

Local Law Guidelines



Yarriambiack
SHIRE COUNCIL

Adopted:	CEO Approved Date	CEO Name	CEO Signature
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Introduction

Local Laws are developed by all Victorian Local Government Authorities to address important community safety, peace and order issues within a local context. In 2024, after public consultation, Yarriambiack Shire Council (Council) passed the Yarriambiack Shire Council General Local Law 2024 (the Local Law). To support the objectives of the Local Law, this guideline has been developed to provide context, supportive explanation and guidance to assist the community.

The purpose of the Local Law Guideline is to:

- provide a comprehensive, central reference document to assist the community comply with the Local Law
- clearly outline the Local Law as it is intended, and provide additional detail and context to facilitate transparency
- detail and describe approach to managing compliance

This guideline can be read as a whole or in parts and has been developed to correspond with the Local Law number within the Local Law. If you have any questions, or require additional guidance, please contact the Local Laws team on 5398 0100 or via email through info@yarriambiack.vic.gov.au

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Legislative context

All Victorian Local Government Authorities are through the powers under Section 71 of the *Local Government Act 2020*. After public consultation, the Local Law adopted by Council and subsequently enacted on the 1st of September 2024 and is in effect until 1st of September 2034.



Local Government Act 2020 – Section 71 – Power to make Local Laws

Power to make local laws:

- (1) A Council may make local laws for or with respect to any act, matter or thing in respect of which the Council has a function or power under this Act or any other Act.

It is important to note that a Local Law cannot contradict or duplicate an existing state or federal law, as the purpose of the Local Law is to regulate local issues and community needs. For this reason, when relevant you will see reference to other Acts and Regulations throughout the guideline. The purpose of this is to provide clarity to the community when other Acts or Regulations will either be considered as the more appropriate legislative option, or if another agency or Council department is better equipped to investigate.

An example of this is when the Fire Danger Period is declared, clause 12 of our Local Law – Unsightly and dangerous properties may be addressed under the *Country Fire Authority Act 1958* if the hazards pose a fire risk.

Part 2 – Your Property, Trees and Animals

Division 1 – Property

11. Property numbers

This clause of the Local Law applies to the visibility of property numbers, and has been included for the following reasons:

- to avoid confusion or delays for emergency services, service connection providers or mail delivery
- to assist Council authorised officers quickly identify properties for emergency purposes, such as fire prevention or secondary impact assessments after flooding or fires

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.

How can I comply? Ensure the property number is:

- the correct number
- of a size and colour that is legible from the road
- maintained in good repair and not damaged or obstructed

12. Unsightly and Dangerous Properties

Alleged unsightly and dangerous properties is a common source of complaint received by Councils authorised officers. Frequent examples of unsightliness or danger include:

- general untidiness of yards
- partially demolished structures
- unregistered vehicles
- broken windows and doors, significant damage to roofs and gutters or external wall finishes such as significant peeling of paint
- graffiti

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;

Authorised officers will consider the state of neglect, disrepair or damage and the impact on amenity. This will be generally assessed from a public place such as the footpath in front of the property or an area ordinarily visible within a neighbouring property.

Depending on the circumstances, referral to another Council department may be made. Examples include fire risks during the declared fire period being referred to the Municipal Fire Prevention Officer, or damaged building or structures being referred to an Environmental Health Officer due to risks associated with asbestos or Council Municipal Building Surveyor regarding building safety and compliance.

It is important to note, **subclause 4** relates to the removal of soil, sediment and other substances. Council would like to remind all property occupiers that they are responsible for ensuring no waste, rubbish or mud is left behind



or remains on public land, including roads. This clause is often applied to properties undergoing renovation or development.

Subclause 6 declares that a person must not activate or discharge or allow to be activated or discharged any fireworks on or from any property. As detailed in the Local Law, a person must ordinarily hold a licence issued under the *Dangerous Goods (Explosives) Regulations 2022*.

When considering a permit application relating to fireworks, Council would allow for community feedback and would consider objections on a case-by-case basis.

