



Southern Grampians
SHIRE COUNCIL

COMMUNITY LOCAL LAW

No 1 of 2021



Note: *This Local Law needs to be read in conjunction with any other relevant provisions in Council's Policies or with any other documents that the Local Law incorporates for application.*

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**SOUTHERN GRAMPIANS SHIRE COUNCIL
COMMUNITY LOCAL LAW No 1 of 2021
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PART ONE - PRELIMINARY PROVISIONS

This is the Southern Grampians Shire **Council Community Local Law No. x of 20xx.**

1. Objectives

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

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

2. Authorising Provision

This Local Law is made under Section 111(1) of the **Local Government Act 1989**.

3. Commencement, Cessation and Application of Local Law

This Local Law:

- 1 commences on **xxxxxx**, unless specified otherwise;
- 2 unless sooner revoked, this Local Law ceases to operate on 9th December 2025; and
- 3 operates throughout the municipal district.



4. **Repeal of other Local Laws**

On the commencement of this Local Law, **Southern Grampians Shire Council Community Local Law No.1 of 2015** is repealed and ceases operation, save that any notice or consent given or any business matter or thing commenced, made or done under the repealed local law is not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

5. **Other Legislation**

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

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

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

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

Act	means the Local Government Act 2020 .
Abandoned Vehicle	means a vehicle left on council land or road where the registered owner cannot be ascertained by an Authorised Officer or Delegated Officer and which, in the opinion of that Officer, has been abandoned.
Advertising Sign	means any board, notice, structure, banner or other similar device used for the purpose of soliciting sales or notifying people of the presence of an adjacent property where goods or services may be obtained.
Alcohol	means a beverage, or other prescribed substance, intended for human consumption with an alcohol content greater than 0.5 per cent by volume at a temperature of 20 degrees Celsius.
Animal	means any vertebrate except a human.
Applicant	means a person who applies for a permit under this Local Law.
Appropriate fee	means the appropriate fee determined by Council in accordance with this Local Law.
Authorised Officer	means a member of the Victoria Police or an Officer appointed under section 224 of the Act .
Built up area	means an area in which there is urban development or in which street lighting is provided.



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Builder	means: (a) a building practitioner under the <i>Building Act 1993</i> ; (b) a builder under the <i>Domestic Building Contracts Act 1995</i> ; or (c) an owner of the building site.
Builders refuse	includes any solid or liquid domestic or commercial waste, debris or rubbish, and without limiting the generality of the above, includes any glass, metal, plastic, paper, fabric, wood, food, food wrappers and containers, vegetation, soil, sand, concrete, rocks and any other waste material, substance or thing generated by or in connection with building work.
Building site Building Work	means any land on which building work is being undertaken. has the same meaning as: (a) in the <i>Building Act 1993</i> ; and (b) domestic building work in the <i>Domestic Building Contracts Act 1995</i> .
Building site container	means a suitable container not less than 1.5 cubic metres in volume that has a lid attached to it that is intended to prevent debris and other waste deposited in it from leaving the site and becoming windblown refuse.
Bulk rubbish container	does not include containers used in connection with Council's regular domestic rubbish.
Busk and Busking	means entertainment that includes playing a musical instrument, singing, conjuring, juggling, mime, mimicry, dance, puppetry, performance art, pavement drawing of any form, recitation and other appropriate theatrical and visual forms.
Caged Birds	means birds ordinarily kept in a cage, aviary or otherwise restricted in their ability to fly away.
Camping	means the occupation or use of a sleeping bag, swag, tent, makeshift structure, caravan, campervan, mobile home or any other vehicle (including under the vehicle) for sleeping all or part of a night or as temporary accommodation but excludes brief 'power napping' in a vehicle beside a highway for one hour or less.
Chief Executive Officer	means the person appointed as the Chief Executive Officer of Council.
Council	means the Southern Grampians Shire Council.
Council Building	means any structure or building (and its grounds) owned, occupied, controlled or managed by the Council, which has some or all areas designated for public or community access but may also have some or all areas designated for employee or staff only access.



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Council Land	means any land owned by, vested in or under the control of Council including roads, reserves, parking areas, watercourses, and reservations together with any improvements erected thereon.
Dilapidated	means buildings fallen into a state of disrepair, decayed, deteriorated, destroyed by fire, broken down or a partial ruin through neglect or misuse.
Domestic pets	means dogs and cats.
Driving	means the practise of moving stock over short distance (farm to farm).
Droving	means the practise of walking livestock over a long distance for the purpose of feeding stock along roadsides (drought relief).
Fire Danger Period	has the same meaning as in the Country Fire Authority Act 1958 in respect of the country area of Victoria or any part thereof means the period declared pursuant to this (CFA) Act to be the Fire Danger Period in respect of the said country area or any part thereof (as the case may be).
Firewood	means fallen trees, logs, branches, understorey and stumps used for burning.
Fireworks	means a device in which combustible materials are lighted and produce coloured flames, sparks, noise and smoke. Pyrotechnics are described as a fireworks display.
Hazardous pests	means nesting and/or swarming animals which potentially pose a risk to the general public as they may be poisonous or capable of delivering stings and include, but are not limited to, fire ants, English and European wasps, feral and/or swarming bees, but does not include honey bees within an apiary and animals kept as pets.
Heavy vehicle	has the same meaning as in the <i>Road Safety Act 1986</i> .
Hen Fowls	means only hens intended for laying.
Incinerator	means a structure or device that is not enclosed in a building which is used or is intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance not licensed or otherwise subject to control under the provisions of any other Act and not a barbeque.
Litter	has the meaning ascribed to it in section 4 of the Environment Protection Amendment Act 2018 as amended from time to time any solid or liquid domestic or commercial waste, refuse, debris or rubbish and, without



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limiting the generality of the above, includes any waste glass, metal, plastic, paper, fabric, wood, food, soil, sand, concrete or rocks, abandoned vehicles, abandoned vehicle parts and garden remnants and clippings, but does not include any gases, dust or smoke or any waste that is produced or emitted during, or as a result of, any of the normal operations of the mining, building or manufacturing industry or of any primary industry.

Livestock	includes horse, cow, bull, sheep, pig, poultry or any other animal or bird raised for a domestic, commercial or farming purpose, other than a dog or cat.
Local Laws	means Southern Grampians Shire Council Community Local Law No x of 20xx.
Local Road	means a road Council has the care and management of under the Road Management Act 2004.
Long vehicle	has the same meaning as in the Road Safety Act 1986.
Municipal district	means Southern Grampians Shire.
Nature Strip	means a section of the road under Council control located between the property boundary and the thoroughfare, but not including the footpath or kerb and channel.
Nightsoil	means untreated human excrement from septic tank waste systems e.g. long drops.
Noxious weed	has the same meaning as in the Catchment and Land Protection Act 1994.
Nuisance	has its ordinary meaning, save that where this Local Law provides that a certain activity or action constitutes a nuisance, then that activity or action will also constitute a nuisance for the purposes of this Local Law.
Nuisance Animal	means an animal engaged in any activity, behaviour or condition which is liable to be dangerous to health, offensive or injurious to personal comfort.
Penalty unit	has the same meaning as in section 110(2) of the Sentencing Act 1991.
Permit	means a permit issued under this Local Law.
Person	includes the owner or occupier or the person in charge of any property and includes a corporation.
Planning Scheme	means the Planning Scheme operating in the Southern Grampians Shire that is made under the Planning and Environment Act 1987.

Policies Manual	means the policies contained in the policies manual made by Council and used in conjunction with this Local Law.
Poultry	means any domestic fowl, gallinaceous bird or bird kept for food or eggs (not including roosters).
Public place	includes: (a) any public highway, road, bridge, footpath, alley, passage, car park or thoroughfare open to and used by the public notwithstanding that it may be formed on private property; (b) any park, garden, reserve or other place of public recreation; (c) any part of the Lake Hamilton reserve; and (d) any public toilets or public shelters.
Recreation vehicle	means and includes any vehicle which may be propelled or operated by internal combustion, electricity or any other external power and which is normally used for recreational purposes but does not include a pedal powered vehicle or motorised wheelchair.
Road	has the same meaning as in the Local Government Act 1989 and applies to roads for which Council has responsibility under the Road Management Act 2004 (a) a street; and (b) a right of way; and (c) any land reserved or proclaimed as a street or road under the Crown Land (Reserves) Act 1978 or the Land Act 1958 ; and a public road under the Road Management Act 2004 ; and (d) a passage; and (e) a cul de sac; and (f) a by-pass; and (g) a bridge or ford; and (h) a footpath, bicycle path or nature strip; and (i) any culvert or kerbing or other land or works forming part of the road.
Rural Area	means land within a rural zone under the Southern Grampians Planning Scheme .
Scare gun or noise emitting device	means a scare gun within the meaning of the Environment Protection Authority's Guidelines for the control of noise from scare guns or any noise emitting device used to scare birds.
Senior Officer	has the same meaning as in the Local Government Act 1989 .



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Service Authority	means any company or public body responsible for the maintenance of telecommunications, gas, electricity, water, sewerage or drainage facilities in or on a road.
Shopping Trolley	means a wheeled container or receptacle supplied by a retailer for enabling customers to transport goods.
Statutory Authority	means: (a) a Government Department; or (b) a body established by an Act of the Parliament of Victoria, any other State or Territory of the Commonwealth, or the Commonwealth.
Street Festival	means an organised recreational, cultural, commercial or social gathering of people which is held on a road.
Street Party	means an organised social gathering of people from one or several adjacent roads that is held on a road.
Temporary vehicle crossing	is a constructed form of wooden panels or other council approved structure over a bed of sand that extends from the boundary of a property over any public assets such as footpaths, nature strips, kerbs and channels to the road (carriageway) and is designed to minimise damage to the assets caused by motor vehicles and materials entering and leaving the property during the currency of building work.
Township Area	means land within a township, public use, business, residential, low density residential, special use, industrial or rural living zone of the Southern Grampians Planning Scheme .
Vehicle	has the same meaning as in the Road Safety Act 1986 .
Vehicle crossing	is a bridge or crossing constructed to Council specifications over any footpath or channel next to a road (carriageway) to enable a person using the road to have access to the land on the other side of the footpath or channel.
Wheeled recreation device	has the same meaning as in the Road Safety Road Rules 2009 .

