

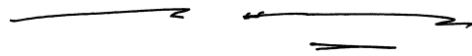
**CERTIFICATE UNDER SECTION 74 OF THE LOCAL GOVERNMENT ACT 2020**

I, **Mark Richard Hayes**, being a person who is:

- (a) an Australian lawyer who has been admitted to the legal profession for at least 5 years; and
- (b) not a Councillor of Yarriambiack Shire Council

certify that, in my opinion, the draft Local Law attached to this Certificate and marked "MRH-1" for identification is consistent with the local law requirements set out in section 72 of the *Local Government Act 2020*.

Dated: 15 August 2024



.....  
Mark Richard Hayes  
Maddocks

# **MRH-1**

**YARRIAMBIACK SHIRE COUNCIL**

**GENERAL LOCAL LAW 2024**

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YARRIAMBIACK SHIRE COUNCIL  
GENERAL LOCAL LAW 2024

**PART 1 – PRELIMINARY**

**1. Title of this Local Law**

This Local Law is the General Local Law 2024.

**2. Purposes of this Local Law**

The purposes of this Local Law are to:

- (1) protect community safety and neighbourhood amenity;
- (2) protect public assets and infrastructure, and the built and natural environment;
- (3) enhance the use, access and enjoyment of public places for the community's benefit.
- (4) provide for the administration of **Council's** powers and functions; and
- (5) revoke **Council's** General Local Law No. 5, made on 23 September 2015.

**3. Power to Make this Local Law**

**Council's** power to make this Local Law is contained in section 71(1) of the *Local Government Act 2020* and section 42 of the *Domestic Animals Act 1994*.

**4. Commencement of this Local Law**

This Local Law commences to operate on 1 September 2024.

**5. Revocation Date of this Local Law**

Unless sooner revoked, this Local Law ceases to operate 10 years after the date on which it commenced.

**6. Revocation of Earlier Local Law**

**Council's** General Local Law, made on 23 September 2015, is revoked.

**7. Area of Operation of this Local Law**

This Local Law applies throughout the whole of the **municipal district**.

**8. Interpretation of this Local Law**

- (1) In this Local Law, unless the contrary intention appears, a reference to:

- (a) a clause is a reference to a clause in this Local Law;
  - (b) a sub-clause is a reference to a sub-clause of the clause in which the reference is made;
  - (c) a paragraph is a reference to a paragraph of the sub-clause in which the reference is made;
  - (d) a Part is a reference to a Part of this Local Law;
  - (e) a Division is a reference to a Division in a Part of this Local Law; and
  - (f) the singular also refers to the plural.
- (2) Where this Local Law prohibits any activity or other thing or provides that such activity can only take place or other thing can only be done or exist with a **permit**, that prohibition or provision will not apply:
- (a) to the extent of any inconsistency with the Yarriambiack Planning Scheme or another legislative instrument; or
  - (b) to a person employed or engaged by **Council** or another public authority who is acting in the course of their official duties.

## **9. Local Law Guidelines**

- (1) **Council** may from time to time make Guidelines for the purposes of this Local Law.
- (2) Any Guidelines made under sub-clause (1):
  - (a) may be amended from time to time;
  - (b) must be published on **Council's** website and be available for inspection at **Council's** principal office; and
  - (c) are incorporated into this Local Law.

## **10. Definitions**

**Explanatory Note** – *In this Local Law definitions are shown in bold type.*

In this Local Law, unless express or implied to the contrary:

**“abandoned”** means a **vehicle** which:

- (a) has no number plates; or
- (b) has not been moved from the **road** or **Council Land** on which it stands for 60 days or more;

**“Act”** means the *Local Government Act 1989*;

**“advertising sign”** means any board, notice, structure, banner or other similar device used for the purpose of:

- (a) soliciting sales or support; or
- (b) promoting the presence of an adjacent property or other address, whether real, internet-based or otherwise electronic, where goods or services may be obtained

and includes a mobile billboard;

“**animals**” excludes **persons** but is not limited to any of the species or groups listed in the first column of the table in clause 22;

“**applicant**” means a **person** who applies for a **permit** or renewal of a **permit** under this Local Law;

“**appropriate fee**” means the fee determined by **Council**;

“**Asset Protection Permit**” means a written **permit** issued by **Council** for the protection of public assets and infrastructure during **building works**;

“**Authorised Officer**” means an authorised officer appointed under section 224 of the **Act**;

“**builder**” means the **person** who is nominated as the builder in a building permit issued under the *Building Act 1993* in respect of **building works** or a **person** in charge of a **building site**;

“**building site**” means any property on which **building works** are being carried out;

“**building works**” means work for or in connection with the construction, demolition or removal of a building in respect of which a building permit is required under the *Building Act 1993*;

“**bulk rubbish container**” means a bin, container or other structure designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance but excludes a container used in connection with **Council’s** regular waste collections;

“**camping area**” means land that has been **prescribed** by **Council** to be a ‘camping area’ for the purposes of this Local Law;

“**caged bird**” means any bird ordinarily kept in a cage or aviary or in a place that prevents it from flying away;

“**CFA**” means the Country Fire Authority;

“**Chief Executive Officer**” means the **person** appointed by **Council** to be its Chief Executive Officer or any **person** acting in that position;

“**child**” means any **person** under the age of 18 years;

“**Council**” means Yarriambiack Shire Council;

“**Council Land**” means any land vested in or under the control of **Council** including a reserve, watercourse, reservation and the like but excluding a **road**;

“**Council Sign**” means a sign;



- (a) erected or installed by **Council**; or
- (b) that, having regard to its placement, design, purpose and content, would be suspected by a reasonable person to have been erected or installed by **Council**;

“**Delegated Officer**” means a member of **Council** staff delegated by the **Chief Executive Officer** to perform a duty or function or exercise a power conferred by this Local Law;

“**Designated Area**” means any land within an area designated as such in one of the maps published on **Council’s** website and incorporated into this Local Law;

“**dwelling**” means any structure that is designed to be used for human habitation and that is capable of being so used;

“**filming**” means the recording of a single image or series of images for any commercial purpose and/or television broadcasting purpose by a camera or other device equipped with a one or more light sensitive lenses, capable of capturing and/or transmitting those images to any form of recording media and/or to any commercial and/or television broadcasting equipment, including any form of digital storage media in any location but excludes television news and any private non-commercial community and/or social media purposes;

“**Fire Ban or Catastrophic Fire Danger Rating Day**” means a day declared as either a partial or Total Fire Ban Day in accordance with the *Country Fire Authority Act 1958* and/or a declared a Catastrophic Fire Danger Rating Day (by the Bureau of Meteorology in consultation with the Country Fire Authority, Fire Rescue Victoria and any relevant Victorian Government department);

“**fire hazard**” means any materials, substances or conditions that might cause a fire to start or that might increase the size or intensity of any fire;

“**footpath**” means an area open to the public that is designated for, or has as one of its main uses, use by pedestrians;

“**GVM**” means the maximum loaded mass of a **vehicle**:

- (a) as specified by the **vehicle’s** manufacturer; or
- (b) as specified in any publicly available instrument or other document published by the Department of Transport and Planning if:
  - (i) the manufacturer has not specified a maximum loaded mass; or
  - (ii) the manufacturer cannot be identified; or
  - (iii) the **vehicle** has been modified to the extent that the manufacturer’s specification is no longer appropriate (as in the *Road Safety Act 1986*);

“**heavy vehicle**” means a motor **vehicle** or trailer that has a **GVM** greater than 4.5 tonnes, and includes:

- (a) any other **vehicle** that is physically connected to the heavy **vehicle** (even if that other **vehicle** is not a heavy **vehicle**); and

- (b) a bus that is used, or that is intended to be used, to carry passengers for reward or in the course of a business (as in the *Road Safety Act 1986*);

“**hen fowls**” means hens intended for laying;

“**infringement notice**” means an **infringement notice** issued by **Council** or an **Authorised Officer** or a **Delegated Officer** under this Local Law;

“**licensed premises**” means premises licensed under the *Liquor Control Reform Act 1998* to sell or serve alcohol, including service under a BYO permit;

“**litter device**” means, in relation to animal excrement, an apparatus designed for the purpose of removing animal excrement and includes a paper, plastic or biodegradable bag;

“**liquor**” means a beverage intended for human consumption with an alcoholic content greater than 0.5 per cent by volume at a temperature of 20 degrees celsius;

“**livestock**” has the same meaning as in the *Impounding of Livestock Act 1994*;

“**Local Law Guidelines**” means the Guidelines made by **Council** under clause 9;