13. Graffiti

Councils Authorised Officers have powers under the *Graffiti Prevention Act 2007* in relation to graffiti on private property and Council land.

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 .

The purpose of this law is to ensure that graffiti is not used by property owners so as to impact on local amenity. This law also ensures that graffiti is removed as fast as possible. Prompt removal prevents further graffiti and maintains the amenity of our public spaces and streets.



Graffiti Prevent Act 2007 (3) – Definitions.

Mark graffiti means write, draw, mark, scratch or otherwise deface property by any means so that the defacement is not readily removable by wiping with a dry cloth.

14. Waste collection

This clause of the guideline provides guidance, and direction to all occupants within the Shire provided with a waste collection service by Council. As described in the Local Law, this applies to the collection of domestic waste, recyclables, and food and organics.

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**.

Use of bins

Domestic waste rubbish bins cannot be placed on the nature strip, or any other place of collection outside the property boundary any more than 24 hours prior to the Council nominated collection day and must be removed from the place of collection within 24 hours of the Council nominated collection day.

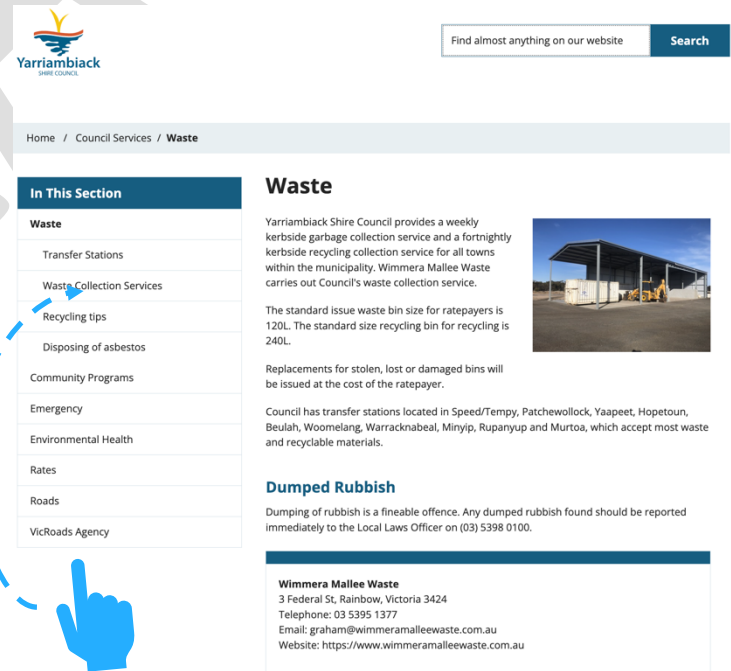
Storage of bins

All domestic waste bins must be stored and maintained in a clean and sanitary condition on the property to which they have been issued.

Prohibited waste

The following materials is prohibited from being placed in rubbish bins for collection by Council:

- a) slops, liquid waste, harmful or offensive material
- b) dirt, dust or other matter from any vacuum cleaner, ashes, hair or other similar matter or moist refuse, unless it has been securely wrapped in paper or other impermeable cover or container to prevent its escape
- c) ashes or other like matter unless they have been mixed with water to form a consistency of a stiff paste before being wrapped and placed in the bin
- d) glass or other sharp objects unless they are properly contained or wrapped in such a way as to render them harmless and inoffensive
- e) oil, paint, solvents, acids or similar substance or any other substance which may damage the bin or reduce its strength or effectiveness
- f) e-waste (electronic waste) defined as any time with an electrical plug, cord or battery
- g) trade waste of any kind
- h) any other matter identified by Council by notice to occupiers of a property



The screenshot shows the website's navigation and content for waste services. The 'In This Section' menu includes links for Waste, Transfer Stations, Waste Collection Services, Recycling tips, Disposing of asbestos, Community Programs, Emergency, Environmental Health, Rates, Roads, and VicRoads Agency. The main content area is titled 'Waste' and provides information about weekly kerbside garbage collection, recycling services, and bin sizes. It also includes a section for 'Dumped Rubbish' and contact information for Wimmera Mallee Waste.

