a vehicle that is lawfully parked in front of the owner's residential address and the advertising is within the vehicle.

Infringement Notice: 2 penalty units

Court penalty: 15 penalty units

### 6.12 DAMAGE TO COUNCIL ASSETS

- (1) A person, business or organisation must not destroy, damage, remove, interfere with, attach to or change in any way anything in, on or under a road, footway or Public Place, except where the asset is designed for that use.
- (2) An owner or occupier of land must not allow a tree or plant or any other matter on that land to cause damage to or interfere with anything in, on or under a road, footway or Public Place.
- (3) Any person who has caused damage to Council assets may be liable for the cost incurred by Council to reinstate or repair said damage.

Infringement Notice: 3 penalty units

Court penalty: 30 penalty units

### 6.13 CHARITY COLLECTION BINS

A person must not, without a permit, place or allow the placement of a charity collection bin in a Public Place.

Infringement Notice: 2 penalty units

Court penalty: 15 penalty units

### 6.14 SHOPPING TROLLEYS

A person must not leave a shopping trolley in a Public Place unless the area is designated by Council for the leaving of shopping trolleys. The owner of the shopping trolley will be responsible for the retrieval, recovery cost and/or any subsequent infringements or penalties in relation this law.

Infringement Notice: 2 penalty units

Court penalty: 15 penalty units

### 6.15 RECREATION VEHICLES IN A PUBLIC PLACE

- (1) A person must not, without a permit, use a recreational vehicle in a Public Place unless the Public Place has been designated for that purpose.

In determining whether to issue a permit Council will consider:

- (a) the impact of the proposed use of the recreation vehicle may have on the Public Land;
- (b) whether the proposed use may pose a danger to the life or health of any other users of the Public Land; and/or
- (c) the impact the proposed use may have on the amenity of the surrounding area.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

## 6.16 USE OF SCOOTERS, SKATEBOARDS OR OTHER WHEELED RECREATIONAL DEVICES

- (1) Council may designate any area within the municipality as one in which wheeled recreational devices must not be used.
  
- (2) Any person who uses a wheeled recreational device or causes or authorises another person to use a wheeled recreational device on any road must ensure that the use does not inconvenience, obstruct, hinder, endanger, alarm or prevent the free passage of any pedestrian or other road user.

Infringement Notice: 2 penalty units

Court penalty: 15 penalty units

## Part 7 - MANAGEMENT OF STREETS AND ROADS

### 7.1 TREES AND PLANTS NOT TO OBSTRUCT OR OBSCURE

The owner or occupier of land must maintain trees and plants growing on that land to ensure they are not dangerous, do not obstruct or interfere with a Public Place, including the passage of pedestrians and traffic.

- (1) An owner or occupier of land must maintain trees and plants on that land to prevent them from extending over a pathway at a height of less than 2 meters or interfere with the unobstructed, safe and fair use of a road, footpath or Public Place.

Infringement Notice: 2 penalty units

Court penalty: 15 penalty units

### 7.2 VEHICLE CROSSOVERS

- (1) A person must not, without a permit, construct, install, remove or alter a vehicle crossover.
- (2) A person must not drive a motor vehicle over a kerb, nature strip or footpath to access private land unless a vehicle crossover is in place.
- (3) An owner or occupier of land may be required, at his or her cost, by notice in writing, to:
  - (a) Remove or repair any illegally or improperly installed vehicle crossover and reinstate the kerb, drain, footway, nature strip or other part of a road;
  - (b) repair a vehicle crossover that has become damaged; and
  - (c) undertake remedial works to prevent damage occurring to other parts of the road because of the location or condition of a vehicle crossover.

In determining whether to issue a permit Council will consider the views of Council's Engineering Department and will consider the adequacy of the proposed vehicle crossover with respect to:

- (a) affective drainage of the roadside;
- (b) location of the entrance with respect to adjacent intersections or other obstructions;
- (c) safety of pedestrians and other road users;
- (d) possible effects on adjoining land owners and the amenity of the neighbourhood;
- (e) the nature, size or weight of a vehicle accessing the crossing;
- (f) the activity that is intended or expected to take place on the land; and/or
- (g) any other issue relevant to the matter.

A vehicle crossover is properly constructed if:

- (a) it was constructed by or in accordance with the terms of an approval by Council; and
- (b) Council has approved in writing the method of construction of the particular vehicle crossover.

A vehicle crossover will be considered redundant in circumstances including:

- (a) works on the land involve the relocation or closure of a point of vehicular access; and/or
- (b) there is no effective point of access to the adjoining land.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units



### 7.3 DISPLAY OF PROPERTY NUMBERS

- (1) Where the Council has allocated a number to a property, the owner or occupier of the property must ensure that:
- (a) The property is marked with the allocated number;
  - (b) The numbers are of a sufficient size and free from obstructions so that they can be clearly read under normal lighting conditions from the road immediately adjacent to the front boundary of the property; and
  - (c) In the case of a property in a rural zone the numbers are reflective.