“**long vehicle**” means a **vehicle** that, together with any load or projection, is at least 7.5 metres in length but does not include a **vehicle** to which a caravan, motorhome, boat or other like item is connected;

“**minor building works**” means **building works** valued at less than \$5,000 unless those **building works** involve the demolition or removal of any building;

“**motor bike**” or “**other motorised recreational vehicle**” means a motor **vehicle**, whether registered or unregistered, used for recreational purposes on **private property** or **Council Land**, including but not limited to the following **vehicles**:

- (a) a 2-wheeled motor **vehicle** with or without a sidecar attached that is supported by a third wheel;
- (b) a motor **vehicle** with three (3) wheels that is ridden in the same way as a motor **vehicle** with two (2) wheels;
- (c) a vehicle that is electric powered; and
- (d) any other motorised recreational **vehicle**, such as, but not limited to, trail bikes, motorised scooters, motorised go-carts and quad bikes;

“**municipal building**” means any building (and its grounds) owned, occupied, controlled and/or managed by **Council** which has some or all areas designated for public or community access but may also have some or all areas designated for employee or staff only access;

“**municipal district**” means the district of **Council**;

“**municipal place**” means any place within the **municipal district** which is owned or occupied by **Council** or in respect of which the **Council** has the control or management, to which the public may or may not have access (whether an admission fee is required or not), and includes a **municipal reserve**, library, **municipal building**, **footpath** and **road**;

“**municipal reserve**” means any land owned, controlled and/or managed by **Council** and used as a reserve or place of recreation but excludes a **road** and any area leased to other parties;

“**notice to comply**” means a Notice to Comply issued by **Council** or an **Authorised Officer** or a **Delegated Officer** under this Local Law;

“**noxious weed**” has the meaning ascribed to it by section 3 of *the Catchment and Land Protection Act 1994*, being a:

- (a) State prohibited weed; or
- (b) regionally prohibited weed; or
- (c) regionally controlled weed; or
- (d) restricted weed;

“**nuisance**” means an adverse impact on amenity that unreasonably interferes with an occupier’s enjoyment of their property;

“**offensive materials**” includes any substance containing:

- (a) a manufactured chemical;
- (b) rubber or plastic;
- (c) a petroleum, oil or petroleum based product;
- (d) paint or a receptacle which contains or which contained paint;
- (e) food waste, fish or other noxious matter; or
- (f) any other material **prescribed** by **Council**.

“**outdoor eating facility**” means any tables and/or chairs located out of doors at which food or drinks are served and may be consumed;

“**penalty unit**” means a penalty unit under *the Sentencing Act 1991*;

“**permit**” means a permit issued by **Council** under this Local Law;

“**permit holder**” is a **person** to whom a **permit** has been issued under this Local Law;

“**person**” includes a legal entity, whether a corporation, incorporated association or otherwise but excludes **Council**;

“**poultry**” means domestic fowls, bantams, ducks or other gallinaceous birds but does not include **hen fowls**, roosters, geese or turkeys;

“**prescribed**” means determined by resolution and published on **Council’s** website and in a newspaper generally circulating within the **municipal district**;

“**private property**” means land other than **Council Land** and land occupied, managed or controlled by a public authority;

“**procession**” means an organised group of people along a **road** or gathering for a ceremony or function and includes a fun run and bicycle event;

“**public place**” has the same meaning as in the *Summary Offences Act 1966*;

“**recyclable material**” means any recyclable material in respect of which a separate **Council** or **Council** authorised or approved collection service applies;

“**residential property**” means a property used predominantly for residential purposes;

“**road**” has the meaning ascribed to it in section 3 of the **Act**, so that it includes:

- (a) a street;
- (b) a right of way;
- (c) any land reserved or proclaimed as a street or road under the *Crown Land (Reserves) Act 1978* or the *Land Act 1958*;
- (d) a public road under the *Road Management Act 2004*;
- (e) a passage;
- (f) a cul de sac;
- (g) a by-pass;
- (h) a bridge or ford;
- (i) a **footpath**, bicycle path or nature strip; and
- (j) any culvert or kerbing or other land or works forming part of the **road**;

“**roadside**” has the same meaning as in the *Road Management Act 2004*;

“**Rural Area**” means land within a Rural Zone under the Yarriambiack Planning Scheme;

“**service authority**” means an entity (whether publicly or privately owned) which provides or intends to provide water, sewerage, drainage, gas, electricity, telephone, telecommunications or like services under the authority of an Act of the Victorian or Commonwealth Parliament;

“**smoke**” means:

- (a) smoke, hold or otherwise have control over an ignited or heated tobacco product, a shisha pipe or similar object; or
- (b) use an e-cigarette to generate or release an aerosol or vapour;

“**smoke free area**” means an area of or in any **municipal place** which has been **prescribed** as a “smoke free” or “no smoking” area and has smoke free area signage erected and maintained within or near it;

“**street festival**” means an organised recreational, cultural, commercial or social gathering of people that 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**;

“**traffic**” means the movement of people by foot or in or on **vehicles** along, across or within a **road**;

“**tree**” means any perennial plant having one or more permanent, woody, self-supporting trunks and with branches forming a crown, and includes all parts of the plant whether above or below ground;

“**unreasonable noise**” means noise which, having regard to:

- (a) its volume, intensity or duration; or
- (b) the time or place of its emission or any other relevant circumstances (including but not limited to the distance to the nearest habitable dwelling),

would interfere with the quiet enjoyment of any **person** present in a **public place**;

“**vehicle**” means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn, and includes:

- (a) a motor vehicle, trailer, tram and **motorised recreational vehicle**;
- (b) a bicycle;
- (c) an air-cushion vehicle; and
- (d) a **wheeled non-motorised recreational device** and a **wheeled child’s toy**,

but excludes a train;

“**wheeled non-motorised recreational device**” means a wheeled device, built to transport a **person** propelled by human power or gravity, and ordinarily used for recreation or play and:

- (a) includes in-line wheeled skates, roller-skates, skateboards, and similar wheeled devices; but
- (b) excludes a golf buggy, pram, stroller or trolley, or a bicycle, wheelchair or **wheeled child’s toy**; and

“**wheeled child’s toy**” means a **child’s** pedal car, scooter or tricycle or similar toy but only when it is being used solely by a **child** who is under 12 years old.

**PART 2 – YOUR PROPERTY, TREES AND ANIMALS**

**DIVISION 1 – PROPERTY**

**11. Property Numbers**

- (1) **Council** may allocate a number to each property.
- (2) The owner of a property to which a number has been allocated by **Council** must ensure that:
  - (a) the property is marked with such number; and
  - (b) the number is of sufficient size, is in such a position, is made of such material and is kept in such a state of repair as to be clearly visible from the nearest **road** under normal lighting conditions.

**12. Unsightly and Dangerous Properties**

- (1) An owner or occupier of **private property** must ensure that the **private property** and any building or other structure on the **private property**:
  - (a) is not a danger to the health of any **person** or **animal** or property or likely to become a danger to the health of any **person** or **animal** or property, including through the presence on the **private property** of:
    - (i) an excavation or hole capable of holding 300 millimetres of water or more;
    - (ii) something that is unfenced and is likely to constitute an allurement to members of the public; or
    - (iii) vermin or **noxious weeds**;
  - (b) does not constitute a **fire hazard** of any kind, or contain undergrowth, scrub, bracken, stubble, grass or weeds, whether dead or alive, in excess of 10 centimetres in height and whether standing or not standing (but excluding the natural height of Australian grasses cultivated in a planned or landscaped garden);
  - (c) is not unsightly, or detrimental to the general amenity of adjoining land or the neighbourhood, including through the presence of:
    - (i) unregistered or derelict **vehicles** or machinery or any parts of them;
    - (ii) storage containers;
    - (iii) scrap metal, timber, building materials or building refuse;
    - (iv) waste paper, cardboard, bottles or other refuse;
    - (v) soil or similar materials;

- (vi) overgrown vegetation; or
  - (vii) buildings on the land which have been damaged
- and which are ordinarily visible from the **road** abutting the **private property**;  
and
- (d) is not used in any manner or left in any state that may cause a **nuisance** or become detrimental to the amenity of the immediate area.
- (2) An owner or occupier of **private property** must not, without a **permit**, keep or allow to be kept on that **private property** more than one (1) unregistered **vehicle** if two (2) or more unregistered **vehicles** are ordinarily visible from the **road** or another **private property** abutting the owner's or occupier's **private property**.
  - (3) An owner or occupier of **private property** must not allow any building or other structure on that **private property** to become dilapidated or be in a state of substantial disrepair.
  - (4) An owner or occupier of **private property** must take reasonable steps to prevent the movement of soil, sediment and other substances from the **private property** to the adjoining **road**.
  - (5) Without limiting the generality of clause 71, a **notice to comply** issued by an **Authorised Officer** or a **Delegated Officer** with respect to an offence against this clause 12 may include a direction that the **private property**, building or structure be:
    - (a) cleared of any substance, material or equipment;
    - (b) suitably fenced, screened or otherwise enclosed in the manner specified in the **notice to comply**;
    - (c) cleaned or painted in a manner that removes or obliterates graffiti specified in the **notice to comply**;
    - (d) boarded up or otherwise secured to prevent access or otherwise alleviate the danger, unsightliness, **nuisance**, detriment to general amenity or offending condition; and/or
    - (e) protected by warning signs or barriers to alert members of the public to the presence on the **private property** of a danger to persons entering the **private property**.
  - (6) A person must not, without a **permit**, activate or discharge or allow to be activated or discharged fireworks on or from any property (including but not limited to **private property**).