PART TWO – ADMINISTRATION AND ENFORCEMENT

DIVISION 1 - PERMITS, FEES AND DELEGATIONS

7. *Applying for a Permit*

- (1) A person who wishes to apply for a permit may do so by:
 - (a) lodging with Council an application in the relevant form; and
 - (b) paying to Council the appropriate application fee.
- (2) Council may require an applicant to provide additional information before dealing with an application for a permit or for exemption.
- (3) Council may require public notice to be given before a permit is issued which will entitle any person to make a submission and to be heard in accordance with section 223 of the **Act**.
- (4) In deciding whether to grant a permit Council may take into consideration whether the proposed activity or use will:
 - (a) conform with any related policies of Council;
 - (b) cause a danger or hazard to pedestrians or vehicles;
 - (c) disturb, annoy or disrupt adjacent property owners or occupiers;
 - (d) be detrimental to the amenity of the area;
 - (e) destroy native vegetation on Council land or roads;
 - (f) damage native vegetation or wildlife habitat;
 - (g) impact Council's legislative and offset obligations;
 - (h) cause damage to Council assets;
 - (i) require the consent of, or should be referred to any other public authority or individual;
 - (j) require additional arrangements to be made for waste water disposal, litter and garbage disposal, lighting and security;
 - (k) obstruct a footpath so that it will not be possible to maintain a clear walkway at all times;
 - (l) necessitate the applicant to have insurance against any risk;
 - (m) necessitate a written indemnification of Council against liability arising from activities authorised by the permit; and
 - (n) any other matters relevant to the circumstances of the application.

8. *Issue of Permits*

Council may:

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

9. Duration of permits

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

10. Conditional permits

- (1) A conditional permit is subject to conditions which Council considers to be appropriate in the circumstances including:
 - (a) the payment of a fee or charge;
 - (b) the payment of a security deposit, bond or guarantee to Council to secure the proper performance of conditions on a permit or to rectify any damage caused to Council assets as a result of the use or activity allowed by the permit;
 - (c) a time limit to be applied either specifying the duration, commencement or completion date;
 - (d) that the applicant be insured against the risk and to provide a written indemnification of Council against liability arising from the activity or use;
 - (e) the rectification, remedying or restoration of a situation or circumstance;
 - (f) where the applicant is not the owner of the subject property, the consent of the owner; and
 - (g) the granting of some other permit or authorisation.
- (2) The conditions of a permit must be set out in the permit.
- (3) Council may, during the currency of a permit, alter the conditions of a permit if it considers it to be appropriate to do so, after providing the permit holder with an opportunity to make comment on the proposed alteration.

11. Cancellation of Permit

- (1) Council may cancel a permit if it considers that:
 - (a) there has been a serious or ongoing breach of the conditions of the permit;
 - (b) a Notice to Comply has been issued, but not complied with, within seven days after the time specified in the notice;
 - (c) there was a significant error or misrepresentation in the application for the permit; or
 - (d) in the circumstances, the permit should be cancelled.

- (2) Before it cancels a permit, Council must provide to the permit holder an opportunity to make comment on the proposed cancellation.
- (3) If a permit holder is not the owner of the land and the owner's consent was required to be given to the application for the permit, the owner must be notified of any Notice to Comply and of the reason why it has been served.

12. Correction of Permits

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

13. Transfer of Permit

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

Penalty: 2 Penalty Units

14. Council exempt from obtaining permits

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

15. Fees

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

16. Registers

- (1) Council must maintain a record of permits, including details of corrections and cancellations.
- (2) Council must maintain a register of determinations made and of guidelines or procedures prepared for the purposes of this Local Law.

- (3) Council must ensure that the registers are available for public inspection at the office of Council during normal business hours.

17. Exemptions

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

18. Misleading Conduct

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

Penalty: 10 Penalty Units

All Permits are issued under the guidelines of the relevant Local Laws procedure manuals.

DIVISION 2 - ENFORCEMENT

19. Compliance with Directions

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

Penalty: 5 Penalty Units

20. Warning to Offenders

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

21. Authorised Officers may issue a Notice to Comply

Where an Authorised Officer has reason to believe that a breach of this Local Law has occurred, the Officer may by serving a Notice to Comply direct any person to remedy any situation which constitutes a breach of this Local Law or do anything required to be done under this Local Law.

22. Time to Comply

- (1) A Notice to Comply must state the time and date by which the situation must be remedied.

- (2) The time required by a Notice to Comply must be reasonable in the circumstances having regard to:
 - (a) the amount of work involved;
 - (b) the degree of difficulty;
 - (c) the availability of necessary materials or other necessary items;
 - (d) climatic conditions;
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant factor.

23. Failure to adhere to a Notice to Comply

- (1) Any person who fails to remedy a situation or complete any act within the time required in accordance with a Notice to Comply served under this Local Law is guilty of an offence.
- (2) If anything required to be done by a Notice to Comply is not done within the required time, Council may itself or have another person complete the required work in accordance with section 225 of the **Act** and recover the costs from the person who failed to do so.

24. Power of Authorised Officers to Act in Urgent Circumstances

- (1) In urgent circumstances arising as a result of a failure to comply with this Local Law, an Authorised Officer may take action to remove, remedy or rectify a situation without first serving a Notice to Comply if:
 - (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) wherever practicable, a Senior Officer is given prior notice of the proposed action.
- (2) In deciding whether circumstances are urgent, an Authorised Officer must take into consideration, to the extent relevant:
 - (a) whether it is practicable to contact:
 - i. the person by whose default, permission or tolerance the situation has arisen; or
 - ii. the owner or the occupier of the premises or property affected.
 - (b) whether there is an urgent risk or threat to public health, public safety, the environment or animal welfare.
- (3) The action taken by an Authorised Officer under subclause (1) must not extend beyond what is necessary to cause the immediate abatement of or minimisation of the risk or danger involved.
- (4) An Authorised Officer who takes action under subclause (1) must ensure that, as soon as practicable:

- (a) details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and
- (b) a report of the action taken is submitted to the **Chief Executive Officer**.

25. Power of Authorised Officers to Impound

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

26. Infringement Notices and Penalties

- (1) As an alternative to prosecution for an offence, an Authorised Officer may issue an Infringement Notice containing the information required by the **Infringements Act 2006**.
- (2) A person issued with an Infringement Notice can decide not to pay the penalty amount in the notice within the time required in the notice and defend the prosecution in court.
- (3) If the penalty amount in the Infringement Notice is paid within 28 days or the notice is withdrawn by an Authorised Officer within that time the person on whom the Infringement Notice was served will be considered to have expiated the offence.

- (4) If a person does not pay the penalty amount within 28 days or any extended time period that the Authorised Officer has permitted or the notice is not withdrawn, the Authorised Officer may pursue the matter by prosecuting for the offence or by taking the steps available under the **Infringements Act 2006** for enforcing penalties by registration of Infringement Notices.
- (5) The penalty amount for an offence against this Local Law is the amount in Schedule 3.

27. Waiver and Withdrawal

- (1) Within 28 days of receiving an Infringement Notice a person may make a written request to Council, the **Chief Executive Officer**, a Senior Officer or the Infringement review panel that the Infringement Notice be withdrawn.
- (2) The **Chief Executive Officer** may consider the written request and may make a decision or a recommendation to Council that the Infringement Notice be withdrawn.
- (3) Where an Infringement Notice is withdrawn, the person upon whom it was served is entitled to a refund of any payment which that person has made other than any costs which Council has paid as part of the enforcement process.

28. Offences

- (1) Where any provision in this Local Law requires that something may not be done, any person who does that act is guilty of an offence.
- (2) Where any provision in this Local Law requires that something may not be done:
 - (a) between specified hours or times of the day or night;
 - (b) during specified months of the year;
 - (c) on days meeting a recognised category; or
 - (d) in or at specified locations or specified parts of those locations;any person who does that act between the hours or times, during the months, on the days, in or at the location is guilty of an offence.
- (3) Where any provision in this Local Law requires that a person obtain a permit from Council before engaging in any particular activity, a person is guilty of an offence if that person engages in that activity without a current permit or exemption issued by Council (unless Council in its discretion has waived the requirement for a permit).
- (4) Where any permit or exemption issued under this Local Law contains a condition or conditions, any person who contravenes or fails to comply therewith is guilty of an offence.
- (5) Where any provision in this Local Law requires that something must be done, any person who fails to do that act is guilty of an offence.

PART THREE – ANIMALS AND LIVESTOCK

29. Keeping Excess Animals

Commented [DA1]: The footnote confuses the heading

- (1) A person must not, without a permit, keep more animals, or types of animals, than that prescribed in the following provisions where the land is less than 0.2 hectares and located in the township area and where:
- (a) a rooster is to be kept for breeding purposes. Maximum duration is two (2) weeks in any calendar year per property address;
 - (b) a horse is to be kept on the land; or
 - (c) the number of each category of animal exceeds the following or where there are more than four (4) types of animals:
 - 2 dogs;
 - 2 cats;
 - 12 poultry;
 - 100 domestic birds;
 - 2 goats;
 - 3 sheep; or
 - 2 cockatoos.
 - 6 Guinea Pigs
 - 4 Domestic Rabbits
 - 4 Ferrets
- (2) The requirement to obtain a permit under this provision does not apply where a planning permit has been obtained for animal boarding or breeding on the land.
- (3) An owner or occupier of any land on which an animal or animals are kept must ensure that:
- (a) the land is maintained in a sanitary and inoffensive condition;
 - (b) keeping the animals does not attract, breed or harbour pests;
 - (c) the shelter or housing for the animals is adequate in regard to the type and number of animals being kept; and
 - (d) the animals do not cause a noise nuisance.
- (4) In determining whether to grant a permit for the keeping of animals within an area where the number exceeds that determined by Council, Council must take into account:
- (a) the zoning of the land;
 - (b) the proximity to adjoining properties;
 - (c) the amenity of the area;
 - (d) the type and additional number of animals to be kept;

- (e) the likely effect on adjoining owners and whether they have been notified in writing and have commented or objected;
- (f) the likely effect on the locality and whether a notice has been published in a newspaper generally circulating in the municipality allowing persons to make a submission;
- (g) the adequacy of animal shelters; and
- (h) any other matter relevant to the circumstances of the application.

Penalty: 5 Penalty Units

30. Animals in a Public Place

A person must not, without first obtaining a permit nor otherwise than in accordance with the conditions of such permit, keep any livestock, small bird, large bird, poultry, rodent or reptile or any other animal in or on any public place, council land or land managed by Council.

Penalty: 5 Penalty Units

31. Prohibition on Certain Animals

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

Penalty: 5 Penalty Units

32. Control of Cats

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

Penalty: 2 Penalty Units

33. Nuisance animals

1. The owner or occupier of a property on which any livestock, small bird, large bird, rodent or reptile or any other animal is kept must not allow any noise or smell from the property so as to interfere with the reasonable comfort or convenience of persons who occupy any adjacent property or other property located within 100m of the property of that owner or occupier.

Penalty: 5 Penalty Units

2. Nothing in clause 1 applies in respect of any noise emanating from a dog or cat. Noise from dogs and cats is regulated by section 32 of the **Domestic Animals Act 1994**.

34. Nuisance Caused by Feeding Animals

- (1) If the feeding of an uncaged bird and/or any animal by a person is causing a nuisance, damage to property, or an authorised officers believes it is contributing to health issues an authorised officer may direct the person to cease feeding the bird and/or animal.
- (2) Any person who is given a direction under this clause must comply with that direction.