Infringement Notice: 2 penalty units

Court penalty: 15 penalty units

### 7.4 DEVELOPMENT OF NATURE STRIPS AND ROAD RESERVES

- (1) A person or group must not, without a permit, develop, alter, cultivate or landscape, or allow or cause the development, alteration, cultivation or landscaping of, a nature strip and road reserve.

In determining whether to issue a permit Council may consider:

- (a) The nature of the proposed works, including whether vegetation:
  - i. is of a low growth height of less than four metres;
  - iii. in the vicinity of either private vehicular entrance points or road intersections;
  - iv. likely to damage either over head or underground services;
  - v. ornamental or shrub varieties associated with a landscaping purpose; and/or
  - vi. a hazard to the safety of other road users, using established VicRoads guidelines for lateral clearances;
- (b) For further guidance in determining whether to grant a permit refer to Council's policy in relation to *Development of Nature Strips and Road Reserves*.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

### 7.5 HEAVY VEHICLES

- (1) A person must not, without a permit, keep or store any heavy vehicle:
- (a) upon any road for which Council is the relevant Road Authority;
  - (b) on any land in a General Residential Zone; or
  - (c) on Council land.

In determining whether to issue a permit Council will consider:

- (a) the likely impact on the residential amenity of the neighbourhood as a result of:
  - i. the presence of heavy vehicle traffic;
  - ii. noise from heavy vehicles;
  - iii. pedestrian and motorist safety;
  - iv. the likely damage to be caused to Council assets and street trees;
  - v. fumes or related smells resulting from the parking of heavy vehicles;
- (b) the traffic function, traffic volume and width of other roads in the vicinity;

- (c) whether the unobstructed sight distance is approved, giving reference to standards and to Council's satisfaction;
- (d) whether the property is of sufficient size and layout to enable the vehicle to be properly garaged; and/or
- (e) any other matter relevant to circumstances of the application.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

## 7.6 WORKING ON VEHICLES IN PUBLIC PLACES

A person must not in a Public Place:

- (a) paint a vehicle;
- (b) service a vehicle;
- (c) carry out maintenance on a vehicle; or
- (d) repair or dismantle a vehicle (except in an emergency breakdown to enable it to be removed).

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

## 7.7 OCCUPATION OF ROADS, FOOTPATHS AND COUNCIL LAND

(1) A person must not, without a permit, allow or suffer another person, without a permit, to:

- (a) occupy;
- (b) fence off;
- (c) leave or store equipment or materials on;
- (d) erect a hoarding or scaffolding on;
- (e) use any plant or equipment on; or
- (f) place, leave or keep a bulk rubbish container on;

any road or footpath or part of a road or footpath, or on any Council land.

In determining whether to issue a permit Council will consider:

- (a) the nature and duration of the works;
- (b) the likely hazard that the works may constitute to users of the road;
- (c) the impact of the works on the amenity of the adjoining area;
- (d) whether Public Liability insurance or indemnity has been provided to Council; and/or
- (e) any other matter relevant to the circumstances of the application.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

## 7.8 UNREGISTERED OR ABANDONED VEHICLES

A person must not leave an unregistered vehicle or abandon a vehicle on a road or other Public Place.

(1) A vehicle will be considered abandoned if:

- (a) the registration is listed as expired or cancelled on the VicRoads website;
- (b) the vehicle has no number plates;
- (c) the vehicle is registered but has been stationary for more than 2 months; or

- (d) the vehicle cannot move under its own power.

Where a vehicle is impounded because of a contravention of clause 7.8, the provisions of clause 3 of schedule 11 of the Local Government Act 1989 will apply.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

## 7.9 REMOVING AND IMPOUNDING OF UNLAWFULLY PARKED VEHICLES

- (1) Council may cause a vehicle to be removed and/or impounded if that vehicle is in:
  - (a) a No Standing Area;
  - (b) a school crossing zone;
  - (c) a parking area reserved for vehicles displaying a Disabled Persons Parking Scheme Permit;
  - (d) an area such as an intersection zone or an approach to traffic lights where the size and nature of the illegally parked vehicle creates an added problem for drivers' and pedestrians' line of sight;
  - (e) a bus lane;
  - (f) an area in which illegal parking is likely to result in unreasonable congestion during a special event;
  - (g) an area where roadworks are to be completed in accordance with a public notice; or
  - (h) an area where a clear width of 3 metres has not been left for the passage of vehicles; or any other place where an illegally parked or abandoned vehicle is causing or may cause a hazardous obstruction.
  
- (2) Where a registered vehicle is taken less than 250m, is relocated on a road and is not impounded or immobilised, no notice of removal is required to be given to the owner.
  