For more information on waste, including collection times, please refer to Councils website.

<https://www.yarriambiack.vic.gov.au/Council-Services/Waste>

15. Removing waste without authority

This clause applies to members of the public who do not have the authority to remove or interfere with waste material, which is clearly defined within the Local Law.

This clause of the Local Law aims to protect public safety and prevent litter.

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

Council does not issue 'burning off permits', as this is managed through the Country Fire Authority (CFA).

Councils' role in applying this clause of the Local Law is ensuring burns within the Shire meet the criteria set out in subclause (a), (b) and (c). Council would like to promote occupants wanting to conduct a burn off to:

- apply for the relevant permit through Fire Permits Victoria
- notify your neighbours if your activity will generate fire and smoke
- check the weather forecast for the day of the activity and a few days afterwards
- establish a gap in vegetation or fire break with no less than three meters cleared of all flammable material
- there are enough people to monitor, contain and extinguish the burn safely and effectively

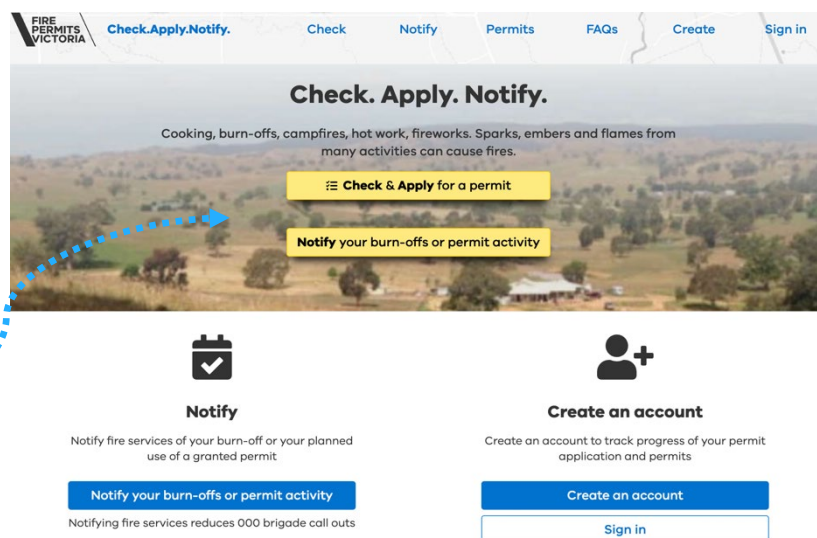
16. Burning of Materials

(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**.

To apply for a fire permits, please go to [Fire Permits Victoria](#). This website also provides a full list of what you can and cannot do when burning off.

Breaches under this clause of the Local Law may also be investigated under the *Public Health and Wellbeing Act 2008* (nuisance) or the *Environment Protection Act 2017* (burning relating to industry).



17. Camping or occupying certain vehicles, facilities or structures on private property

Camping on private property has been included in the Local Law to meet community expectations and protect the amenity of an area.

Yarriambiack Shire Council defines camping as being temporary in nature, and examples are provided in subclause 1 (a) to (e).

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.

Clause 17(2) details when a permit is **not** required. If a permit is required, authorised officers will assess:

- the proposed number of days the camping will take place over a calendar year
- the potential impact on the amenity, including possible nuisance
- the location of the camping on the property
- accessibility of sanitary and wastewater facilities

Should a permit be granted, Council will include conditions that will be enforced. If conditions are not complied with directions for compliance will be issued.

18. Shipping containers

An application for a shipping container permit must be applied for in designated areas. In determining whether to grant a permit for a shipping container on any road, or Council land or private property an authorised officer will:

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.

- consider the timeframe of the proposal
- consider if the proposal will create a traffic hazard or obstruction, or other danger to the public. If there is a traffic hazard, obstruction or danger, Council will require applicant to provide a certificate of currency for their public liability insurance (minimum \$20 million).
- consider if a traffic management plan is required, or any other suitable safety measures to ensure no hazard is posed to road users or the public
- confirm the intended use of the shipping container. This will assist the authorised officer identify if a referral Councils planning or building departments is required.