Penalty: 5 Penalty Units

35. Adequate Fencing for Animals

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

Penalty: 10 Penalty Units

36. Shelters for Animals

- (1) The owner or occupier of a property must ensure that any structure on that property used for housing any livestock, small bird or large bird, rodent or reptile or any other animal and the area within three (3) metres of such structure is maintained:
 - a) in a clean, inoffensive and sanitary condition; and
 - b) so it does not cause any nuisance; and
 - c) to the satisfaction of Council or an Authorised Officer.
- (2) All animal shelters must be maintained so that a nuisance or offensive condition is not caused to adjoining properties by:
 - (a) manure and other waste on the land;
 - (b) a failure to keep food and other materials in fly and vermin proof containers;
 - (c) inadequate drainage of the land;
 - (d) allowing grass, weeds, refuse, rubbish and other material to build up within three metres of the animal shelter; and
 - (e) a failure to keep the animal shelter and the land in a clean and sanitary condition.

- (3) In determining what may be a reasonable shelter, consideration should be given to:
- (a) the type of animals to be kept;
 - (b) the height of the shelter;
 - (c) the location of the shelter having regard to the amenity of the area;
 - (d) the size of the shelter in terms of the animals to be housed in it;
 - (e) the security of the shelter in terms of the animals to be housed in it; and
 - (f) any other matter or issue pertaining to the shelter considered to be relevant.

Penalty: 5 Penalty Units

37. Requirement to remove dog excrement

A person who owns or is in charge of a dog must not leave any dog excrement in a public place, in a built up area or in any park, garden reserve or other place of public recreation or resort and must carry a bag, container or device to remove the excrement and properly dispose of it.

Penalty: 1 Penalty Unit

38. Horses on Reserves

A person in charge of a horse must not ride or lead a horse on land in any area if Council has designated that area where the use or activity is not permitted.

Penalty: 1 Penalty Units

39. Dogs in Livestock Exchange

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

Penalty: 5 Penalty Units

40. Keeping of Bees

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

- (c) the location and distance of the hives from the premises boundaries;
- (d) the numbers and type of boxes to be kept on the premises;
- (e) the likely nuisance or danger to any person;
- (f) the availability and location of the hives to a permanent supply of water;
- (g) the ability to protect surrounding premises by a screen that is impenetrable to bees and which forms a continuous barrier around the hives;
- (h) whether the hives will comply with any requirements of the **Department of Environment, Land, Water and Planning**;
- (i) the health or wellbeing of any person; and
- (j) any other matter relevant to the circumstances associated with the application.

Penalty: 5 Penalty Units

41. Control of Wasps (Non-Native)

The owner or occupier of a property must not allow or suffer english wasps or european wasps to nest on the property, and, upon becoming aware of the existence of a wasp nest on the property, must within a reasonable time take reasonable steps to cause the nest to be destroyed., and must comply with any direction to do so if specified by an Authorised Officer.

Penalty: 5 Penalty Units

42. Driving Livestock within the Municipal District

- (1) A person may drive livestock along any road in the municipal district for the purpose of moving the livestock from one farm or part of a farm to another provided that the following requirements to minimise the risk to road users are complied with:
 - (a) the livestock are moved between farming properties only between sunrise and sunset;
 - (b) the proposed route does not impede/impact on any high/medium native vegetation areas identified by Council.
 - (c) there is a person in charge of the livestock at all times who is competent in handling the livestock being moved and who supervises the livestock movement; and
 - (d) adequate alerts to motorists, including the presence of an amber flashing light and signs placed behind and ahead of the livestock while they are being moved and which remain in place until the livestock are confined on the destination property.
- (2) The signs placed ahead and behind of the livestock must comply with the requirements of the **Road Safety Road Rules 2009** and must be covered or removed at completion of the movement between farming properties.

- (3) The movement of livestock only occurs on roads permitted under the **Roadside Management Plan** and must comply with any requirements or additional restrictions in the policies manual.

Penalty: 10 Penalty Units

43. Droving Livestock through the Municipal District

- (1) A person must not, without a permit, drive livestock on a journey of more than 24 hours duration through the municipal district.
- (2) An application for a livestock driving permit must be made not less than 5 working days before it is proposed to drive the livestock.
- (3) A permit issued to drive livestock may contain conditions including that the livestock:
 - (a) are driven only on roads specified in the permit and that any departure from the specified routes requires the written consent of Council;
 - (b) travel a minimum distance each day and that if required, the person in charge of the livestock makes a declaration to the effect that the livestock are fit and healthy and able to travel the minimum distance specified;
 - (c) are moved only between the hours of sunrise and sunset;
 - (d) are adequately supervised;
 - (e) are kept between signs indicating that livestock are on the road; and
 - (f) the applicant develops a watering plan to the satisfaction of Council.
- (4) The signs placed ahead and behind of the livestock must comply with the requirements of the **Road Safety Road Rules 2009** and must be removed at completion of the movement between farming properties.
- (5) In addition to complying with any conditions of a permit, droving livestock in the municipal district must comply with any requirements in the Policies Manual.
- (6) A droving livestock permit expires as soon as the driving which it permits has been completed, but no later than any expiry date specified on the permit.

Penalty: 10 Penalty Units

44. Droving, Livestock Permits

- (1) In determining whether to grant a permit to drive livestock, either within the municipal district or to a point beyond the municipal district, Council must take into account:
 - (a) the number and type of livestock to be driven;
 - (b) whether the most direct or practical route from the point of departure to the destination is through or within the municipal district;
 - (c) whether appropriate reflective signs or flashing lights are necessary when livestock are camped overnight;

- (d) whether requirements for appropriate reflective signs or flashing lights complying with any relevant legislation can be complied with;
- (e) whether the livestock are capable of travelling the distance each day determined by the Authorised Officer;
- (f) whether it is necessary to have the health and fitness of the livestock certified by a stock inspector or veterinary; and
- (g) the conservation value of the roadside vegetation.

45. Roadside Grazing

- (1) The management of roadsides is primarily for the safe and efficient provision of public access now and into the future. Other values such as the contribution roadsides make to flora and fauna conservation, their ecological function within agricultural landscapes and their contribution to landscape appreciation may be promoted or prescribed at national, state or local levels.
- (2) Grazing of roadsides will only be considered where this can be undertaken without compromising the above functions and where a net benefit to the broader community can accrue.
- (3) Considering the time and effort of Council staff in assessing and managing roadside grazing permits, it is likely this net benefit will only occur where there is a significant contribution to community safety from reductions in fire hazard from tall weedy grasses in previously disturbed areas. Where uncertainty exists around the likely efficacy of grazing for fire hazard reduction advice may be sought from fire specialists including the Regional Country Fire Authority Vegetation Management Officer.
- (4) Roadside grazing should not have:
 - (a) any impact on reasonably expected traffic using the road for either through passage or access to adjoining properties; or
 - (b) any negative impact on road user's safety, including cyclists and pedestrians.
- (5) Roadside grazing will not be permitted:
 - (a) on areas designated as medium, high or very high conservation significance in accordance with Council mapping, unless the grazing is part of an approved **Vegetation Management Plan** approved by the **Department of Environment, Land, Water and Planning** Regional Biodiversity staff; or
 - (b) if any Victorian advisory list flora or fauna are known or strongly suspected to occur, unless grazing is deemed by Council's Biodiversity Officer to be unlikely to negatively impact on the relevant flora and/or fauna.
- (6) Roadside grazing will only be permitted:
 - (a) adjoining the stockholders property, unless part of a fuel management request from the **Country Fire Authority** and then agreed to by other adjoining landholders upon Council referral;
 - (b) under conditions including, but not limited to, the following:

- i. the applicant provides a stock health declaration for any stock to be grazed (to be renewed every 3 months);
 - ii. maximum and minimum rates and periods of stocking may be specified;
 - iii. no reasonable public access to waterways, roadside water bodies or other public land is impacted;
 - iv. grazing and access may only occur in areas, and at times, where the risk of erosion or significant soil disturbance is minimal. In general, on-going access will not be permitted to roadside drainage infrastructure due to the risk of damage and the high cost of maintenance of these assets;
 - v. grazing permission may be temporarily or permanently rescinded at 48 hours' notice giving reasons;
 - vi. may be subject to immediate cancellation for non-compliance with these conditions;
 - vii. grazing permission, unless otherwise specified in the permit, does not permit:
 - vehicle access other than at existing legal access points across a road reserve;
 - the removal of rock, stone, soil, timber or vegetation (other than through grazing); and
 - land surface modifications or any alteration to local water flows.
- (7) In considering an application for roadside grazing, Council will consider potential impacts on neighbouring properties, especially the proximity of dwellings, domestic animal locations, dams and stock handling facilities.

Penalty: 10 Penalty Units

46. Removal of mud and animal excrement

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

Penalty: 5 Penalty Units

PART FOUR – CAMPING

47. Camping on Council Land or in Public Places

- (1) A person must not, without a permit:
 - (a) occupy or use any council land or public place for camping, or
 - (b) keep, erect or place any tent, caravan or annexe on any council land or in a public place.

- (2) Subclause (1) does not apply to:
- (a) land where camping is authorised under the ***Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010***; or
 - (b) camping for less than twenty-four hours in areas where Council has determined that overnight camping is permitted.
- (3) In determining whether to grant a permit to allow camping on council land or in a public place that is not a licensed caravan park and has not been designated by Council as a camping area, Council must take into account:
- (a) the location of the land;
 - (b) the zoning of the land;
 - (c) the suitability of the land for camping;
 - (d) the number of tents or other structures to be located on the land;
 - (e) the length of time the tents and other structures will be erected on the land;
 - (f) the availability of sanitary facilities to the land;
 - (g) the likely damage to be caused; and
 - (h) any other matter relevant to the circumstances of the application.

Penalty: 20 Penalty Units

48. Camping on Privately Owned Land

- (1) A person must not, without a permit, allow camping for non-commercial purposes for more than 14 consecutive days on land owned or occupied by them.
- (2) An owner or occupier of private land must not without a permit occupy or allow any person to occupy any caravan, tent, *tiny house*/movable dwelling or motor home on vacant private land or land on which an approved dwelling exists unless the following conditions are met:
- (a) the occupation does not exceed a cumulative total of 60 days in any calendar year;
 - (b) no rent, licence fee or charge is paid by any person in respect to the occupation;
 - (c) occupation of the caravan, tent, tiny house/movable dwelling or motor home is not offensive and does not cause a nuisance for any reason but not limited to noise, effluent, or waste;
 - (d) the caravan, tent, tiny house/movable dwelling or motor home temporary dwelling is not within a distance of 6 metres of the frontage of the property or within 1.2 metres of any boundary of the property and no closer than 30 metres to a watercourse;
 - (e) the caravan, tent or motor home is vacated on declared days of total fire ban;

- (f) the land is not situated within a residential zone identified in the **Southern Grampians Planning Scheme**;
- (g) the toilet, bathing and laundry facilities provided in the dwelling are maintained to the satisfaction of an Authorised Officer and are made available without charge to the occupant(s) of the caravan, tent or motor home or the caravan, tent or motor home has adequate sanitary facilities and the sanitation facilities are maintained to the satisfaction of an Authorised Officer; and
- (h) The caravan, tent, tiny house/movable dwelling or motor home has adequate waste water facilities and the waste facilities are maintained to the satisfaction of an Authorised Officer.