**Explanatory Note** – In Victoria a person using fireworks must ordinarily hold a licence issued under the *Dangerous Goods (Explosives) Regulations 2022*.

**13. Graffiti**

- (1) Each owner and occupier of **private property** must not allow any graffiti to remain on any building, wall, fence, post or other structure forming part of the **private property**.
- (2) An occupier of **Council Land** must not allow any graffiti to remain on any building, wall, fence, post or other structure forming part of the **Council Land**.
- (3) No offence will be committed under sub-clause (1) or sub-clause (2) unless a **notice to comply** has been issued and the owner or occupier (as the case may be) has failed to comply with the **notice to comply**.

**14. Waste Collection**

The occupier of every **dwelling** and other property to which **Council** provides a waste collection service (including a service for the collection of domestic waste, recyclables, food and organics and hard rubbish) must comply with the **Local Law Guidelines**.

**15. Removing Waste Without Authority**

- (1) A **person** must not remove or interfere with any waste (including **recyclable material** and hard rubbish) left out for collection on a **road**.
- (2) Sub-clause (1) does not apply to:
  - (a) the **person** who left the waste on the **road** for collection or any agent of such **person**;
  - (b) any **person** authorised by **Council** to remove such waste or any agent of such a **person** acting in the course of their employment; or
  - (c) an **Authorised Officer** or a **Delegated Officer** acting in the course of their employment.

**16. Burning of Materials**

- (1) A **person** must not burn or cause or allow to be burned any:
  - (a) **offensive materials**;
  - (b) materials that cause offensive emissions of smoke or odour (other than the normal odour of food cooking) to enter any neighbouring property; or
  - (c) substance that is likely to cause a risk of fire to the area surrounding the fire or to endanger the safety of any **person**.
- (2) An owner or occupier of **private property** on which a fire has been lit in breach of this Local Law, or a **person** who has lit a fire in breach of this Local Law, must immediately take all steps necessary to extinguish the fire:
  - (a) on becoming aware of such a fire; or
  - (b) on being directed to extinguish the fire by:



- (i) an **Authorised Officer** or a **Delegated Officer**;
- (ii) a member of Victoria Police; or
- (iii) an employee or agent of the CFA.

**17. Camping or Occupying Certain Vehicles, Facilities or Structures on Private Property**

(1) A **person** must not, without a **permit**, camp in or otherwise occupy:

- (a) a **campervan**;
- (b) a caravan;
- (c) a mobile home;
- (d) a tent; or
- (e) any other temporary or makeshift structure

located on **private property** unless such **person** is within a licensed caravan park or an area **prescribed** by **Council** as being available for camping.

(2) A **permit** is not required under sub-clause (1) if:

- (a) the camping or occupation does not exceed an aggregate of 60 days in any calendar year;
- (b) a rent, fee, licence, charge or other payment (whether in money or in kind) is not charged or paid in respect of the camping or occupation;
- (c) the camping or occupation does not cause a **nuisance** to any person;
- (d) the camping or occupation does not take place within six (6) metres of the frontage to or 1.2 metres from any boundary of the **private property** nor within 30 metres of a watercourse;
- (e) the camping or occupation does not take place on a **Fire Ban or Catastrophic Fire Danger Rating Day**;
- (f) adequate sanitary and wastewater facilities exist for those who are camping or in occupation; and
- (g) the **private property** is not less than 700m<sup>2</sup> in area.

**18. Shipping Containers**

A **person** must not:

- (a) without a **permit** or other permission of **Council**, keep, store, repair or otherwise use any shipping container on any **road** or **Council Land**; or
- (b) without a **permit**, keep, store, repair or otherwise use any shipping container on **private property** in an area **prescribed** by **Council** for more than six (6) continuous months.

**Explanatory Note** – A planning and/or building permit may also be required before a shipping container can lawfully be stored on **private property**. This is so irrespective of whether the **private property** is located within an area **designated** by **Council**.

## DIVISION 2 – TREES

### 19. Trees and Plants Not To Obstruct Or Obscure

An owner or occupier of **private property** must not, without a **permit**, allow any **tree** or plant on that **private property** to:

- (a) overhang any **footpath** so as to interfere with the passage of pedestrians;
- (b) obscure the view of any driver of a **vehicle**; or
- (c) obstruct or obscure any street lighting.

### 20. Trees or Plants Causing Damage To A Municipal Place

- (1) An owner or occupier of **private property** must not allow any **tree** or plant on that **private property** to cause damage to or interference with any fixture or other erection in a **municipal place** or drain vested in or under the control of **Council**.
- (2) No offence will be committed under sub-clause (1) unless a **notice to comply** has been issued and the owner or occupier (as the case may be) has failed to comply with the **notice to comply**.

### 21. Vegetation on Nature Strips

A **person** must not, without the permission of **Council**:

- (1) plant or allow to be planted any seedling, plant or vegetation; or
- (2) commence to cultivate or allow to be commenced to be cultivated any vegetation;

on a nature strip other than in accordance with the **Local Law Guidelines**.

**Explanatory Note** – Other restrictions apply to the use of nature strips. For example, under Rule 197(1) of the *Road Safety Road Rules 2017* it is generally an offence to park on a nature strip in a built-up area.

## DIVISION 3 – PETS

### 22. Keeping Animals

- (1) An owner or occupier of **private property** must not, without a **permit**, keep or allow to be kept any more in number for each type of **animal** than is set out in the following table:

Type Of Animal	In Designated Areas	In Rural Areas
Dogs	2	5
Cats	3	5
<b>Hen fowls</b>	12	no maximum limit
Roosters	0	no maximum limit
Pigeons	20	no maximum limit
<b>Poultry</b>	0	no maximum limit
<b>Caged birds</b>	20	no maximum limit
Rodents and Rabbits	4	no maximum limit
Horses or Donkeys	0	no maximum limit
Cattle	0	no maximum limit
Sheep	0	no maximum limit
Goats	0	no maximum limit
Pigs	0	3
Snakes	0	no maximum limit
Bees	0	no maximum limit
Other <b>animals</b> and birds	0	no maximum limit

- (2) For the purpose of calculating the numbers of **animals** kept under sub-clause (1), the progeny of any dog or cat lawfully kept will be counted from 12 weeks after their birth.
- (3) Unless otherwise authorised by or under an Act, a **person** must not, without a **permit**:
- (a) keep; or
  - (b) allow to be kept
- any exotic, wild or dangerous **animal** not listed in sub-clause (1).
- (4) A **person** must not, within a **Designated Area** and without a **permit**, keep or allow to be kept bees on any **property**.

**Explanatory Note** – It will ordinarily be a condition of any permit issued by Council that the permit holder:

- is registered as a beekeeper under the *Livestock Disease Control Act 1994*; and
- complies with the *Apiary Code of Practice*.

### 23. Animal Accommodation

The owner or occupier of any **private property** on which **animals** are kept must ensure that:

- (a) the **private property** is maintained in a sanitary and inoffensive state;
- (b) the keeping of the **animals** does not attract, harbour or breed pests;
- (c) the **animals** are adequately secured;
- (d) any shelter for the **animals** is adequate, having regard to the type and number of **animals** kept; and
- (e) the **animals** do not cause a **nuisance**.

### 24. Animal Excrement and Conduct

(1) A **person** in charge of any **animal** must not allow:

- (a) any part of the **animal's** excrement to remain on any **road, Council Land** or property belonging to another; or
- (b) the **animal** to dig any part of **Council Land**.

(2) A **person** in charge of any **animal** on any **road** or **Council Land** must carry a **litter device** suitable to clean up any excrement left by their **animal** and must produce such **litter device** upon request of any **Authorised Officer** or **Delegated Officer**.