Should a permit be granted, Council will include conditions that will be enforced. If conditions are not complied with, directions for compliance will be issued. Council would like to remind applicants or any resident with a shipping container on their property that any damage to Council land by the placement or removal of the shipping container, including pavement, nature strip and services, is to be reinstated by the permit holder. If the reinstatement is not completed, works will be undertaken by Council at the permit holder's expense.



Division 2 – Trees

Councils would like to promote the Yarriambiack Shire Council [Tree Management Policy](#), which provides community guidance and expectations in regard to tree planting and management.

19. Trees and plants not to obstruct or obscure

Subclause (a) and (c) has been included to ensure that pedestrian access and visibility is maintained. This is especially important for people with disabilities, mobility challenges or those using prams or assistance vehicles.

It is essential that no trees or plants obstruct driver visibility on the roads, and subclause (b) addresses this risk. If there is an obstruction of driver visibility, and therefore creating a risk, immediate compliance would be expected.

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

All property owners, and property occupiers must consider if the tree or plant is appropriate for the location, and ensure it is maintained in a way that prevents damage to a fixture of structure in a municipal place. This does not cover damage to neighbouring properties, as this is deemed to be private matter.

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 nature strip is the public space between your property and the road, excluding the paved footpath. It's usually a grassy area. Nature strips are important green spaces which contribute to streetscape attractiveness, provide important rainwater absorption and added biodiversity.

It is important to highlight that this clause of the Local Law relates to planting or maintaining vegetation, including plants and shrubs on the nature strip. This does not relate to the maintenance of lawn.

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**.

Why do we have this Local Law?

- nature strips include essential above and below-ground public services including water, sewerage, gas, electricity, and communications infrastructure.
- nature strips provide space for rubbish collection.
- ensuring footpaths are safe, and freely accessible for everyone, including people using prams, wheelchairs, scooters and people who might need assistance with mobility

A permit process has been established for any planting on a nature strip. Council will consider the above-mentioned factors when assessing applications.

Division 3 – Pets

22. Keeping Animals

Council manages the number of animals permitted on a private property through the Local Law. There are some circumstances, where other legislation will be considered and applied, such as the *Domestic Animals Act 1994* or the *Planning and Environment Act 1987*.

This clause of the Local Law prescribes the maximum number of animals on a private property, unless a permit for excess animals has been applied for. The prescribed numbers have been benchmarked with similar rural councils, and consideration to the following have been applied:

- animal welfare
- likelihood of nuisance from odour and noise

If an excess animal permit is applied for, authorised officers will apply the above-mentioned factors, as well as any possible views from neighbouring properties.

Type Of Animal	In Designated Areas	In Rural Areas
Dogs	2	5
Cats	3	5
Hen fowls	12	no maximum limit
Roosters	0	no maximum limit
Pigeons	20	no maximum limit
Poultry	0	no maximum limit
Caged birds	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 animals and birds	0	no maximum limit

Livestock Disease Control Act 1994 – Section 48 – Registration of Bees



- (1) Subject to subsection (5), a person must not keep bees, whether or not that a person is the owner of the bees, unless the person is registered as a beekeeper under this Act.

23. Animal accommodation

Clause 23 of the Local Law outlines the considerations for adequate accommodation. This assessment is generally only made when:

- an excess animal permit has been applied for
- an animal is regularly escaping
- a community complaint has been made regarding the keeping of animals

<p>23. Animal Accommodation</p> <p>The owner or occupier of any private property on which animals are kept must ensure that:</p> <p>(a) the private property is maintained in a sanitary and inoffensive state;</p> <p>(b) the keeping of the animals does not attract, harbour or breed pests;</p> <p>(c) the animals are adequately secured;</p> <p>(d) any shelter for the animals is adequate, having regard to the type and number of animals kept; and</p> <p>(e) the animals do not cause a nuisance.</p>
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Domestic Animals Act 1994

For declared dangerous, or restricted breed dogs, the requirements specified in Section 38 and 41G of the *Domestic Animals Act 1994* is applied rather than the Local Law.