Penalty: 20 Penalty Units

PART FIVE – BUILDING SITES

49. Asset Protection

- (1) Prior to the commencement of any building work (including work that does not require a building permit) an owner, builder or appointed agent must give written notice to Council about the existing condition and what, if any, damage already exists to any assets or infrastructure which:
 - (a) is on or adjacent to the land to which the building permit or building works are to be commenced relates; or
 - (b) may be affected by the building work.
- (2) If the owner, builder or appointed agent does not give notice to Council in accordance with subclause (1) it is deemed that there was no existing damage to any assets and infrastructure on or in the vicinity of the building work.
- (3) As soon as is reasonably practicable after receiving notice of the completion of the building work, Council must cause an inspection to be carried out of the assets and infrastructure to assess whether any damage has been caused as a result of the building work.
- (4) If, as a result of the inspection, Council considers that the building work has caused any damage to the assets and infrastructure, it may give notice to the owner, builder or appointed agent, requiring that person to repair or cause to be repaired to the satisfaction of Council the damaged assets or infrastructure described in the notice within 28 days of the notice being given.
- (5) The owner, builder or appointed agent must:
 - (a) install a temporary vehicle crossing prior to the commencement of building work;
 - (b) maintain the temporary vehicle crossing until the completion of the building work; and
 - (c) ensure that all vehicle access to the building site occurs only over the temporary vehicle crossing.
 - (d) the temporary vehicle crossing must be constructed to the satisfaction of an Authorised Officer of Council

- (6) The owner of any vehicle which:
- (a) accesses a building site; or
 - (b) accesses land adjacent to a building site; or
 - (c) accesses a building site via land adjacent to a building site other than over a temporary vehicle crossing is guilty of an offence.

Penalty: 10 Penalty Units

50. Fencing of Building Sites

- (1) Prior to the commencement of any building work the owner, builder or appointed agent must ensure that a site fence is erected on each individual site that:
- (a) is not less than 1800mm in height;
 - (b) will prevent windblown refuse and litter from being transported from the site; and
 - (c) will not have more than one access opening to the site which is:
 - i. not greater than 2800mm in width;
 - ii. fitted with gates not less than 1800mm in height that will prevent windblown refuse and litter being transported from the site;
 - iii. located to correspond with the location of the temporary vehicle crossing for the building site; and
 - iv. kept closed at all times when works are not in progress.
- (2) The entire site fence is to be erected on the boundary of the site's property line and must not protrude in or on any land other than the building site on which the building work is occurring. This would include the support feet used for the site fence which must be wholly within the building site to prevent trip hazard.
- (3) If a builder has more than one adjoining site where buildings are simultaneously constructed then the site fencing may enclose all of the sites under the builder's control.
- (4) Each section of the entire fence is to be erected as close as practicable to vertical at all times and must remain erected until the completion of the building work.

Penalty: 15 Penalty Units

51. Inspection of Building Sites

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

52. Stormwater Protection

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

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

Penalty: 15 Penalty Units

53. Controlling Refuse and Building Materials

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

- (2) Council may waive in writing the requirement to provide a container on a building site and the production of a waiver in writing from Council identifying the land and dates to which the waiver applies, is a defence to a prosecution under this clause if the waiver applies to the alleged offence.

Penalty: 10 Penalty Units

54. Disposal of Builders' Refuse

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

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

Penalty: 10 Penalty Units

55. Removal of Builders' Refuse

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

Penalty: 10 Penalty Units

56. Sanitary Facilities

- (1) At the commencement of any works on any building site, the owner, builder or appointed agent must provide a sewerated toilet or fresh water flush with water seal type portable toilet (closed) system and ensure that it is fully serviced for the use of any person on that site to the satisfaction of Council officers until completion of the building work.

Penalty: 10 Penalty Units

- (2) The owner, builder or appointed agent must advise Council in writing within seven days of the installation of sewerated toilet.

Penalty: 10 Penalty Units

- (3) Where buildings are being constructed on adjacent sites simultaneously by the same person Council may allow one sewerer toilet or a fresh water flush with water seal type portable toilet (closed) system that is fully serviced to be provided for every three adjoining sites.
- (4) Council officers may enter any land or premises at any reasonable time for the purpose of inspecting any sanitary facilities required to be provided under this Part.

57. Identifying a Building Site

- (1) Prior to the commencement of any building work authorised by a building permit the owner, builder or appointed agent must erect a sign at the main entrance of the building site which must:
 - (a) Building site signage should be in accordance with Regulation 41 of Building Regulations 2018, and the VBA policy / guideline on building sites identification.
 - (b) be placed in such a location that makes it clearly visible and legible from the road;
 - (c) contain the lot number of the site as described in the relevant Certificate of Title including street number; and
 - (d) identifies the name, postal address and a business hours contact telephone number of the registered building practitioner supervising the works; or
 - (e) identifies the name and a business hours contact telephone number of the owner builder holding consent from the Victorian Building Authority
- (2) The sign referred to in subclause (1) must be displayed until the completion of building work.
- (3) If, prior to the completion of the building work, there is a change of builder, the owner must, within seven days of that change, give written notice to Council.
- (4) The notice under subclause (3) must specify the date of the change of builder and be signed by the owner, the builder who has been replaced and the new builder.
- (5) From the date of receipt of the notice under subclause (3) the new builder specified in the notice becomes the builder for the purposes of this Local Law.
- (6) Prior to the commencement of any subdivision work the owner, person contracted to undertake the subdivision work or appointed agent must erect a sign at each access gate to the subdivision that complies with the following requirements. The sign must:
 - (a) be at least 800 mm in height and 1200 mm in width;
 - (b) be placed in such a location that makes it clearly visible and legible from the road;
 - (c) contain the name of the person or organisation which owns the subdivision; and



- (d) identify the name, postal address and a business contact telephone number of the person in charge of the subdivision works which can be reached 24 hours a day.
- (7) The sign must be displayed until completion of the subdivision work.

Penalty: 10 Penalty Units

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

58. Activities on Council Land

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

- (1) light a fire or allow any fire to remain alight except:
 - (a) a barbecue or fire pit provided by the Council; or
 - (b) a portable liquid petroleum gas barbecue.
- (2) Plant any tree or plant within a nature strip, road or road reserve
- (3) Place or erect any fence, gate or any other object that impedes the public access and use of any Council road, road reserve, unused road.
- (4) ride or drive a vehicle or animal in a manner or in a place which is likely to damage or ruin any grassed area or turf surface or otherwise interfere with the use of the Council Land by another person;
- (5) fly or allow to fly any powered model or drone;
- (6) pitch, erect or occupy any camp, tent, temporary shelter, movable dwelling, caravan, trailer or vehicle used as a mobile home;
- (7) hang, place, affix or erect any advertising sign or advertisement;
- (8) play, organise, practise or engage in any organised competitive sport;
- (9) engage in, play or practice any game or sport in such a manner as to be a danger to the safety of any person;
- (10) operate or allow to be operated, any amusement for which a charge is made;
- (11) sell any food, drink or other article or possess any food, drink or other article with the intention of selling it or exposing or offering it for sale;
- (12) make a collection for money;
- (13) use any sound amplification device;
- (14) hold any event, commercial or promotional activity;
- (15) conduct personal training services for individuals or groups for which a charge is made;
- (16) hold any circus, carnival, fete, festival, or fair;
- (17) conduct or celebrate a wedding.

Penalty: 5 Penalty Units

59. Council Buildings and Reserves

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

Penalty: 5 Penalty Units

60. Behaviour in Council Buildings

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

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

- ii. a wheelchair or motor scooter being used by a physically disabled person;
- (t) bring into a council building any substance, liquid or powder which may:
 - i. be dangerous or injurious to health;
 - ii. have the potential to foul, pollute or soil any part of the Council Building; or
 - iii. cause discomfort to any person without the consent of Council or an Authorised Officer
 - iv. not smoke within four (4) metres of entrances (pedestrian access points) to council buildings.

Penalty: 5 Penalty Units

61. Behaviour on Council Land

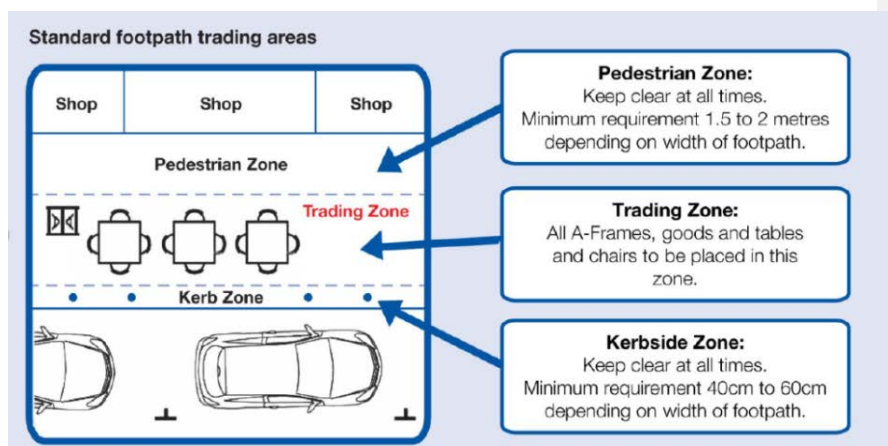
- (1) A person using council land must not behave in a way that could cause harm or injury or which interferes with any other person's enjoyment of council land by:
 - (a) using language or behaving in a way that is indecent, offensive or abusive and which annoys, disturbs, interferes or obstructs any person's enjoyment of council land;
 - (b) acting in a way which could endanger any person, cause any damage to any property or the environment or interfere with the quiet enjoyment of the reserve by any person;
 - (c) damaging, destroying, defacing, removing or interfering with anything in or on any building, improvement or other structure of any kind;
 - (d) acting contrary to any conditions or signs that contain conditions that apply to the use of council land; or
 - (e) acting contrary to any lawful direction of an Authorised Officer.
- (2) A person must not:
 - (a) use any vehicle or equipment; or ride, drive a vehicle or animal in a manner or in a place which is likely to damage or ruin any grassed area or turf surface or otherwise interfere with the use of the reserve by another person;
 - (b) walk on any plot, bed, border or any other area set aside for vegetation;
 - (c) camp or pitch, erect or occupy any camp, tent, caravan or temporary structure;
 - (d) throw, place or allow to be thrown or placed any liquid, stone, stick, paper, dirt or other object, substance or thing into any wetland, lake or pond;
 - (e) use any children's playground equipment other than for the purpose for which it is provided;
 - (f) fish or swim in, paddle, dive or jump into or enter any wetland, lake, pond or fountain contrary to any sign erected in the reserve;

- (g) abandon any animal or bird;
- (h) destroy, damage or interfere with any flora or kill, injure or interfere with any fauna;
- (i) light a fire or permit any fire to remain alight except in a barbecue or fire pit provided by Council or:
 - a. a portable liquid petroleum gas barbecue;
 - b. charcoal fuelled barbecue;
- (j) Or allow any other condition on land owned or occupied by him or her to cause damage to or interfere with council land or a road under the control of Council.