### 25. Wasp and Bees Nest(s) To Be Removed

An owner or occupier of **private property** must, within seven (7) days upon becoming aware of the existence of a wasp's nest or nests, or wild bees' nest or nests, on that **private property**, take steps to cause that nest or those nests to be removed.

### 26. Feeding of Stray Animals or Birds on Private Property

An occupier of **private property** must not:

- (a) feed or continue to feed; or
- (b) allow or cause to be fed

any **animal** or bird on that **private property** if:

- (c) that **animal** or bird is not ordinarily kept on the **private property**; and
- (d) the circumstances in which the **animal** or bird is fed are likely to or do:

- (i) adversely affect the welfare of the **animal** or bird;
- (ii) cause harm to the environment; or
- (iii) interfere with the material comfort of any other person or the enjoyment by any other person of their property.

#### DIVISION 4 – LIVESTOCK

##### 27. Fencing of Livestock

An owner or occupier of **private property** used for the keeping of **livestock** must ensure that the **private property** is adequately fenced so as to prevent the escape of the **livestock** onto any **road** or into any **public place**.

##### 28. Droving or Moving Livestock

The:

- (a) owner; or
- (b) **person** in charge

of **livestock** must not, without a **permit**, cause or allow their **livestock** to be on a **road** unless the **livestock** are being moved from one property to another in the course of a single day and even then only if:

- (i) the **livestock** are present on the **road** during daylight hours;
- (ii) the **livestock** are not on any section of the **road prescribed** to have conservation value;
- (iii) a sufficient number of competent **persons** are in attendance to maintain effective control of the **livestock**; and
- (iv) adequate warning of the presence of the **livestock** on the **road** is provided to drivers of **vehicles** travelling along the **road**.

### PART 3 – VEHICLES AND ROADS

##### 29. Placing Bulk Rubbish and Trade Waste Containers

A **person** must not, without a **permit**, place or cause or allow another **person** to place a **bulk rubbish container** or a trade waste container on a **road**.

##### 30. Motor Bikes and Motorised Recreational Vehicles

- (1) A **person** must not, without a **permit**, ride or otherwise use a **motor bike** or **other motorised recreational vehicle** on any part of **Council Land**, unless the part of **Council Land** has been **prescribed** for that purpose.

- (2) A **person** must not ride or otherwise use any **motor bike** or **other motorised recreational vehicle** on **Council Land prescribed** for that purpose on any **Fire Ban or Catastrophic Fire Danger Rating Day**.
- (3) A **person** must not, without a **permit**, ride or otherwise use a **motorised recreational vehicle** on any **private property** within a **Designated Area**.

**31. Repair of Vehicles is Prohibited**

A **person** must not dismantle, paint, carry out maintenance on or repair a **vehicle** on a **road**, or allow or authorise another **person** to do so, except for the purpose of removing it.

**32. Derelict, Abandoned and Unregistered Vehicles**

A **person** must not, without a **permit**, leave any derelict, **abandoned** or unregistered **vehicle** on any **road** or **Council Land** or allow such a **vehicle** to remain there, whether temporarily or permanently.

**33. Heavy or Long Vehicles: Parking on Private Property**

A **person** must not in a **Designated Area**, without a **permit**, park or authorise the parking of any **heavy vehicle** or **long vehicle** on any **residential property** (whether their property or property belonging to another) or **Council Land**, for more than one hour, unless otherwise indicated by signage erected or apparently erected by **Council** or unless the **person** or another **person** on their behalf is actively engaged in loading or unloading.

**34. Storing Vehicles**

A **person** must not, in a **Designated Area** and without a **permit**, keep or store any **heavy vehicle** or **long vehicle** upon any **road** or on any other property (whether **private property** or **Council Land**).

**35. Heavy Vehicles: Permits For Use on Restricted Use Roads**

- (1) If **Council** is of the opinion that a **road** or part of a **road** is likely to be damaged by a particular class of **vehicle** and it resolves to prohibit owners and drivers of such **vehicles** to use, or cause to be used, these **vehicles** on the **road** or part of the **road**, it must erect a sign or signs at the entry to the **road** or part of the **road** advising of the prohibition.
- (2) A **person** must not, without a **permit**, use a **road** or part of a **road** contrary to any sign erected with reference to it under sub-clause (1).

**36. Street Parties & Street Festivals: Permits**

A **person** must not, without a **permit**, hold a **street party**, **street festival** or **procession** on a **road**.

**37. Collecting Firewood from Roadside**

A **person** must not, without a **permit**, collect any wood from a **roadside**.

**PART 4 – BUSINESS AND ASSET PROTECTION**

**DIVISION 1 – BUSINESS**

**38. Roadside Trading**

(1) A **person** must not, without a **permit**, erect or place on any **road** or **Council Land** a **vehicle**, caravan, trailer, table, stall or other similar structure for the purpose of selling or offering for sale any goods or services.

(2) A **person** must not, without a **permit**:

(a) solicit or collect any waste materials, gifts of money or subscriptions; or

(b) distribute any printed matter

from **Council Land** or on a **road** or from house to house adjacent to any **road** (except hand delivering printed matter only to street-side letterboxes) or cause or authorise another **person** to do so.

(3) Sub-clause (2) does not apply to any solicitation or distribution of printed electoral material or to the collection of signatures for a petition.

(4) Sub-clause (2) includes the distribution of information brochures, books and solicitation of anything from members of the public in any **municipal place**.

**39. Regulation of Trading Sites**

(1) If **Council** has entered into an agreement (by way of **permit**, lease, licence or otherwise) in relation to trading from a particular site, a second **person** (being a **person** other than the **person** with whom **Council** has the agreement) must not trade from that site.

(2) In addition to any other power which it has, **Council** may, by resolution, determine a fee, charge, fare or rent in relation to the selling or offering for sale of any goods or services from a site regulated by an agreement of the kind referred to in sub-clause (1).

**40. Displaying Goods for Sale**

A **person** must not, without a **permit**, place or display any goods for sale or cause or allow another **person** under their control to do so on any **road** or **Council Land**.

**41. Using Council Land for Outdoor Eating Facilities**

(1) A **person** must not, without a **permit**, use a **road** or **Council Land** for the purposes of outside dining, whether or not **liquor** consumption is intended.

(2) Use of **Council Land** for **liquor** consumption on any **footpath** or other part of a **road** is only permitted when a **permit** has been issued and a variation is endorsed on the trader's liquor licence by the Victorian Commission for Gambling and Liquor Regulation to allow consumption outside the trader's premises.

#### 42. Removing the Facility

The **permit holder** must move or remove the **outdoor eating facility** to which the **permit** relates when requested to do so for the purposes of public safety by an **Authorised Officer** or a **Delegated Officer** or a member of the Victoria Police or an emergency service.

#### 43. Advertising Signs

- (1) A **person** must not, without a **permit**, erect, place or display an **advertising sign** on any part of a **road** or **Council Land** (including a **municipal reserve**), or cause or in any way authorise another **person** to do so.
- (2) Without limiting the generality of sub-clause (1) a **person** must not, without a **permit**, display for sale any **vehicle**, trailer, boat or other equipment on any **road** or **Council Land**.

### DIVISION 2– ASSET PROTECTION

#### 44. A Vehicle Crossing is Required

- (1) An owner of **private property** must ensure that:
  - (a) each point of **vehicle** access from a **road** to the **private property** has a properly constructed vehicle crossing between the **road** and the boundary of such **private property** abutting the **road**; and
  - (b) no vehicular entry to the **private property** take place other than across the vehicle crossing or any temporary vehicle crossing authorised under clause 47.
- (2) Any vehicle crossing must be properly constructed at the cost of the property owner and in accordance with **Council's** specifications.
- (3) For the purposes of sub-clause (2), a vehicle crossing is properly constructed if:
  - (a) it was constructed by or in accordance with the terms of an approval given by **Council**; or
  - (b) **Council** has approved in writing the method of construction of the particular vehicle crossing.
- (4) An owner of **private property** must, at their own cost, ensure that the vehicle crossing between the **road** and the boundary of such **private property** is maintained.

#### 45. Constructing Vehicle Crossing

- (1) A **person** must not, without a **permit**, construct, install, remove or alter a vehicle crossing, whether temporarily or permanently.
- (2) A **person** must not, remove, prune or damage any street **tree** as a result of a vehicle crossing's construction, installation, removal or alteration.



**46. Removing Redundant Vehicle Crossings**

If directed to do so by an **Authorised Officer** or a **Delegated Officer**, an owner or occupier of **private property** must remove any vehicle crossing that once serviced or was used by that **private property** but which is now redundant.