- (3) Having regard to the likely level of public nuisance, accidents, danger to pedestrians, congestion and delay to road users, Council is of the view that it is appropriate to use its tow-away powers in the following areas:
  - (a) clearways;
  - (b) peak period No Standing Areas;
  - (c) school crossing zones;
  - (d) parking areas reserved for vehicles displaying a Disabled Persons Parking Scheme Permit;
  - (e) areas such as intersection zones and approaches to traffic lights, where the size and nature of the illegally parked vehicle creates an added problem for drivers' and pedestrians' line of sight;
  - (f) bus lanes, tram lanes or transit lanes;
  - (g) at special events, where illegal parking is likely to result in unreasonable congestion;
  - (h) where a clear width of 3 metres has not been left for the passage of vehicles; and/or
  - (i) where an abandoned vehicle is causing or will cause a hazardous obstruction.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

## 7.10 CATTLE GRIDS

- (1) A person must not, without a permit, construct, install, remove or alter a cattle grid in a road, public highway, reserve or on land owned, leased, vested in, managed or occupied by a public body.
- (2) The Council may, by notice in writing, require the removal of any cattle grid and the reinstatement of a road if the cattle grid is redundant or not properly constructed.
- (3) In determining whether to issue a permit Council will consider the views of Council's Engineering department.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

## 7.11 COLLECTING FIREWOOD ON ROADSIDES

A person must not, without a permit, collect wood on Council roadsides.

- (1) In determining whether to issue a permit Council will consider:
  - (a) the requirement to reduce fuel loads along roadsides; and/or
  - (b) the requirement to maintain the integrity of significant vegetation and habitat for local fauna.

Infringement Notice: 3 penalty units

Court penalty: 15 penalty units

## Part 8- ENFORCEMENT AND PENALTIES

### 8.1 NOTICE TO COMPLY

- (1) If an Authorised Officer reasonably believes that a person has contravened or failed to comply with this Local Law, the Authorised Officer may issue to the person a written Notice to Comply, requiring that person to stop contravening or to comply with the Local Law or to remedy any contravention or failure.
- (2) 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.

### 8.2 REASONABLE TIME TO COMPLY

The time required by a notice to comply served under this Local Law must be reasonable in all of the circumstances.

### 8.3 FAILURE TO COMPLY WITH A NOTICE TO COMPLY

- (1) A person must comply with a Notice to Comply issued to that person.
- (2) If a person does not comply with a Notice to Comply, Council or an Authorised Officer or any employee or any other person authorised in writing by Council, may enter upon any private land or public land on which there is any such failure to comply and do all acts, matters or things that are required to comply with the Notice to Comply.
- (3) All costs and expenses including any administration fee incurred by Council in carrying out any acts, matters or things are a debt due to Council from the person on whom the Notice to Comply was issued.

Infringement Notice: 3 penalty units

Court penalty: 20 penalty units

### 8.4 POWER TO ACT IN URGENT CIRCUMSTANCES

Council or any 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:

- (a) the Authorised Officer considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice may place a person, animal, property or thing at risk or in danger; and
- (b) the Chief Executive Officer, or his delegated representative, not being the Authorised Officer administering this provision, approves of the proposed action;
- (c) the action taken by an Authorised Officer must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved; and
- (d) the person to whom a Notice of Comply would have been issued is notified of the urgent circumstances and remedying action as soon as possible.

## 8.5 POWER TO IMPOUND

- (1) Council may seize and impound any item that is, has been or is being used or possessed in contravention of this Local Law.
- (2) Where anything has been impounded under this Local Law, the Council or an Authorised Officer must, if it is practicable to do so, serve a Notice of Impounding personally or by mail on the person who appears to be the owner of the impounded thing.
- (3) An impounded item must be surrendered to its owner or a person acting on behalf of its owner (who provides evidence to the satisfaction of an Authorised Officer of his or her authority from the owner) if:
  - (a) evidence to the satisfaction of the Authorised Officer being provided of the owner's right to the impounded item; and
  - (b) payment of any fee determined by the Council or an Authorised Officer from time to time.
- (4) If an impounded item has not been surrendered to its owner or a person acting on the owner's behalf within 14 days of the Notice of Impounding being served or, if no Notice of Impounding has been served, of the act of impounding, Council may:
  - (a) sell;
  - (b) give away; or
  - (c) destroy;the impounded item.