Penalty: 5 Penalty Units

62. Using Footpaths for Commercial Activities

- (1) A person must not, without a permit, use a footpath for commercial activities for:
 - (a) outdoor eating;
 - (b) displaying goods for sale;
 - (c) movable advertising signs that are not of a size or type where a permit is required under the Planning Scheme; and
 - (d) Street furniture.
- (2) In addition to complying with any conditions of a permit, a person using a footpath for commercial activities must comply with any requirements in the policies manual.
- (3) In addition to complying with any conditions of a permit, a person using a footpath for commercial activities must comply with any code of practice, standard or policy relating to people with a disability.



- (4) No equipment (fixed or temporary) may be placed on the walkway section of the footpath. The walkway section extends 1.5m from the property line toward the curb.
- (5) No equipment (fixed or temporary) may be located on the kerb section of the footpath. The first 0.60 metres of the footpath from the face of the kerb (gutter) must be kept clear.
- (6) No equipment (fixed or temporary) may be placed on access points of the footpath.
- (7) A maximum of two advertising boards may be approved for each business.
- (8) Wind breaks and dividers (barrier screens) must be associated with the use of the footpath for an outdoor eating facility, may be no more than 900mm high, and may only be placed in the article section.
- (9) All equipment must be removed after trading hours. No permanent furniture will be considered.
- (10) All equipment must be appropriately restrained so that it cannot move easily in the wind.
- (11) Clear and regular access from the footpath to the road must be provided;
- (12) Clear access to all parking head clearance of 2.5 metres above the footpath must be maintained.
- (13) In considering whether to grant a permit for using a footpath for commercial activities, Council must take into account:
 - (a) Whether or not the equipment makes a positive contribution to the amenity of the street;
 - (b) Whether or not the equipment is stable and safe to pedestrians and diners;
 - (c) Whether or not the equipment has rubber/plastic stops on the legs to stop slippage and to prevent damage to the footpath;
 - (d) Whether chairs are individual seats only or bench seats (individual seats are preferred) and the number of legs a chair has;
 - (e) Whether or not the equipment has legs that form a central column (legs that form a central column are preferred);
 - (f) Whether or not the equipment has oscillating or moving parts;
 - (g) Whether or not a-frames have other notices, signs or objects attached.

Penalty: 10 Penalty Units

63. Trading, Collections, Subscriptions and Raffles

- (1) A person must not, without a permit, solicit collections, gifts of money or subscriptions where it is proposed to collect or solicit from any footpath or from house to house.
- (2) A person must not, without a permit, trade from council land or road where trading is to be done from a vehicle, stall or any other temporary structure and irrespective of whether trading is on a permanent or casual basis.

- (3) The requirement to obtain a permit to trade under subclause (2) is limited to council land or a road - or designated road area set aside for a tender process.
- (4) All applications to Council must be submitted on the forms available, at least 14 days prior to fundraising activity and include the method of collection; the date, time and location of collection; the use or recipient of funds collected; the registered charity number (if applicable); and any additional information required by Council.
- (5) Approval shall not be granted to organisations utilising collectors who receive financial gain.
- (6) Approval shall only be granted to registered or approved charities or properly constituted groups or organisations.
- (7) Permits will not be issued more than 3 months in advance of the event.
- (8) In determining whether to grant a permit to solicit collections, gifts of money or subscriptions Council must take into account:
 - (a) the times and days proposed to collect;
 - (b) the manner or thing to be collected;
 - (c) the areas where the collections will take place;
 - (d) the impact on traffic and the safety of pedestrians;
 - (e) the impact on the amenity of the surrounding area including, but not limited to, the frequency of use of the required area;
 - (f) any complaints received about the activity;
 - (g) the age and capacity to supervise participants;
 - (h) whether evidence has been produced that the applicant has current public liability insurance of not less than \$10M;
 - (i) any view of the Victoria Police or the Roads Corporation (where relevant) concerning the proposed location or conduct of any collection;
 - (j) whether any other necessary consents or approvals required under other legislation have been obtained; and
 - (k) any other matter relevant to the circumstances of the application.

Penalty: 10 Penalty Units

64. Sale of Prohibited Goods from Council Controlled Land

- (1) A person using council land must not sell, distribute or promote the spread of national and or state declared weeds and pests.
- (2) A person using council land must not sell or distribute protected flora and fauna without the appropriate state or Commonwealth approval.

Penalty: 10 Penalty Units

65. Temporary Road Closures

- (1) A person must not, without a permit, temporarily close a road for any reason.

- (2) In order to ensure that all temporary road closure applications are dealt with fairly, transparently and consistently, the following guiding principles have been developed for use in evaluating future requests to determine if the application for the temporary road closure warrants approval:
 - (a) that no alternative to the road closure exists for the conduct of the event;
 - (b) that the merit of the event demonstrates a community benefit that outweighs the inconvenience to affected parties;
 - (c) approval for temporary road closures will only be considered for community events or events organised by not-for-profit organisations. Road closure applications will not be approved for private or commercial activities;
 - (d) the event must be of interest and accessible to a broad cross-section of the community;
 - (e) Council may require public notice to be given before a permit is issued which will entitle any person to make a submission and to be heard in accordance with section 223 of the **Act**;
 - (f) that the event does not unreasonably restrict access to key public facilities; and
 - (g) that the event is undertaken with the most efficient use of Council resources without unnecessarily detracting from the event.

66. Street Parties, Festivals and Outdoor Entertainment Events

- (1) An application for a permit for a street party may be made to Council for a street party, festival or outdoor entertainment event to be held on a local road.
- (2) An application for a permit for a street party, festival or outdoor entertainment event may be made for a non-local road but the consent of both the Chief Commissioner of Police and the relevant road authority, if it is not Council, must also be obtained.
- (3) The requirement to obtain a permit for a street party, festival or outdoor entertainment event also applies where a person's proposed use of council land means that they will have exclusive use of that area of land or waterway under control of Council for a specified period that will prevent others from using or accessing that Council controlled area.
- (4) In addition to complying with any conditions of a permit, a person proposing to have a street party, festival or an outdoor entertainment event must comply with any requirements in the policies manual.
- (5) In determining whether to grant a permit for a street party, festival or outdoor entertainment event Council must take into account:
 - (a) whether the road can be closed for vehicular traffic, or partly closed with safe and effective separation of vehicular traffic and patrons and equipment;
 - (b) whether the agreement of **Victoria Police** and the **Roads Corporation** has been obtained and their requirements met, including an appropriate traffic detour signing scheme;

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

Penalty: 10 Penalty Units

67. Busking, Spruiking and Pavement Art

- (1) A person must not, without a permit, busk on Council land or a road or a public place.
- (2) A permit issued for busking must contain conditions that:
 - (a) sound amplification equipment may only be used subject to any requirements of Council as to sound volume;
 - (b) no permit may be issued for longer than six months but that a renewal may be applied for after that time;
 - (c) Council reserves the right to revoke the permit at any time;
 - (d) no permit holder may sell or offer or expose for sale any article or commodity;
 - (e) any drawings, sketches, artwork made on any footpath must be limited to the use of easily erasable non-permanent medium such as chalk, charcoal or pastel and must not be crayon, paint or any other permanent or marking medium;
 - (f) the busker must comply with all the directions of the Victoria Police or an Authorised Officer which might include ceasing busking or moving from the busking location where congestion or inconvenience is being caused to other road users; and
 - (g) that no busker may advertise or associate his or her busking with advertising in conjunction with any performance.
- (3) In determining whether to grant a permit to busk, Council must take into account whether:
 - (a) any undue obstruction will be caused to pedestrians or traffic in the area specified; and
 - (b) any interference will be caused in relation to other approved activities in the area specified.
- (4) A person must not, without a permit, spruik on any road or municipal place or from any private property onto any road or municipal place.

- (5) A person must not without a permit use any sound amplification equipment to spruik onto any road or municipal place.
- (6) A person must not, without a permit, paint or draw on any road or council land or property for the purpose of public entertainment, performance or the collection of money.

Penalty: 10 Penalty Units

68. Alcohol not to be consumed in specified areas

- (1) The consumption of alcohol or carrying of alcohol in an open container is restricted in the following specified areas and times:
 - (a) At any time in a public place within that part of the city of Hamilton that part of the town bounded by and including Lonsdale, Cox, French and Kennedy streets as shown in Schedule 2 unless they are at premises that are licenced or authorised under the **Liquor Control reform Act 1998**;
 - (b) Hamilton Botanic Gardens from Sunset to Sunrise (event permits may apply).

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

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

Penalty: 5 Penalty Units

PART SEVEN- ENVIRONMENTAL HEALTH AND WASTE

69. Hygiene Requirements for Personal Care and Body Art Businesses

The proprietor or occupier of a premises registered under section 69 of the **Public Health and Wellbeing Act 2008** to conduct the business of hairdressing, colonic irrigation, beauty therapy or similar process on any person, or any tattooing, ear piercing or other process involving the penetration of the skin on a living human being, must ensure that:

- (1) Hand washing facilities installed at the premises for use by staff is provided and accessible at all times with:
 - (a) a continuous supply of both hot and cold water;

- (b) soap; and
 - (c) paper towel.
- (2) The instrument and/or equipment sink provided at the premises for use by staff is supplied with both hot and cold water at all times.

Penalty: 10 Penalty Units

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

- (1) A Person must not, without a permit, question – do we give out permits? Is it not a safety hazard to allow people to scavenge? Or consent from an Authorised Officer, remove material of any kind that has been deposited at any municipal landfill site, recycling and waste transfer facility.

In deciding whether to grant a permit under sub clause 1, the council must take into consideration

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

Penalty: 10 Penalty Units

71. Separation of Recyclables and Organic Waste

- (1) A person must not place anything other than recyclables in an approved council provided mobile bin which is specifically designated for recyclables.
- (2) A person must not place anything other than organic (food and garden) waste in an approved council provided mobile bin which is specifically designated for organic (food and garden) waste.
- (3) Council is not required to collect from a council provided mobile bin which is specifically designated for recyclables if it contains material other than recyclables.
- (4) Council is not required to collect from a council provided mobile bin which is specifically designated for organic (food and garden) waste if it contains material other than organic (food and garden) waste.