**47. Temporary Vehicle Crossings**

(1) Where it is likely that **building works** on a property will involve **vehicles** leaving the **road** or entering a property which abuts a **road**, the owner of the property or the **person** responsible for the **building works** must obtain a **permit** for the construction of a temporary crossing, pay any inspection fee and protect all of the existing **road** including the kerb, drains, street **trees**, **footpaths**, nature strip and any other part of the **road**.

(2) The owner of the property on which **building works** have been carried out must repair any damage to the kerb, drains, **footpath**, street **tree** or existing **road** caused by the carrying out of the **building works** to the satisfaction of **Council**.

(3) Where, in the opinion of an **Authorised Officer** or a **Delegated Officer**, an existing vehicle crossing, **footpath**, kerb, street **tree** or other part of the **road** has been damaged as a result of or arising out of the **building works**, the owner of the property on which the **building works** have been carried out must repair the damage or, when requested to do so by **Council**, reimburse **Council** for the cost and expense of the repair of such damage.

(4) The amount of reimbursement for such repairs under sub-clause (3) must be proportionate to the cost of repairing any damage.

**48. Asset Protection Generally**

(1) A:

(a) **builder** must not carry out or allow to be carried out **building works** in respect of a **private property**; and

(b) **person** who is the owner or occupier of a **private property** must not carry out or allow to be carried out **building works** in respect of that **private property**

unless **Council** has issued an **Asset Protection Permit** in respect of that **private property**.

(2) Without limiting **Council's** powers under this Division, an **Asset Protection Permit** may be subject to such conditions as **Council** determines, including:

(a) requiring protection works to be done;

(b) requiring the payment of a security bond;

(c) requiring the erection of temporary fencing to the satisfaction of **Council**;

(d) requiring that any or all public assets or infrastructure damage be repaired, replaced or re-instated within a specified time; or

- (e) requiring a temporary vehicle crossing to be installed to **Council's** specification before commencement of any **building works** or delivery of any equipment or materials to the **private property**.
- (3) Where **Council** so determines, it may agree to accept an alternative form of security to a security bond.
- (4) The amount of any security bond required under any **Asset Protection Permit** is to be proportionate to the likely costs of repairing any potential damage to any existing **road** (including carriageway), channel, drain, vehicle crossing or other public asset arising from the **building works**. Nothing in this clause prevents **Council** from setting a lower amount if it considers it is appropriate to do so.
- (5) For the purpose of this clause the completion of **building works** includes abandonment of a **building site**.
- (6) A security bond may be refunded by **Council** upon:
  - (a) an application for a refund of the security bond by the **person** who lodged it, made within 6 months of the date of completion of the **building works**; and
  - (b) **Council** being satisfied that no damage has been caused, or that any damage caused has been repaired by, or on behalf of, that **person** to **Council's** satisfaction.
- (7) The security bond may be retained by **Council**, to offset the costs incurred, or anticipated to be incurred by **Council**, in carrying out any repairs to public assets which are required as a result of, or associated with, the **building works**.
- (8) If an application for a refund of a security bond is not made within 6 months of completion of the **building works** in accordance with sub-clause (6)(a), then **Council** may retain the security bond to offset the costs incurred by or anticipated to be incurred by **Council**, in carrying out any repairs to public assets which are required as a result of, or associated with, the **building works**.
- (9) If a security bond is or any surplus funds are not required to be retained by **Council** for repairs in accordance with sub-clause (7) but are not claimed within 12 months of completion of the **building works**, the security bond or surplus funds will be forwarded by **Council** to the Registrar of Unclaimed Money, in accordance with the requirements of the *Unclaimed Money Act 2008*.

#### **49. Managing Amenity on Building Sites**

- (1) A **builder** must comply with the measures for the management of a **building site** stated in the **Local Law Guidelines**.
- (2) A **builder** must keep a record of compliance with the measures specified in the **Local Law Guidelines**.
- (3) The records referred to in sub-clause (2) must be produced by a **builder** if requested by an **Authorised Officer** or a **Delegated Officer**.
- (4) An **Authorised Officer** or a **Delegated Officer** may enter any **building site** at any reasonable time for the purpose of inspecting any sewerage, portable toilet (closet) systems, urinals, pans, receptacles, **vehicles**, plant and any other things

and placed on them and for the purpose of carrying out the provisions of this Local Law.

- (5) If directed to do so by an **Authorised Officer** or a **Delegated Officer**, a **builder** must provide **Council** with a Traffic Management Plan to **Council's** satisfaction that adequately addresses any traffic or parking issues referable to the **building works** on the **building site** that have been specified by the **Authorised Officer** or the **Delegated Officer** in their direction.
- (6) Where any **building works** are being carried out on any land, the **builder** must ensure that the **building 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 currently accepted best practice by adopting measures to:
  - (a) minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting **roads** or **Council Land** or washed into the stormwater system; and
  - (b) prevent building cleanup, wash down or other wastes being discharged offsite or allowed to enter the stormwater system.
- (7) Where any **building works** (other than **minor building works**) are being carried out on any land, the **builder** must:
  - (a) provide a refuse facility for the purpose of disposal of **builder's** refuse, and, provided the facility contains all **builder's** refuse on the land to the satisfaction of **Council**, its size, design and construction will be at the discretion of the **builder**;
  - (b) place the refuse facility on the land and keep it in place (except for such periods as are necessary to empty the refuse facility) for the construction period;
  - (c) not place the refuse facility on any **road** or **Council Land** without a **permit**; and
  - (d) empty the refuse facility whenever full, and, if necessary, provide a replacement refuse facility during the emptying process.
- (8) During **building works**, the **builder** must ensure that:
  - (a) all **builder's** refuse which requires containment is placed in the refuse facility referred to in sub-clause (7);
  - (b) the **builder's** refuse is not deposited in or on any land other than in accordance with sub-clause (7); and
  - (c) the **builder's** refuse is not deposited in or over any part of the stormwater system.
- (9) On any land where **building works** are being, or has been, carried out, the **builder** must remove and lawfully dispose of all **builder's** refuse on the land, including, without limiting the generality of the above, the **builders'** refuse in the refuse facility referred to in sub-clause (7), within seven (7) days of completion of the construction period or issue of an occupancy permit, whichever occurs last.

- (10) A **person** who delivers materials to a **building site** or collects materials or waste from a **building site** must do so without causing damage to any adjoining land.
- (11) If **Council** identifies any damage which appears to result from non-compliance with this Local Law, an **Authorised Officer** or a **Delegated Officer**:
- (a) may direct the responsible party to reinstate the damage within a specified time, in which case the responsible party must comply with such direction; and
  - (b) must issue the responsible party with a **notice to comply** requiring the damage to be reinstated, either at the time of the inspection or within a reasonable timeframe.
- (12) **Council** must as soon as is reasonably practicable after receiving notice that an occupancy permit or a final certificate in relation to a building has been issued ensure that an inspection of **Council** assets is carried out.
- (13) The **builder** must repair to the satisfaction of **Council** any damaged **road** (including carriageway), channel, drain, vehicle crossing or other assets vested in **Council** adjacent to the land where the **building works** takes place or which is likely to be affected by the **building works** for which an **Asset Protection Permit** has been obtained.
- (14) If **Council** considers that **building works** have caused damage to **Council** assets it may repair the damage itself and deduct the cost of repairs from any security bond that has been paid in accordance with sub-clause 48(7).
- (15) If the amount of the security bond is insufficient to cover the costs of repairs or if a security bond was not required to be paid, **Council** may, after giving notice to the **builder**, recover the costs of repairs in accordance with section 117 of the *Local Government Act 2020*.
- (16) Subject to sub-clause (14), any money from the security bond that has not been used in covering the costs of repairs may be refunded to the person who lodged it.

## **50. Occupation of Roads**

- (1) Unless a written consent under section 63(1) of the *Road Management Act 2004* has been given, a **person** must not, without a **permit**, occupy (whether wholly or partially) a **road**:
- (a) for any works that involve:
    - (i) fencing off part of a **road**;
    - (ii) erecting a hoarding, scaffolding or overhead protective awning;
    - (iii) using a mobile crane or travel tower for any **building works**;
    - (iv) making a hole or excavation;
    - (v) reinstating a hole or excavation; or
    - (vi) leaving or storing any building, paving or other construction materials or any tools, machinery, plant or equipment; or

- (b) for any other non-**road** purpose which does not involve a special event.
- (2) The requirement to obtain a **permit** does not apply to the works of **service authorities**:
  - (a) in an emergency or urgent circumstances; or
  - (b) when works are being carried out in accordance with the *Road Management Act 2004*.
- (3) The requirement to obtain a **permit** does not apply:
  - (a) to the works of contractors undertaking any works within a **road** or **road** related area for or on behalf of **Council**; or
  - (b) if a **person** has been granted a **permit** under another provision of this Local Law which permits that **person** to occupy a **road** or structure or thing on a **road**.
- (4) Nothing in sub-clause (2) or (3) exempts a **person** from an obligation to notify **Council** of the location of the works prior to them beginning or, in an emergency or urgent circumstances, on the next working day following the works beginning.