24. Animal excrement and conduct

To promote this clause of the Local Law, Council provides dog bag collection points in popular walking areas within the Shire.

<p>24. Animal Excrement and Conduct</p> <p>(1) A person in charge of any animal must not allow:</p> <p>(a) any part of the animal's excrement to remain on any road, Council Land or property belonging to another; or</p> <p>(b) the animal to dig any part of Council Land.</p> <p>(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.</p>

25. Wasp and bees nest(s) to be removed

If a wasp or bees nest is located within your property, Council encourages you to contact a pest controller to safely remove the colony.

<p>25. Wasp and Bees Nest(s) To Be Removed</p> <p>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.</p>
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Council requires the nest to be removed within 7 days in the interests of public safety as the longer nests are left, the potential for a more aggressive colony increases. This is especially important if the colony is close to footpaths or other frequented locations.

26. Feeding of stray animals or birds on private property

The feeding of stray and wild animals is prohibited within Yarriambiack Shire through this Local Law. The act of feeding stray and wild animals can cause harm to the animal and create a reliance on humans.

For domesticated stray animals, this also means they might return to your property, creating bigger issues such as increased population of cats and dogs and subsequent nuisances.

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

It is essential that properties with livestock are adequately fenced. Council may also consider if a notice under the *Impoundment of Livestock Act 1994* is more appropriate.

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**.

Impoundment of Livestock Act 1994 - Section 16A - Power to serve notice objecting to the trespassing of livestock

(1) If an authorised officer of a council reasonably believes that livestock have trespassed on any land or road, he or she may serve a notice objecting to the trespass of the livestock on any one or more of the following persons—

- (a) the owner of the livestock;
- (b) the owner of the land on which the livestock are kept or the occupier of that land if the owner is not the occupier.

Impoundment of Livestock Act 1994 - Section 16B - Power to serve notice on owner regarding confinement of livestock

(1) If an authorised officer of a council reasonably believes that livestock are not adequately confined on land or in a building, he or she may serve a notice on any one or more of the following persons directing that the person or persons take the measures set out in the notice to ensure the livestock are adequately confined—

- (a) the owner of the livestock;
- (b) the owner of the land or building or the occupier of the land or building if the owner is not the occupier.



28. Droving or Moving of Livestock

Council requires anyone wanting to drove or move livestock to apply for a permit.

<p>28. Droving or Moving Livestock</p> <p>The:</p> <p>(a) owner; or</p> <p>(b) person in charge</p> <p>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:</p> <p>(i) the livestock are present on the road during daylight hours;</p> <p>(ii) the livestock are not on any section of the road prescribed to have conservation value;</p> <p>(iii) a sufficient number of competent persons are in attendance to maintain effective control of the livestock; and</p> <p>(iv) adequate warning of the presence of the livestock on the road is provided to drivers of vehicles travelling along the road.</p>
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Part 3 – Vehicles and Roads

29. Placing bulk rubbish and trade waste containers

This clause of the Local Law aims to prevent road hazards from bulk rubbish and trade waste containers, such as skips. For this reason, a permit must be applied for and Council will consider:

- whether the placement will obstruct the passage of vehicles and pedestrians
- will it obscure the view of motorists or present a physical hazard
- whether the placement will contravene any traffic control signs
- the protection of any Council assets
- any requirements under Road Management Act 2004 that may apply

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

This clause of the Local Law focusses on motor bikes, and motorised recreational vehicles on Council land. The core priority is:

- protecting public safety
- preventing nuisance complaints relating to noise and dust.

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 or repair a vehicle on Council land or road **except for an emergency** or where it is necessary to enable the vehicle to be removed.

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

Abandoned cars spoil the amenity of local streets and take up valuable parking spaces. Any vehicle that has been assessed as derelict, abandoned or unregistered and parked on Council land, including roads may be removed and impounded by Council.

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.

If a **car is found to be derelict, unregistered or is deemed abandoned by Council**, an investigation will look into either having the vehicle registered by the owners or removed from Council land or the roadway. Prior to impounding a vehicle, Council will write (when possible) to the last registered owner requesting removal of the vehicle.