Penalty: 2 Penalty Units

72. Prohibited Waste

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

- a) slops or liquid waste; or

- b) moist refuse unless the moist refuse has previously been strained and securely wrapped in paper so as to prevent its escape or leakage; or
- c) dust from any vacuum cleaner, hair or other like substance unless the dust, hair or other substance has first been securely wrapped in paper so as to prevent its escape; or
- d) ashes or other like substance unless the ashes are or other substance is non-combustible and free from any heat-generating particles; or
- e) window glass or other sharp object unless the window glass or other sharp object is wrapped or secured in such a manner as to render it harmless and inoffensive; or
- f) commercial or domestic building waste, such as brick, rubble, concrete, timber, plaster, tiles or soil; or
- g) hazardous chemical or material, such as asbestos; or
- h) volatile, explosive or flammable substance; or
- i) night soil; Does this relate to human waste? Does this prevent people putting nappies in the bin? or
- j) oil, paints, solvents or like substances; or
- k) waste of a shape, size or weight that cannot be contained in such a council provided mobile bin; or
- l) household refuse or waste matter of any kind, the combined weight of which, in the case of a council provided mobile bin, exceeds 80 kilograms; The truck can lift 80 kg or
- m) needle, syringe or medical waste; or
- n) industrial waste; or
- o) other object or matter which is or is likely to be hazardous to health or the environment.

Penalty: 5 Penalty Units

73. Bulk Rubbish Containers

- (1) A person must not, without a permit, place a bulk rubbish container on a road reserve or a public place.
- (2) In determining whether to grant a permit to place a bulk rubbish container on a council road, Council must take into account:
 - (a) whether the bulk rubbish container will obstruct the passage of vehicles and pedestrians, obscure the view of motorists or present a physical hazard;

- (b) whether the bulk rubbish container will contravene any traffic control signs;
- (c) whether hazard lights can be securely attached on the side nearest passing traffic or placed on the carriageway so a passing motorist can identify the extent and the form of the container;
- (d) protection of Council assets;
- (e) whether evidence has been produced that the applicant has current public liability insurance of not less than \$10M; and
- (f) any other matter relevant to the circumstances of the application.

Penalty: 10 Penalty Units

74. Deposit of Refuse and Recyclables

A Person must not:

- (a) deposit any household refuse (hard waste), recyclable or other waste upon any road, public place or council land; or
- (b) except at a refuse disposal site, deposit any household refuse or other rubbish upon another person's property; or
- (c) place out for collection any household refuse unless it is in a council provided mobile bin.

Penalty: 5 Penalty Units

75. Street Litter bins and Recycling bins

- (1) A person must not leave any rubbish or waste in any street litter bin or recycling bin provided by Council contrary to any notice describing the type of rubbish or waste that can be deposited.

Penalty: 5 Penalty Units

- (2) A person other than a person authorised by Council must not interfere with any domestic, recyclable, commercial or industrial waste left for collection.

Penalty: 5 Penalty Units

PART EIGHT – VEHICLES, PARKING AND PETROL PUMPS

76. Parking a Long Vehicle on Roads

A person must not, without a permit, park a long vehicle on a road in a built up area for longer than 1 hour except where it is permitted by a sign or an exemption applies under the **Road Safety Road Rules 2017**.

Penalty: 5 Penalty Units

77. Parking a Heavy Vehicle in a Residential Zone

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

Penalty: 5 Penalty Units

78. Recreation Vehicles

- (1) No person may, without a permit use a recreation vehicle:
 - (a) on any land within a township area; or
 - (b) on any land controlled by Council.
- (2) In determining whether to grant a permit for the use of a recreation vehicle, Council must take into account:
 - (a) the location of the land where the vehicle is to be used;
 - (b) the zoning of the land;
 - (c) the suitability of the land for the use of the recreation vehicle;
 - (d) the number of vehicles for which the permit is required;
 - (e) the days, times and hours the vehicles are to be used.

Penalty: 10 Penalty Units

79. Driving a Heavy Vehicle Contrary to Signed Restrictions

- (1) A person must not, without a permit, drive a heavy vehicle on a road with a signed restriction applies where Council has prohibited a particular class of vehicle from using the road because of damage likely to be caused to the road by the vehicle.
- (2) In determining whether to grant a permit to use a road contrary to a sign erected on it, Council must take into account:
 - (a) the amount of the damage likely to be caused to the road by the vehicle requiring the permit;
 - (b) the type and weight of the vehicle;
 - (c) the goods to be transported and the weight of those goods;
 - (d) alternative roads that are available; and
 - (e) any other matter relevant to the circumstances of the application.

Penalty: 10 Penalty Units

80. Temporary Vehicle Crossings and Maintaining Crossings

An owner of land must ensure that:

- (1) where it is likely that damage may be caused to the road, a temporary vehicle crossing is constructed to the satisfaction of an Authorised Officer;
- (2) a bond is paid to Council when an Authorised Officer considers that damage is likely to be caused to the road or assets in the road because of activities occurring on the land;

- (3) when a temporary vehicle crossing is no longer necessary, it is removed and the road and the assets in the road are reinstated to the satisfaction of the Authorised Officer;
- (4) each point of vehicle access to the land from an adjacent carriageway or road has a properly constructed vehicle crossing linking that carriageway to the premises; and
- (5) each vehicle crossing to the premises and any channel or pipe under or forming part of that crossing are maintained to the satisfaction of an Authorised Officer.

Penalty: 10 Penalty Units

81. Repairing Vehicles

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

Penalty: 5 Penalty Units

82. Noise from vehicles in public places

- (1) A person in charge of a vehicle on a road or in a municipal place must not allow any noise from ancillary equipment in the vehicle including but not limited to a digital music player, radio, compact disk player or tape deck to cause unreasonable noise or to unreasonably interfere with the comfort of any other person.
- (2) A person must not unreasonably play amplified music or sound on a road or in a municipal place without a permit.
- (3) For the purposes of determining whether noise from ancillary equipment in a vehicle or amplified music or sound is unreasonable or is unreasonably interfering with the comfort of another person, regard is had to:
 - (a) the volume, intensity or duration;
 - (b) the time, place and any other relevant circumstance in which the noise is emitted; and
 - (c) and the distance from the nearest habitable dwelling.
- (4) Vehicle sound equipment will be deemed to cause unreasonable noise or interference with reasonable comfort of a person if it can be heard above the background noise level at a distance of ten (10) metres from the vehicle.

Penalty: 5 penalty Units

83. Damage to Council Roads by Heavy Vehicles and Other Uses

A person must not use a heavy vehicle on a council road contrary to any sign or behave in a way that could cause damage to or could be detrimental to council roads.

Penalty: 10 Penalty Units

84. Parking Controls

- (1) Where a vehicle is unlawfully parked or is causing an unlawful obstruction pursuant to the **Road Safety Road Rules 2017**, it may be removed and impounded by an Authorised Officer in accordance with the requirements of this Local Law.
- (2) Before removing and impounding a vehicle under subclause (1) and where practicable, an Authorised Officer must use his or her best endeavours to provide the owner of the vehicle with an opportunity to remove the vehicle that is unlawfully parked or causing an unlawful obstruction.
- (3) A caravan or mobile home, trailer or horse float must not be parked on a road for more than 14 consecutive days in any 12 month period.
- (4) Despite subclause (3) if an Authorised Officer is of the opinion that the caravan or mobile home, boat, damaged vehicle, trailer or horse float is:
 - (a) causing an unlawful obstruction;
 - (b) is obstructing the free use of the road or confines the limits of the road; or
 - (c) creates a risk to the safety of pedestrians or other road users
 - (d) an Authorised Officer may require the owner to remove the caravan or mobile home, trailer or horse float.
- (5) If the owner does not remove the caravan or mobile home, trailer or horse float within the Notice to Comply time prescribed by an Authorised Officer, the caravan or mobile home, trailer or horse float may be removed and impounded by an Authorised Officer in accordance with the requirements of this Local Law.

Penalty: 5 Penalty Units

85. Abandoned, unregistered or derelict vehicles in public places

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

Penalty: 10 penalty units

86. Storage of unregistered vehicles

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

Penalty: 5 penalty units

87. Sale of Vehicles

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

Penalty: 5 penalty units

88. Skateboards and other Wheeled Recreation Devices

- (1) A person must not use a skateboard or any wheeled recreation device in areas designated by Council as an area where their use is not permitted.
- (2) A person must not use a skateboard or any other wheeled recreation device on Council land or road or a public place in a way that:
 - (a) other users of council land or road may have their safety compromised or they could be injured;
 - (b) other users of council land or road are inconvenienced or feel intimidated; or
 - (c) damage could be caused to any property in council land or road or public place.

Penalty: 5 Penalty Units

89. Petrol Pumps

- (1) A person must not, without a permit, place a petrol pump on any road reserve or footpath. This requirement does not apply to the renewal or replacement of an existing pump.
- (2) Council may grant a permit only for petrol pumps that were authorised by Council and that were in existence at the commencement of this Local Law.
- (3) A permit holder is required to comply with any other legislation regulating petrol pumps and must have any necessary permits or consent under that other legislation if they are required.
- (4) A permit may only be transferred with the written consent of Council and the applicant will be required to pay a transfer fee equal to one half of the annual permit fee determined by Council.
- (5) An applicant for a permit must provide evidence of having current public liability insurance of not less than \$10 million against all damages and claims for which the applicant may become liable arising out of the use, control or possession by the applicant of any petrol pump.

- (6) Council may refer the application for the transfer or renewal of a permit to Vic Roads for comment.

Penalty: 10 Penalty Units

PART NINE – LAKE HAMILTON AND WATER

90. Using Lake Hamilton Waterway and Reserve

- (1) The requirement to obtain a permit to use Lake Hamilton Waterway and Reserve being the area described in the map in Schedule 1 applies where a person proposes to:
- (a) swim outside the designated swimming area;
 - (b) use the waterway or reserve or any buildings or facilities on it with the result that the use will exclude others from use or access for the duration of the use;
 - (c) bring any motor powered model aircraft onto the waterway and reserve;
 - (d) bring any animals onto the waterway and reserve, except for a domestic pet on a leash;
 - (e) erect or place any building or structure on the waterway and reserve; or
 - (f) distribute any advertising material.
- (2) A person using Lake Hamilton Waterway and Reserve must not:
- (a) enter any restricted zone that is clearly identified;
 - (b) drive or ride any vehicle or bicycle or park any vehicle except in the areas set aside for that purpose;
 - (c) bring any glass bottles into the beach area or boat ramp area of the Reserve;
 - (d) bring any domestic pet into the beach area of the reserve;
 - (e) drive, ride or operate any motorised vehicle on the bicycle track; or
 - (f) remove, alter, damage or shift any buoys, lake side markers, floats or lines secured to the lake.
 - (g) act in a manner contrary to any restriction or prohibition to any sign erected in/on Lake Hamilton Waterway and Reserve.
- (3) Lake Hamilton Waterway usage is shared between non-powered and powered vessels as follows:
- (a) non-powered vessels may use the restricted area of Lake Hamilton at any time;
 - (b) powered vessels may use lake on non – powered times until such time as non-powered vessel enters water.(then must immediately exit the lake), fishing vessels traveling under 5 knots exempt providing staying out side main boating lanes;

- (c) all other usage times are set from time to time by council resolution. (see Schedule 1 attachment 2)

Penalty: 5 Penalty Units

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

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

Penalty: 5 Penalty Units

92. Interference with Watercourse

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

Penalty: 10 Penalty Units

PART TEN – OBSTRUCTIONS, INTERFERENCE AND NOISE

93. Electric Fences

- (1) A person must not, without a permit, erect an electric fence in a built up area and where the fence:
- (a) will be without a standoff; and
 - (b) will abut a footpath used by the public.
- (2) The person erecting the electric fence must ensure that it is adequately signed so that people know that it is electrified.