## **PART 5 – SMOKING AND LIQUOR**

### **51. Consumption and Possession of Liquor in Prescribed Places**

- (1) **Council** may **prescribe** a **public place** in respect of which a **person** must not, while in or on that **public place** or in any motor **vehicle** within a **public place**:
  - (a) consume any **liquor**; or
  - (b) have in their possession or control any **liquor** other than **liquor** in a container with an unbroken sealat any time or on a day or on days or at times **prescribed** by **Council**.
- (2) Unless exempted under clause 52, a **person** must not, while in or on any **public place** (including any **road** within a **public place** ) or in any motor **vehicle** within a **public place prescribed** by **Council** under sub-clause (1):
  - (a) consume any **liquor**; or
  - (b) have in their possession or control any **liquor** other than **liquor** in a container with an unbroken sealat a time or on a day **prescribed** under sub-clause (1).

### **52. Exemption**

A **person** who consumes **liquor** or has in their possession **liquor** in an unsealed container does not commit an offence if they are:

- (1) taking part in a **procession**, function, **street party** or other activity on a **road** or on or in a **public place** in respect of which **Council** has granted permission (whether under clause 36 or otherwise) and in accordance with any other permit or licence required under any Act; or
- (2) in or on **licensed premises** or an extension of **licensed premises** in respect of which consumption and possession of **liquor** in unsealed containers is permitted and in accordance with any other permit or licence required under any Act.

### 53. Smoking in Municipal Places

- (1) **Council** may **prescribe** a **municipal place** or part of a **municipal place** to be a **smoke free area**.
- (2) **Council** must erect and maintain or cause to be erected and maintained signs in any **municipal place** or part of a **municipal place** that has been **prescribed** to be a **smoke free area**.
- (3) A **person** must not smoke in or on any **municipal place** or part of a **municipal place** that has been **prescribed** to be a **smoke free area** by **Council** to be a **smoke free area** and has a **smoke free area** sign erected and maintained.

## PART 6 – COUNCIL LAND (INCLUDING MUNICIPAL PLACES, PARKS AND COUNCIL BUILDINGS)

### DIVISION 1 – COUNCIL LAND AND PUBLIC PLACES

#### 54. Camping on Council Land

- (1) A **person** must not, without a **permit** or unless present in a licensed caravan park or other area **prescribed** by **Council**:
  - (a) occupy any **Council Land** or **Designated Area** for the purpose of camping in or on it; or
  - (b) erect, place, keep or use any tent, caravan, annexe or form of makeshift accommodation on any **Council Land** or **Designated Area**.

#### 55. Damaging/Defacing Council Land

A **person** must not, unless employed, authorised or contracted by **Council** for the purpose, do the following in or on **Council Land**:

- (1) destroy, damage or interfere with a **municipal place**;
- (2) destroy, damage, remove or interfere with any **trees** or plants on or within a **municipal place**;
- (3) remove anything belonging to **Council** from any **municipal place** unless allowed by **Council**; or

- (4) destroy, damage or interfere with any property or assets owned or managed by **Council**.

**56. Drainage Tapping and Discharging Groundwater**

A **person** must not, without the written approval of **Council**:

- (1) tap into or interfere with any drain under the control of **Council**; or
- (2) discharge groundwater into any drain under the control of **Council** or into or onto any **road** or **Council Land**.

**57. Interference with a Watercourse and Other Areas**

A **person** must not, without a **permit** or unless employed or contracted by **Council** for the purpose, destroy, damage or interfere with a watercourse, ditch, creek, gutter, drain, tunnel, bridge, levee, culvert, or any directly adjoining fence, vested in or under the control of **Council**.

**58. Obstructions on Council Land**

A **person** must not place a rubbish container, clothing recycling bin, movable structure, device or material or other object on any **road** or **Council Land** so as to:

- (1) cause an obstruction;
- (2) constitute a danger to **person**; or
- (3) be in the way of or likely to obstruct traffic.

**59. Compliance with Signs**

A person who is present in or on a **public place** or on any other **Council Land** must comply with the requirements of any **Council Sign**.

**DIVISION 2– PARKS**

**60. Activity within a Municipal Reserve – Permitted Activities**

A **person** must not, without a **permit**, while present on any **municipal reserve**:

- (1) camp or pitch, erect or occupy any tent or temporary shelter;
- (2) sell any **liquor**;
- (3) organise, hold or attend any rally, procession, demonstration or like gathering;
- (4) use any amplifier, musical equipment, public address system or sound broadcasting equipment that may interfere with the use and enjoyment of any other **person** in the **municipal reserve**;
- (5) erect, fix or place any **advertising sign** unless that **advertising sign** is permitted under a licence or other occupancy agreement to which **Council** and the **person** are parties;

- (6) conduct, organise or participate in any competitive game of sport unless the game or sport:
  - (a) involves a small social group and the game or sport does not unreasonably interfere with the use and enjoyment of **municipal reserve** by any other **person**; or
  - (b) is authorised by a licence or other occupancy agreement to which **Council** and the **person** are parties;
- (7) cause to be operated any amusement for which a charge is made or make a collection of money for any purpose;
- (8) ride a horse or bicycle, **wheeled non-motorised recreational device** or **wheeled child's toy** or drive any **vehicle** unless:
  - (a) in the case of a bicycle or **vehicle** the bicycle or **vehicle** is being parked in a parking area set aside for that purpose by **Council**;
  - (b) it involves the wheeling of a bicycle, pram, wheelchair, child or baby carriage or children's toy;
  - (c) the riding of the bicycle, **wheeled non-motorised recreational device** or **wheeled child's toy** does not interfere with the use and enjoyment of the **municipal reserve** by any other **person**;
  - (d) it involves an **Authorised Officer** or **Delegated Officer** acting in the course of their employment; or
  - (e) it involves a designated roadway or bicycle pathway being used in the manner for which it was intended;
- (9) allow any **animal** (other than a dog) of which they are in charge to be present in the **municipal reserve**;
- (10) enter or remain within or upon the playing area of a **municipal reserve** during the progress of a sports match or sports gathering unless such **person** is a player, competitor or official;
- (11) enter any area set aside for planting or growing of vegetation unless the **person** is authorised by **Council**; or
- (12) undertake any activity for commercial gain.

## 61. Lighting Fires

- (1) A **person** must not, without a **permit**, light or cause to be lit any fire on or in any **municipal place** or **municipal reserve**.
- (2) A **person** must not, without a **permit**, use or congregate around a fire which has been lit on or in any **municipal place** or **municipal reserve**.
- (3) A **person** who lit or caused to be lit any fire, or a **person** who assisted in or has been party to the preparation for the lighting of a fire by another on or in a **municipal place** or **municipal reserve**, must not allow that fire to remain alight.



**62. Parking on Municipal Reserves**

- (1) A **person** must not, without a **permit**, park any motor car, motor cycle or other **vehicle** on any part of any **municipal reserve** other than in any parking area set aside for that purpose by **Council** or agreed to by **Council** or an **Authorised Officer** or a **Delegated Officer**.
- (2) Sub-clause (1) does not include any employee or contractor of **Council** acting in the course of their duties.

**63. Noise From Vehicles**

A **person** who is in charge of a **vehicle** on a **road** must not allow any **unreasonable noise** to be emitted from any equipment within the **vehicle** (including but not limited to any radio or compact disc player).

**64. Feeding of Animals and Birds on Public Land**

- (1) An **Authorised Officer** or a **Delegated Officer** may direct a person on any **road** or **Council Land** not to:
  - (a) feed or continue to feed; or
  - (b) allow or cause to be fedany **animal** or bird on that **road** or **Council Land**.
- (2) An **Authorised Officer** or **Delegated Officer** must not give a direction under sub-clause (1) unless they are satisfied that:
  - (a) the circumstances in which the **animal** or bird are fed are likely to interfere or are interfering with the material comfort of another person or the enjoyment by another person of their property;
  - (b) the welfare of the **animal** or bird is or is likely to be adversely affected; or
  - (c) because of the feeding there is or is likely to be harm to the environment.
- (3) A **person** to whom a direction is given under sub-clause (1) must comply with that direction.