## 8.6 OFFENCES

- (1) A person who:
  - (a) contravenes or fails to comply with any provision under this Local Law;
  - (b) contravenes or fails to comply with any condition contained in a permit;
  - (c) contravenes or fails to comply with a Notice to Comply; or
  - (d) fails to comply with a direction of an Authorised Officer;is guilty of an offence and is liable to:
  - (e) twenty (20) penalty units;
  - (f) a further penalty of two (2) penalty units for each day after conviction during which the contravention continues; and
  - (g) upon conviction for a second or subsequent offence, a penalty of twenty (20) penalty units will apply.
- (2) As an alternative to prosecution for an offence, a person may be served with an Infringement Notice under clause 8.7.
- (3) A person who is found guilty of an offence under this Local Law must pay Council all reasonable costs incurred by Council in remedying the contravention or failure.

## 8.7 INFRINGEMENT NOTICE

- (1) If an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, the Authorised Officer may issue and serve on that person an Infringement Notice as an alternative to a prosecution for that offence.
- (2) The penalties fixed for Infringement Notices are set out in Schedule 1, or if no penalty is fixed, the penalty is two (2) penalty units.

## 8.8 APPEALS

- (1) A person may request Council or an Authorised Officer to review an order, direction or notice issued in relation to him or her under this Local Law.
- (2) If a request for review has been made, the person requesting the review must do everything practicable to co-operate in the prompt and speedy review of the order, direction or notice.

## 8.9 DELEGATION

- (1) In accordance with section 114 of the Act, Council delegates to:
  - (a) the Chief Executive Officer and to each Authorised Officer the powers, discretions and authorities of Council under this Local Law including the powers and discretions to issue or waste permits, fix conditions and durations relevant to such permits, cancel permits, require additional information, apply guidelines or policies of Council, waive the need for any permit, waive, fix or reduce fees or charges, issue any notice to comply, refuse to issue a permit, or to do any act matter or thing necessary or incidental to the exercise of any function or power of Council.
  - (b) nothing in subclause 8.9(1) prevents Council from revoking any delegation to any member of Council staff or from delegating any or any other duty imposed or function or power conferred by this Local Law to any member of Council staff.

## SCHEDULE 1 – INFRINGEMENT NOTICE & COURT PENALTY

This schedule lists the value of an Infringement Notice and Court Penalty for a contravention of a clause under this Local Law.

All values are expressed in Penalty Units.

The value of a Penalty Unit is set annually by the Victorian Department of Treasury and Finance, and is updated on 1 July each year.

Clause	Description of Offence	Infringement Notice Penalty Units	Court Penalty Units
3.1	Dangerous or unsightly land	3	15
3.2	Dilapidated buildings	3	15
3.3	Camping	2	15
3.4	Temporary Dwellings	10	20
3.5	Shipping Containers	3	15
3.6	Incinerators	3	15
3.7	Open air burning	3	15
3.8	Burning of offensive materials	5	15
3.9	Light pollution	2	10
3.10	Private access to reserves	3	10
3.11	Control of building and construction sites	3	15
3.12	Spoil on roads	3	10
3.13	Emergency water/standpipes	3	10
3.14	Storage of Vehicles	3	15
4.1	Animal keeping	2	10
4.2	Animal litter	2	10
4.3	Droving of Livestock	10	20
4.4	Roadside grazing	10	20
4.5	Horse riding	2	10
4.6	Wasps	2	10
4.7	Livestock Fencing and Confinement	3	15
5.1	Roadside Collection	2	10
5.2	Trade waste and waste bins	3	15
5.3	Public litter and recycling bins	2	15
5.4	Hard waste collection	2	15
5.5	Use of municipal transfer stations	3	15
5.6	Drainage tapping	3	15
6.1	Consumption of alcohol	3	15
6.2	Smoking in Public Places	2	15
6.3	Street parties, festivals, events and commercial activities	3	15
6.4	Entertainment, busking and promotion	3	15



6.5	Collections and fundraising	3	15
6.6	Display and sale of goods	3	15
6.7	Roadside and itinerant trading	3	15
6.8	Outdoor dining facilities	3	15
6.9	Advertising Signs	3	15
6.10	Advertising and bill posting	3	15
6.11	Display of vehicles for sale	2	15
6.12	Damage to Council assets	3	30
6.13	Charity collection bins	2	15
6.14	Shopping trolleys	2	15
6.15	Recreation vehicles in a Public Place	3	15
6.16	Use of scooters, skateboards or other Wheeled Recreational Devices	2	15
7.1	Tree and plants not to obstruct or obscure	2	15
7.2	Vehicle crossovers	3	15
7.3	Display of property numbers	2	15
7.4	Development of nature strips and road reserves	3	15
7.5	Heavy vehicles	3	15
7.6	Working on vehicles in Public Places	3	15
7.7	Occupation of roads, footpaths and Council Land	3	15
7.8	Unregistered or abandoned vehicles	3	15
7.9	Removing and impounding of unlawfully parked vehicles	3	15
7.10	Cattle Grids	3	15
7.11	Collecting Firewood on Roadsides	3	15
8.3	Failure to Comply with a Notice to Comply	3	20