Penalty: 5 Penalty Units

94. Scare Guns and Noise Emitting Devices

- (1) A person must not, without a permit, use a scare gun or noise emitting device (such as devices designed to create noise to frighten or discourage animals including birds) where it is proposed to use the gun:
 - (a) before 6.00am or later than one hour after sunset; or
 - (b) within 300 metres of the closest residence.
- (2) Council may prescribe, limit or restrict the use of noise emitting devices, upon such terms and conditions as is considered appropriate.

Penalty: 5 Penalty Units

95. Fireworks

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

Penalty: 10 Penalty Units

96. Control of Noise from Premises

- (1) A person must not, without a permit, emit or cause or suffer to be emitted from any residential premises, or any noise from any item as prescribed in the ***Environment Protection (Residential Noise) Regulations 2018*** that can be heard in a habitable room in any other dwelling, regardless of whether any door or window giving access to that habitable room is open.
- (2) Even if a person:
 - (a) does not require a permit under subclause (1);
 - (b) has obtained a permit under subclause (1) as required, and complies in all other respects; or

(c) with that permit and in all other circumstances not covered under subclause (1).

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

- (3) For the purposes of subclause (2), noise will be deemed to be unreasonable, if it is unreasonable having regard to all of the following:
- (a) its volume, intensity, character or duration;
 - (b) the time, place and other circumstances in which it is emitted;
 - (c) any relevant Government Act, regulation or policy; and
 - (d) any relevant Council policy.

Penalty: 10 Penalty Units

97. Removal of Fallen Timber

- (1) A person must not, without a permit, remove any fallen timber, wood or tree litter from any road, road reserve, council controlled land or council land within the municipality.

Penalty: 5 penalty units

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

Penalty: 10 penalty units

98. Removal of Sand and Gravel from Roadsides

A person must not, without a permit, remove any sand or gravel material from any road, road reserve, council controlled land or council land within the municipality.

Penalty: 10 penalty units

99. Displaying Property Numbers

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

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

Penalty: 2 Penalty Units

100. Using Incinerators and Open Air Burning

A person must not, without a permit, burn outside, or cause, or allow to be burnt outside on any land in the municipal district, any materials, whether in the open air or in any built or manufactured incinerator or similar device. No permit is required for burning outside fire restriction periods for properties within the farming zone and properties within the rural living zone that exceed 2 hectares in area.

A person who has lit or allowed a fire to be lit or remain alight, or has burned or caused or permitted to be burned any materials, contrary to this clause, must extinguish the fire or burning materials immediately on being directed to do so by an Authorised Officer or Delegated Officer.

The following exemptions apply in respect of this Clause:

With respect to clause

- (a) a permanent or portable barbeque for the purpose of cooking food or properly constructed or manufactured fireplace for the purpose of outdoor heating that is fit for purpose and designed, constructed, located and installed in a manner that will prevent detrimental offsite amenity impact; or
- (b) for the purpose of meal preparation or personal comfort in a residential area if:
 1. the air movement in the vicinity of the fire is no stronger than 10km per hour;
 2. the fire is lit in a properly constructed fireplace or in a trench at least 30cm deep;
 3. the ground and airspace within a distance of 3m from the outer perimeters and uppermost point of the fire are clear of flammable material;
 4. the fire does not occupy an area in excess of 1m² and the size of the fire and the dimensions of solid fuel used are the minimum necessary for the purpose; and
 5. the fire is monitored by the person(s) benefitting from the fire until it is completely extinguished.

Nothing in this Local Law prevents burning off by any public authority responsible for:

- (a) the maintenance of public land under its control; or
 - (b) fire reduction purposes.
- (1) Where an Authorised Officer or an officer of the Victoria Police or a member of the Country Fire Authority, operating pursuant to the **Country Fire Authority Act 1958** considers that a person is causing a condition which is unsafe, dangerous to health, offensive or annoying to another person because of the way they are using an incinerator or because of burning in the open air, the Authorised Officer or an officer of the Victoria Police or a member of the Country Fire Authority, operating pursuant to the **Country Fire Authority Act 1958** may direct that the incinerator be extinguished or that the open air burning cease immediately.
 - (2) A person who fails to comply with a direction of an Authorised Officer or an officer of the Victoria Police or a member of the Country Fire Authority, operating pursuant to the **Country Fire Authority Act** is guilty of an offence against this Local Law.
 - (3) A person must not burn materials that are likely to be offensive including:

- (a) any chemicals;
- (b) any rubber or plastic;
- (c) any petroleum products or oil;
- (d) any paint or container used for paint;
- (e) food wastes, fish or other offensive food scraps;
- (f) Any wet, damp or green garden materials and
- (g) any other material determined as offensive by Council.

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

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

Penalty: 5 Penalty Units

101. Use of Chimneys, Purpose Built Outdoor Cooking and/or Heating Devices

An owner or occupier of any land must not cause or allow any chimney or purpose built outdoor cooking and/or heating device to discharge any by-products of combustion to such an extent that, in the opinion of an Authorised Officer, it is considered unreasonable or is dangerous to health or safety of any person or animal.

Penalty: 5 Penalty Units

102. Locating Trees and Plants and Other Obstructions

An owner or occupier of land must not cause or allow any tree or plant, fencing, sign or anything that could be an obstruction to be planted or located on a person's property so that it obstructs or interferes with pedestrian or vehicular traffic because it:

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

Penalty: 2 Penalty Units

103. Planting vegetation on roads

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

If any plant, tree or any other vegetation is found by an Authorised Officer in contravention of this clause the Authorised Officer may dig, remove impound or destroy such plant, tree or vegetation.

Penalty: 5 Penalty Units

104. Condition and Appearance of Land and Buildings (unsightly)

- (1) An owner or occupier of land must ensure that the land:
 - (a) does not constitute or is not likely to constitute a danger to health or property;
 - (b) is not unsightly or detrimental to the general amenity of the neighbourhood in which it is located;
 - (c) through accumulation or hoarding of rubbish, waste or other materials gives the appearance of neglect or abandonment and is out of character with the general amenity of the area.
 - (d) does not have grass or weeds present on the land which exceeds 200 mm in height or during the declared fire danger period does not exceed 100mm; and
 - (e) does not have on it a building that has been deemed by Council to be unsightly, dilapidated or unsuitable for human habitation.
- (2) Subclause (1) does not apply to land in a semi-rural and rural area or properties identified by Council as high conservation areas.
- (3) A person may store used or second hand goods, machinery and equipment on land provided that the use or activity does not:
 - (a) make the land dangerous or create the potential for the land to become dangerous to life and property because of the materials and substances that are kept on it;
 - (b) constitute or be likely to constitute a fire hazard because of the type of vegetation or height of vegetation on it;
 - (c) cause or be likely to cause a nuisance or be a health hazard because of the existence of noxious weeds or because the conditions provide a harbour for vermin; or
 - (d) depart too far from the general appearance and standards in the area and community expectations and standards about the appearance of land in the vicinity.
- (4) If an Authorised Officer considers that an owner or occupier of land is failing to comply with the requirements of subclauses (1) and (2) he or she may require the person storing used or second hand goods, machinery, equipment

or items to take remedial action to limit the impact of the condition or appearance of the land on the general character or amenity or safety of the neighbourhood, including the screening of the land by a fence or other means.

Penalty: 10 Penalty Units

105. Nature Strip Maintenance

The owner or occupier of a property within township areas, must ensure that the nature strip between the road and the property boundary on any road which abuts the property is kept and maintained, such that any grass, stubble, weeds, scrub, undergrowth or other like material on that nature strip does not generally exceed 200 mm in height or 100 mm during fire danger period. Unless Council has allowed nature strip modification works in respect of the property.

Penalty: 2 Penalty Unit

106. Dilapidated Buildings

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

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

Penalty: 20 Penalty Units

Guideline: Run-down, badly maintained or neglected structures can fall into disrepair, reduce neighbouring property values, encourage unauthorised occupation, attract anti-social or criminal behaviour, attract vermin and reduce community perceptions of amenity and safety. Consequently, the Council requires owners and occupiers to maintain their buildings and structures to avoid these problems. For the purposes of sub clause

A building on premises is considered to be dilapidated if:

- (a) the exterior of the building is in a state of disrepair and has been damaged or defaced so as to:
 - i. Affect the visual amenity of the premises; or

- ii. Cause the building to be out of conformity with the general standard of appearance of other buildings in the vicinity of the premises.

107. Land not to be dangerous

- (1) The owner or occupier of any land must not allow that land to be dangerous to the health, safety or wellbeing of any person.
- (2) Land is deemed to be dangerous if:
 - (b) it has present uncontained asbestos; or
 - (c) it has:
 - i. any excavation or hole capable of holding 300 mm of water or more;
 - ii. any allurement to children; or
 - iii. not been fenced in accordance with the regulations that apply to swimming pools and spas in the **Building Regulations 2018**.
 - (d) it is used for the storage of any substance which is dangerous or likely to cause danger to life or property without a permit under any legislation dealing with the storage of that substance.

Penalty: 10 Penalty Units

108. Fire Hazards

- (1) An owner or occupier of any land must ensure that:
 - (a) all necessary steps are taken to:
 - i. prevent fire on the land and premises; and
 - ii. minimise the possibility of a fire spreading from that land and premises.
 - (b) the premises are kept free of material or substances which may assist the spread of fire.
- (2) For the purposes of this clause “material or substances” includes undergrowth, scrub, weeds, stubble, grass (whether alive or dead and whether standing or not standing), and any other vegetation (excluding trees and established ornamental shrubs), wood, flammable liquid or substances.
- (3) To determine whether:
 - (a) there is on any premises any material which constitutes or may constitute a fire danger to or on property; or
 - (b) a fire break is required to be made or cleared on those premises;an Authorised Officer may enter and inspect those premises.