**DIVISION 3– COUNCIL BUILDINGS**

**65. Availability and Hire**

- (1) A **person** must not organise or undertake any event in a **municipal building** without the consent of **Council**.
- (2) Unless the consent given by **Council** provides otherwise, the **person** who organises or undertake the event in the **municipal building** must not require any person attending the event to pay any entrance or admission fee.
- (3) During any period for which a **municipal building** or any part of it has been hired out, the **Manager** may refuse admission to it to any **person** who is not connected with the hiring purpose.

## PART 6 – FEES AND CHARGES

### 66. Setting Fees and Charges

**Council** may determine the fees, charges, bank guarantee or bond to apply under this Local Law, which may include an administrative or processing fee or charge.

### 67. Waiver of Fees and Charges

- (1) **Council** or the **Chief Executive Officer** may waive the whole or part of any fee or charge otherwise payable under this Local Law.
- (2) A **service authority** is not liable to pay any fee or charge otherwise payable under this Local Law.

## PART 7 – PERMITS

### 68. Applications and Grant and Renewal of Permits

- (1) In determining whether to grant or renew a **permit** under this Local Law, **Council**, an **Authorised Officer** or a **Delegated Officer** must have regard to:
  - (a) the **Local Law Guidelines**;
  - (b) anything said in support of or opposition to the application for a permit;
  - (c) the amenity of the **municipal district**, to the extent to which it is relevant;
  - (d) any policy relevant to the application for a **permit**; and
  - (e) all other relevant considerations.
- (2) An application for a **permit** or renewal of a **permit** must be:
  - (a) made in writing and include the following particulars:
    - (i) the name and address of the **applicant**;
    - (ii) the capacity in which the **applicant** makes the application;
    - (iii) a statement of the purpose for which the **permit** is sought;
    - (iv) the location of the proposed activity;
    - (v) the day and the time when the proposed activity is to take place and its expected duration;
    - (vi) the signature of the **applicant** or a **person** authorised to sign for and on behalf of the **applicant**; and
    - (vii) such other particulars as **Council** may require;

- (b) true and correct; and
  - (c) forwarded to the **person** or office described on the application form with the fee, if any, payable to **Council** and in the amount as is fixed by **Council** from time to time.
- (3) If required by **Council**, an **applicant** must provide such additional information as may be specified before the application for a **permit** or renewal of a **permit** will be processed and determined.
- (4) If required by **Council**, an **applicant** for a **permit** or renewal of a **permit** must give such notice of that application, or invite any **person** to make a submission, or do both, as may be specified.
- (5) Wherever in this Local Law a **permit** is required, **Council** may:
  - (a) grant the **permit**;
  - (b) refuse to grant the **permit**;
  - (c) grant the **permit** subject to conditions; or
  - (d) determine that no **permit** is required.
- (6) **Council** may correct a **permit** if the **permit** contains:
  - (a) a clerical mistake or an error arising from any accident, slip or omission; or
  - (b) a material miscalculation of figures or a material mistake in the description of any **person**, premises, thing or property referred to in the **permit**.
- (7) **Council** may cancel, suspend or amend any **permit** at any time if:
  - (a) it is requested to do so by the **permit holder**; or
  - (b) it considers that there has been:
    - (i) a material misrepresentation or concealment of fact in relation to the application for the **permit** or renewal of the **permit**;
    - (ii) any material mistake in relation to the grant of the **permit**; or
    - (iii) any material change of circumstances which has occurred since the grant of the **permit**; or
    - (iv) the **permit holder** or their agent for the **permit** defaults in a payment in respect of the **permit**.
- (8) **Council** may cancel or suspend a **permit** at any time if **Council** is satisfied that there has been a substantial failure to comply with a:
  - (a) **permit** condition; or
  - (b) **notice to comply** relating to the premises, item or activity to which the **permit** relates.

- (9) **Council** may cancel or suspend a **permit** at any time where **Council** determines that the **permit** may result in a hazard, danger or inconvenience to any other **person**, premises, thing or property.

**69. Scope of Permits**

- (1) The holding of a **permit** or compliance with a condition included in a **permit** does not of itself relieve the **permit holder** from:
- (a) compliance with any other legislation with respect to the subject matter of the **permit**; or
  - (b) liability for any damage sustained by any **person** as a result of an activity undertaken by or on behalf of the **permit holder** pursuant to the **permit**.
- (2) A **person** applying for a **permit** or renewal or amendment of a **permit** must not make or allow to be made any false representation or declaration in or in relation to that application or **permit**.
- (3) A **person** who:
- (a) makes a false representation or declaration (whether oral or in writing) or allows such a representation or declaration to be made in or in relation to an application under this Local Law;
  - (b) omits or allows to be omitted relevant information from an application for a **permit** or amendment or renewal of a **permit** or exemption; or
  - (c) falsifies or tampers or allows to be falsified or tampered with any **permit**
- is guilty of an offence.

<b>PART 8 – ENFORCEMENT</b>
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**70. Exemptions**

- (1) **Council**, an **Authorised Officer** or a **Delegated Officer** may exempt a **person** or class of **persons** from the operation of any provision of this Local Law if it is in the public interest to do so.
- (2) Any exemption under sub-clause (1):
- (a) must be in writing; and
  - (b) may be subject to conditions.

**71. Power of Authorised Officers or Delegated Officers to issue a Notice to Comply**

- (1) If an **Authorised Officer** or a **Delegated Officer** reasonably suspects that a **person** has contravened this Local Law they may serve a **notice to comply** on that **person**.
- (2) A **notice to comply** must:

- (a) specify the act, matter or thing that must be done or cease to be done;
  - (b) specify the time within which the **person** on whom the **notice to comply** is served is required to do or cease to do the act, matter or thing;
  - (c) be signed by an **Authorised Officer** or a **Delegated Officer**, and
  - (d) be served on the **person** named therein.
- (3) The time to comply specified in a **notice to comply** must be reasonable in the circumstances.

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

Any **person** who fails to remedy a situation or do any act required to be done in accordance with a **notice to comply**:

- (1) is guilty of an offence and is liable to the penalty of 20 **penalty units**; and
- (2) is liable to pay to **Council** all costs incurred by **Council** (including administration costs) in complying with a **notice to comply**.

## **73. Impounding**

- (1) **Council** or an **Authorised Officer** or a **Delegated Officer** may seize and impound any thing (including, without limitation, any **animal** or **vehicle**) which is, has been or is being used or possessed in contravention of this Local Law.
- (2) Nothing in sub-clause (1) authorises **Council** or an **Authorised Officer** or **Delegated Officer** to seize or impound any **animal**:
  - (a) in respect of which excrement has been allowed to remain on a **road** or **Council Land** contrary to clause 24(1)(a);
  - (b) which has been allowed to dig any part of **Council Land** contrary to clause 24(1)(b); or
  - (c) in respect of which a **person** in charge who is on a **road** or **Council Land** is not carrying or has not carried a **litter device** or produce a **litter device** upon request, contrary to clause 24(2).
- (3) If an **Authorised Officer** or a **Delegated Officer** impounds any thing in accordance with this Local Law, **Council** may refuse to release it until the **appropriate fee** or charge for its release has been paid.
- (4) As soon as possible after impounding, the **Authorised Officer** or **Delegated Officer** must, if practicable, serve a notice in writing on the owner or **person** responsible for the thing which has been impounded setting out the fees and charges payable and the time by which the thing must be collected.
- (5) If, after the time required in the notice, an impounded thing is not collected, an **Authorised Officer** or a **Delegated Officer** may take action to dispose of or destroy the impounded thing.
- (6) When the identity or whereabouts of the owner or **person** responsible for the impounded thing is unknown, an **Authorised Officer** or a **Delegated Officer** must

take reasonable steps to ascertain the identity or whereabouts of that **person** and to contact that **person**, after which the **Authorised Officer** or **Delegated Officer** may proceed to dispose of or destroy the impounded thing in accordance with sub-clause (5).

- (7) Any proceeds from the disposal of any impounded thing, except for all reasonable costs, charges and expenses properly incurred by **Council** in and incidental to the sale or any attempted sale or otherwise, may be claimed by the owner within one (1) year of sale.

#### **74. Recovery of Expenses**

Any expense incurred by **Council** in consequence of a breach of this Local Law or in the execution of work directed pursuant to this Local Law to be executed by any **person** and not executed by the **person** must be paid immediately on demand to **Council** by the **person** committing such breach or failing to execute such work.

#### **75. Appeals**

An **applicant** who is aggrieved by a decision not to grant a **permit** may apply to **Council** to be heard and may make a written submission for consideration by **Council** but this right will not in any way remove that **person's** obligation to act in accordance with any decision, direction or notice given or made.