Any unregistered or abandoned vehicles parked on arterial roads are dealt with by VicRoads.



33. Heavy or long vehicles: Parking on a road or private property

A heavy or long vehicle is greater than 7.5 metres in length or has a Gross Vehicle Mass of 4.5 tonnes or greater, except a registered vehicle under the *Road Safety Act 1986* that is a motor home, caravan or boat trailer.

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.

A person must not, without a permit park, keep, store, repair or allow another person to keep, store or repair a heavy or long vehicle in a designated area. This clause does not apply in relation to a heavy vehicle, which is parked, kept, stored or repaired for less than one hour or the driver is picking up or setting down goods.

34. Storing vehicles

To ensure street parking remains available and roads have clear visibility Council has included a clause relating to the storing of heavy or long vehicles in township areas.

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).

If a permit is applied for, the following factors will be assessed:

- the land-use of the applicant's land and that of adjoining allotments
- whether a referral to the Planning Department is required for a business or other use
- the maximum number of vehicles at any one time to be kept or stored
- the proximity to adjoining properties and the distance from the nearest dwellings
- the likely effect on adjoining owners, including visual amenity, fumes and noise
- any mitigation measures for visual, fumes and/or noise impact which the applicant is willing to undertake as a condition of the permit
- whether adjoining owners and occupiers should be given opportunity to comment

35. Heavy vehicles: permits for use on restricted use roads

This clause of the Local Law aims to prevent damage to roads from certain 'heavy vehicles'. As detailed in the Local Law, Council would ensure that a sign is erected in a clear and visible location.

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).

Once the sign is in place, the class of vehicle is not able to use the road, unless a permit been issued to the driver.

36. Street parties & street festivals

Any street party, festival or procession conducted on a road requires a permit. Contact council to ensure the relevant permit is applied for.

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 fire from roadside

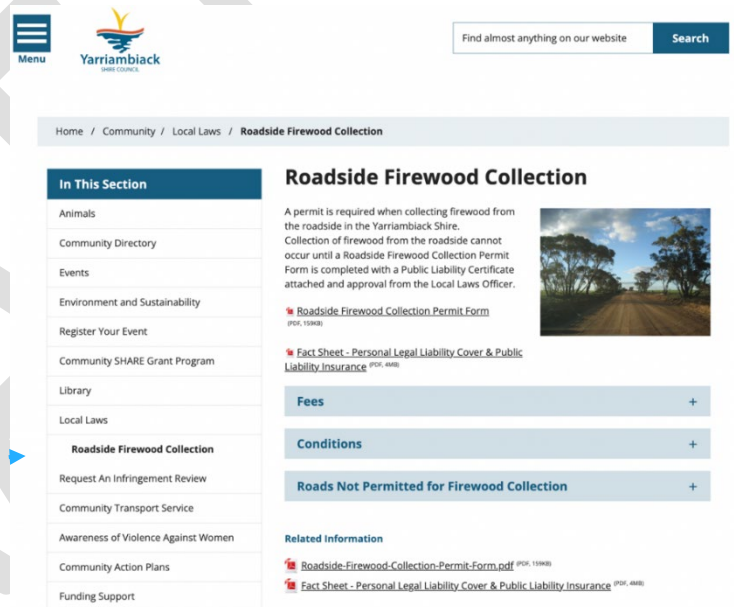
Collection of firewood from the roadside is prohibited unless a roadside firewood collection permit is approved by Council. Council aims to ensure this resource is available to all residents so that they may heat their homes. Therefore, the following prerequisite determine initial eligibility:

37. Collecting Firewood from Roadside

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

- Residents may apply for up to five (5) permits each calendar year
- Roadside firewood collection permits are only available to owners or occupiers of residential property located within the Yarriambiack municipal boundary.

For more information, including information on fees, conditions and roads not permitted for firewood collection, please refer to [Councils website](#).