Penalty: 10 Penalty Units



109. Shipping Containers

- (1) The owner or occupier of any land must not allow a shipping container, self-storage container or other similar container, to be placed, kept, store, repair or in any other manner on any land, in a residential zone, without a permit.
- (2) Subclause (1) does not apply where the use of a shipping container is allowed by the Planning Scheme or any Planning Permit issued by the relevant Planning Authority; or a Building Permit has been obtained

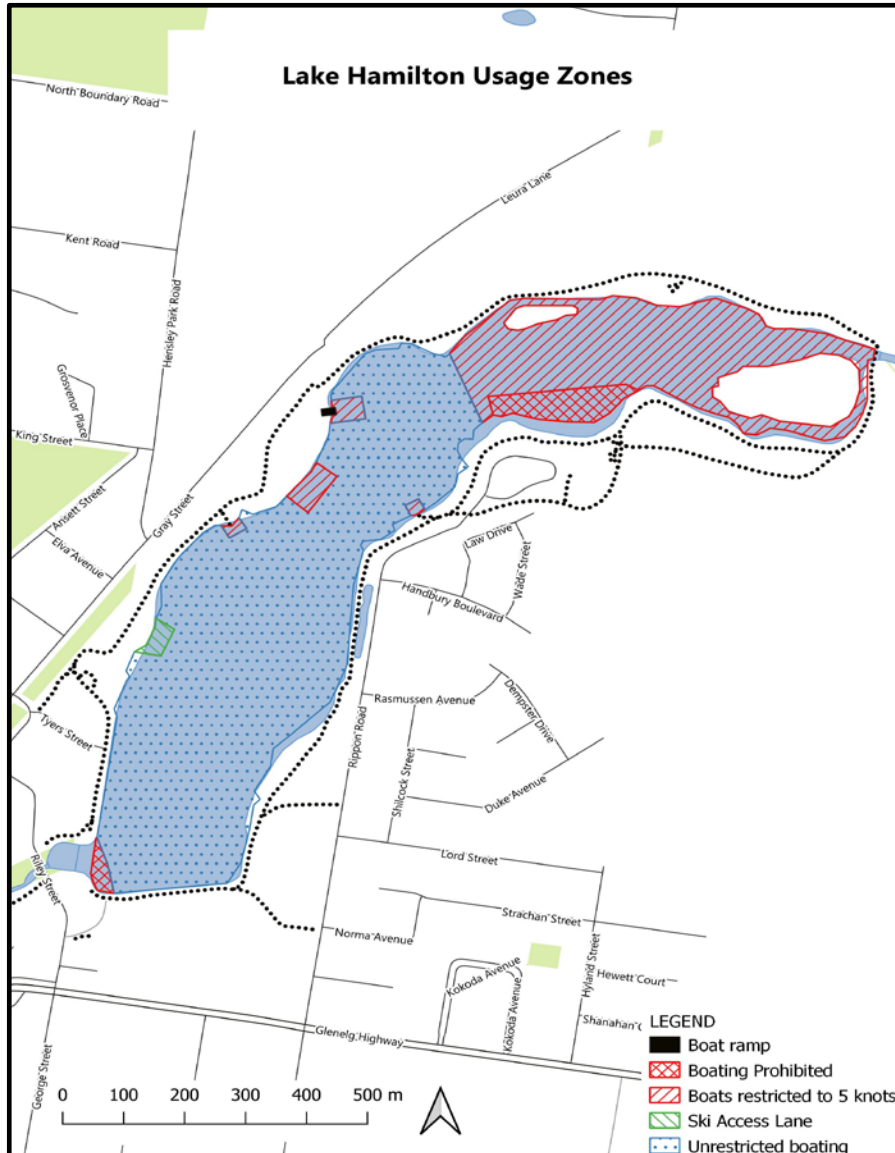
Penalty: 5 Penalty unit

110. Shopping Trolleys

A person must not leave a shopping trolley on any road, bicycle path or vacant land or cause or authorise another person to do so.

Penalty: 5 Penalty Units

SCHEDULE 1 LAKE HAMILTON RESERVE



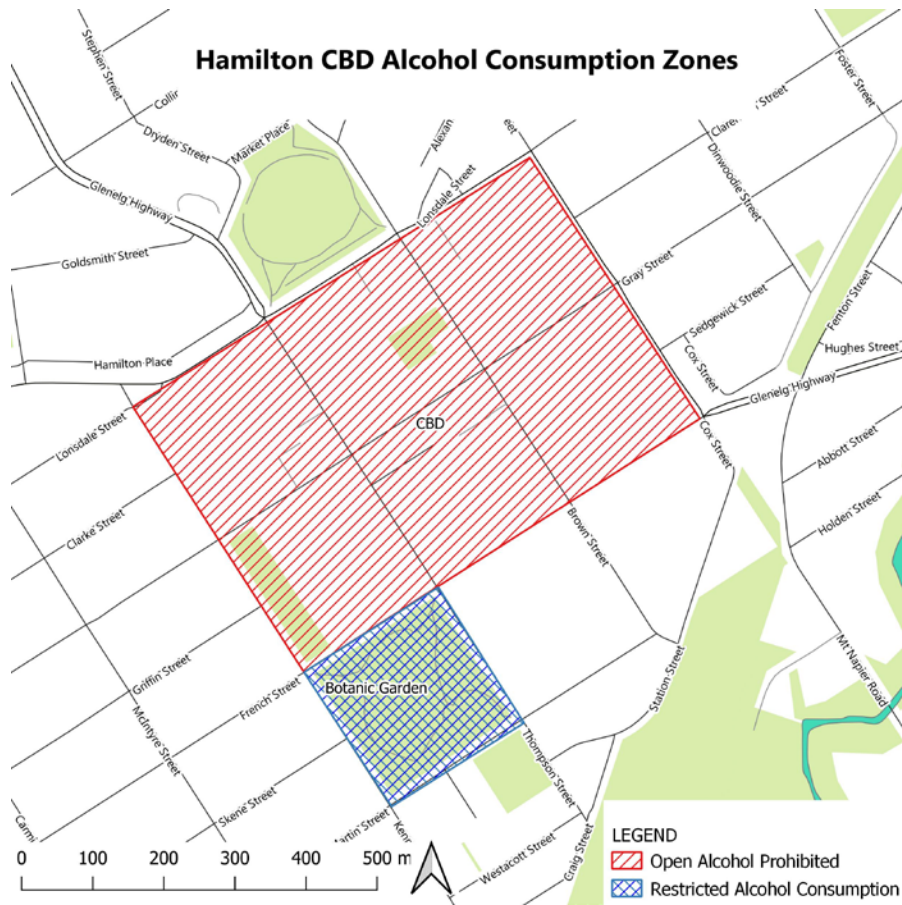


Lake Hamilton Usage Table Attachment 2

DAY	Up until 11am	From 11am
Monday	Non-powered vessels	Powered vessels
Tuesday	Non-powered vessels	Non-powered vessels
Wednesday	Non-powered vessels	Non-powered vessels
Thursday	Non-powered vessels	Non-powered vessels
Friday	Non-powered vessels	Powered vessels
Saturday	Non-powered vessels	Powered vessels
Sunday and Public Holidays	Non-powered vessels	Powered vessels



SCHEDULE 2 AREAS WHERE ALCOHOL MUST NOT BE CONSUMED



SCHEDULE 3 PENALTIES FIXED FOR INFRINGEMENT NOTICE PURPOSES

Provision	Offence	Penalty Unit
13	Transfer of Permit	2
18	Misleading Conduct	10
19	Compliance with Directions	5
29	Keeping Excess Animals	5
30	Animals in a Public Place	5
31	Prohibition on Certain Animals	5
32	Control of Cats	2
33	Nuisance Animals	5
34	Nuisance Caused by Feeding Animals	5
35	Adequate Fencing for Animals	10
36	Shelters for Animals	5
37	Requirement to Remove Dog Excrement	1
38	Horses on Reserves	1
39	Dogs in Livestock Exchange	5
40	Keeping of Bees	5
41	Control of Wasps	5
42	Driving Livestock within the Municipal District	10
43	Droving Livestock through the Municipal District	10
45	Roadside Grazing	10
46	Removal of Mud and Animal Excrement	5
47	Camping on Council Land or in Public Places	20
48	Camping on Privately Owned Land	20
49	Asset Protection	10
50	Fencing of Building Sites	15
52	Stormwater Protection	15
53	Controlling Refuse and Building Materials	10
54	Disposal of Builders' Refuse	10
55	Removal of Builders' Refuse	10
56(1)	Sanitary Facilities	10
56(2)	Sanitary Facilities	10
57	Identifying a Building Site	10
58	Activities on Council Land	5
59	Councils Buildings and Reserves	5

60	Behaviour in Council Buildings	5
61	Behaviour on Council Land	5
62	Using Footpaths for Commercial Activities	10
63	Trading, Collections, Subscriptions and Raffles	10
64	Sale of prohibited goods from Council controlled land	10
66	Street Parties, Festivals and Outdoor Entertainment Events	10
67	Busking, Spruiking and Pavement Art	10
68	Alcohol not to be consumed in specific areas	5
69	Hygiene Requirements for Personal Care and Body Art Businesses	10
70	Scavenging at Municipal Landfill Sites, Recycling & Waste Transfer Facilities	10
71	Separation of Recyclables and Organic Waste	2
72	Prohibited Waste	5
73	Bulk Rubbish Containers	10
75(1)	Street Litter Bins and Recycling Bins	5
75(2)	Street Litter Bins and Recycling Bins	5
76	Parking a Long Vehicle on Roads	5
77	Parking a Heavy Vehicle in a Residential Zone	5
78	Recreation Vehicles	10
79	Driving a Heavy Vehicle Contrary to Signed Restrictions	10
80	Temporary Vehicle Crossing and Maintaining Crossings	10
81	Repairing Vehicles	5
82	Noise from vehicles in public places	5
83	Damage to Council Roads by Heavy Vehicles and other uses	10
84	Parking Controls	5
85	Abandoned, unregistered or derelict vehicles in public places	10
86	Storage of Unregistered Vehicles	5
87	Sale of Vehicles	5
88	Skateboards and other wheeled recreation devices	5
89	Petrol Pumps	10
90(1)	Using Lake Hamilton Waterway and Reserve	5
90(2)	Using Lake Hamilton Waterway and Reserve	5
90(3)	Using Lake Hamilton Waterway and Reserve	5
91	Taking Water from Council Operated Standpipes, Roadside Dams, Culverts and Lake Hamilton	5
92	Interference with Watercourse	10
93	Electric Fences	5
94	Scare Guns & Noise Emitting Devices	5
95	Fireworks	10



Southern Grampians Shire Council – Community Local Law

96	Control of Noise from premises	10
97(1)	Removal of Fallen Timber	5
97(2)	Removal of Fallen Timber	10
98	Removal of Sand and Gravel from Roadsides	10
99	Displaying Property Numbers	2
100	Using Incinerators and Open Air Burning	5
101	Use of Chimneys, Purpose Built Outdoor Cooking and/or Heating Devices	5
102	Locating Trees and Plants and Other Obstructions	2
103	Planting Vegetation on Roads	5
104	Condition and Appearance of Land and Buildings	10
105	Nature Strip Maintenance	2
106	Dilapidated Buildings	20
107	Land Not to be Dangerous	10
108	Fire Hazards	10
109	Shipping Containers	5
110	Shopping Trolleys	5