#### **76. Urgent Powers**

An **Authorised Officer** or a **Delegated Officer** may, in urgent circumstances arising from a failure to comply with this Local Law or a **permit**, take action to remove, remedy or rectify a situation, without the necessity to serve a **notice to comply** provided:

- (1) they consider 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, premises or thing** at risk or in danger;
- (2) details of the circumstances and remedying action are as soon as possible forwarded to the **person** on whose behalf the action was taken; and
- (3) the action taken does not extend beyond what is necessary to cause the immediate abatement of or to minimise the risk or danger involved.

#### **77. Power to Issue a Direction**

- (1) **Council** or an **Authorised Officer** or a **Delegated Officer** may, by serving a direction, request any owner or occupier of property or other **person** to remedy any situation that constitutes a breach of this Local Law.
- (2) A direction may be verbal or written.
- (3) An owner or occupier of property or other **person** to whom a direction is issued must comply with that direction.

**PART 9 – OFFENCES, PENALTIES, INFRINGEMENT NOTICES AND OFFICIAL WARNINGS**

**78. Offences and Penalties**

- (1) A **person** is guilty of an offence if the **person**:
- (a) does something which a provision of this Local Law prohibits to be done or makes an offence;
  - (b) fails to do something which a provision of this Local Law requires to be done;
  - (c) engages in an activity without a **permit** where a provision of this Local Law requires that **person** to obtain a **permit** before engaging in that activity;
  - (d) breaches or fails to comply with a condition of a **permit** issued or an exemption given under this Local Law; or
  - (e) fails to comply with a **notice to comply** or a direction of **Council** under this Local Law

and is liable to a penalty not exceeding 20 **penalty units**.

- (2) The **penalty units** indicated in this Local Law are maximum penalties which may apply if the offence is found proven by a Court.

**79. Infringement Notices**

- (1) As an alternative to prosecution, an **Authorised Officer** or a **Delegated Officer** may serve an **infringement notice** on a **person** who has contravened this Local Law.
- (2) The penalties fixed for **infringement notices** served under this Local Law are set out in Schedule 1.

**80. Official Warnings**

- (1) An **Authorised Officer** or a **Delegated Officer** may serve an official warning rather than an **infringement notice** on a **person** if the **Authorised Officer** or **Delegated Officer**:
- (a) believes on reasonable grounds that a **person** has committed an offence; and
  - (b) is of the opinion that, in all the circumstances, it is appropriate to serve an official warning.
- (2) An official warning must be in writing and contain the following details:
- (a) that it is an official warning;
  - (b) the date of the official warning;
  - (c) the name and address of the **person** served with the official warning;

- (d) the identifying reference of the official warning;
  - (e) either the name of the **Authorised Officer** or **Delegated Officer** or the identifying reference of the **Authorised Officer** or **Delegated Officer** who issued it;
  - (f) the date, approximate time and place where the offence is alleged to have been committed; and
  - (g) a brief description of the offence alleged to have been committed.
- (3) Nothing in this clause limits an **Authorised Officer's** or a **Delegated Officer's** discretion as to whether to serve an **infringement notice**.
- (4) An official warning does not affect the power of an **Authorised Officer** or a **Delegated Officer** to:
- (a) commence proceedings against a **person** to whom an official warning was given;
  - (b) serve an **infringement notice**;
  - (c) take no further action; or
  - (d) take any other specified action permitted under this Local Law which established an offence.



## Schedule 1 Infringement Penalties

Clause	Abbreviated Description of Offence	Infringement Notice Penalty Units
11(2)	Failure to display a suitable property number	1
12(1)	Permitting a property to be dangerous or unsightly	2
12(2)	Storage in excess of one unregistered vehicle	2
12(3)	Allowing any building or other structure to become dilapidated	2
12(4)	Failing to take reasonable steps to prevent the movement of soil, sediment and other substances from private property to an adjoining road	1
12(6)	Illegal discharge of fireworks	2
13(1)	Allowing graffiti to remain on private property	1
13(2)	Allowing graffiti to remain on Council Land	1
14	Failure to comply with Local Law Guideline	2
15(1)	Removing or interference with waste	2
16(1)	Burning of materials	2
16(2)	Fail to extinguish fire upon becoming aware or following direction	1
17	Camping in or occupation of a caravan or temporary structure on private property without a permit	2
18	Keeping a shipping container on road, Council Land or private property without a permit	2
19	Allowing trees or plants to overhang, obstruct or obscure	1
20(1)	Allowing trees or plants to cause damage	2
21	Planting a seedling or cultivating vegetation on a nature strip contrary to the Local Law Guidelines	1
22(1), (3) and (4)	Keeping animals contrary to Local Law	2
23	Failing to comply with animal accommodation requirements	2
24(1)	Allowing animal excrement to remain on any road, Council land or property belonging to another, or animal to dig Council land	1
24(2)	Failing to carry a suitable animal litter device	0.5
25	Failing to remove wasp or bees nest within 7 days	2
26	Feeding of stray animals or birds on private land contrary to Local Law	2
27	Failing to provide adequate livestock fencing	3
28	Droving or moving livestock contrary to Local Law	2
29	Placing bulk rubbish or trade waste containers on a road without a permit	1
30(1), (2) and (3)	Use of motor bikes and other motorised recreational vehicles contrary to Local Law	2
31	Repairing vehicle on road	1
32	Leaving a derelict, abandoned or unregistered vehicle on Council Land	2
33	Parking a heavy or long vehicle on Council Land or residential premises	1
34	Storing heavy or long vehicle on a road in a Designated Township Area	1
35(2)	Use of restricted use roads by heavy vehicle without a permit	2
36	Holding street party, festival or procession on road without a permit	1
37	Collecting wood from a road without a permit	1
38(1)	Roadside trading on road or Council land without a permit	2

<b>Clause</b>	<b>Abbreviated Description of Offence</b>	<b>Infringement Notice Penalty Units</b>
38(2)	Soliciting or collecting material, gifts or subscriptions or distributing any printed media from Council land, road or house to house adjacent to a road or cause or authorising another person to do so, without a permit	2
39	Trading from a site already designated for another	2
40	Displaying for sale any goods on a road or Council land without a permit	1
41(1)	Use of road or Council land for outdoor dining without a permit	2
42	Failing to move or remove an outdoor eating facility	1
43(1)	Advertising sign on Council land without a permit	1
43(2)	Displaying for sale any vehicle, trailer, boat or other equipment on a road or Council land without a permit	2
44(1) and (4)	Failing to provide a properly constructed and maintained vehicle crossing or a crossing to Council's specifications	2
45(1)	Constructing, installing, removing or altering a vehicle crossing without first obtaining a permit to do so	2
45(2)	Removing, pruning or damaging street tree from works on vehicle crossing	2
46	Failing to comply with a direction to remove any redundant vehicle crossing	1
47(1), (2) and (3)	Temporary vehicle crossing – failing to obtain a permit, repair damage or reimburse Council	2
48(1)	Failing to obtain an Asset Protection Permit	2
49(1)	Failing to comply with Local Law Guidelines	2
49(2)	Failing to produce records upon request	1
49(5)	Failing to comply with direction to provide a Traffic Management Plan	2
49(6)	Failing to minimise risk of stormwater pollution	2
49(7)	Failing to provide appropriately sized and/or empty refuse facility	1
49(8)	Failing to comply with refuse requirements relating to containment and deposit.	1
49(9)	Failing to remove refuse and lawfully dispose of it	2
49(10)	Not causing damage to adjoining road	2
49(11)	Reinstatement following non-compliance not completed as directed in Notice To Comply	2
49(13)	Failing to repair asset to the satisfaction of Council	2
50(1)	Occupying a road without a permit	1
51(2)	Consumption or possession of liquor in a prescribed place	1
53(3)	Smoking in municipal place contrary to signs	1
54(1)	Camping on Council land	2
55	Damaging or defacing Council land	1
56	Drainage tapping/interference or discharging groundwater to Council drain	1
57	Interfering with watercourse or other area without a permit	2
58	Obstruction on Council land	1
59	Failing to comply with Council sign	1
60	Conduct activity in municipal reserve without a permit	2
61(1), (2) and (3)	Lighting a fire in a municipal place or municipal reserve	2
62	Parking on municipal reserve	1
63	Emitting unreasonable noise from equipment within vehicle	1
64(3)	Failing to comply with direction	2
65(1)	Use of Council building without consent	1
72	Failing to adhere to Notice to Comply	3

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<b>Clause</b>	<b>Abbreviated Description of Offence</b>	<b>Infringement Notice Penalty Units</b>
77(3)	Failing to comply with direction	1
79(2)	Any offence in respect of which a specific infringement penalty unit has not been listed	1