Personal legal liability cover and public liability insurance is required



Part 4 – Business and Asset Protection

Division 1 – Business

38. Roadside trading

Roadside trading without a permit is prohibited. It is essential permits are applied for, as an authorised officer will assess whether:

- the safety of road users or passage vehicles will be affected by the placement or performance
- permits required under other legislation has been obtained. This may require an internal referral to another Council department
- the activity has the potential to disturb, annoy or disrupt adjacent property owners or occupiers
- the activity will be detrimental to the amenity of the area
- the nature and duration of any performance and whether it should be time limited
- an alternative performance location can be identified that is better suited
- the audience attracted by a performance may cause traffic, pedestrian, or trader disruption
- other performers will be unfairly impacted or excluded by the location or duration of any permit
- appropriate arrangements can be made for wastewater disposable, litter and garbage, lighting, and advertising signs
- any indemnity / guarantee has been provided to Council
- the activity will be detrimental to local businesses in the vicinity
- any other matter the authorised officer reasonably believes is relevant to the application

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.

If the roadside trading involves the sale of food, you are responsible for having a registered food premises on FoodTrader and an approved Statement of Trade. These applications are managed by Councils Environmental Health Officer.



39. Regulation of trading sites

Council regulates the use of public land to ensure trading does not impact local amenity. If a permit is issued by Council, only the permit holder may trade from the site.

Council has the power to charge a fee for use of such sites. Fees are primarily determined based upon an assessment of market rates, with final approval determined by resolution of Council.

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

This clause of the Local Law relates to footpaths being used by local businesses for the display of goods and signs.

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**.

For a business to conduct any of the above-mentioned activities, a permit must be applied for. It is important to highlight that Council has a legal obligation in accordance with Commonwealth *Disability Discriminate Act 1992* to provide a safe and unobstructed footpath environment for pedestrians, regardless of their mobility levels. In meeting this obligation, authorised officers will assess and consider:

- accessibility of pedestrians
- safety of motorists
- the general amenity of our community

Permits for the display of goods for sale expire annually and must be renewed for the trading to continue.

41. Using Council land for outdoor eating facilities

Authorised Officers will use the same considerations detailed in subclause 38.

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

This subclause applies in circumstances where when emergency services require access to the Council land.

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

Similar to the requirements in clause 39, a permit is required for advertising signs. This permit is an annual permit and must be renewed.

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**.

Subclause (2) relates to the display of sale of a vehicle such as a trailer, boat or car on Council Land. The reason for this, is that the display for sale may create a distraction to motorists.

Division 2 - Asset Protection

44. A vehicle crossing is required

The owner or occupier of land must not allow any person to access their land by vehicle other than over a Council approved vehicle crossing.

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.

45. Constructing vehicle crossing

A person must not without a permit, construct a vehicle crossing. The owner of the land must, at their own cost, ensure that any vehicle crossing between the road and the boundary of such land is maintained and kept in good condition.

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 a vehicle crossing become redundant, Council will require the removal of the redundant crossing.

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.



Scenario

“The property owner completed significant landscaping to the front of the property. This has resulted in a new vehicle crossing permit being applied for as the cars now access the property to the north. I have advised the owner that the old vehicle crossing must be removed”.

47. Temporary vehicle crossings

This clause of the Local Law aims to protect Council assets such as curbs, signs, street trees and street furniture from regular vehicle and truck movements during building/construction work.

The permit will have clear conditions for compliance, including who is responsible for remedial work to repair damage caused.

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

Clause 48 provides details around public assets that require protection as well as the ways in which assets can be protected. This clause details the types of security bond that may be deemed appropriate by Council as well as the considerations that an Authorised Officer may take into account when determining asset protection permit conditions.

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 .

49. Managing amenity on building sites

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.

Whether a home renovation or a commercial building site, the possible impact on neighbouring properties and the community from noise, disruption and safety hazards must be considered and controlled as far as reasonably practicable.

This section of the Local Law Guideline provides an overview of relevant clauses within the Local Law that must be complied with, as well as other relevant legislative powers outside of the Local Law that may be applied. This clause aims to educate responsible people or organisations involved in building work to act responsibly to reduce litter and damage to public assets and prohibits and controls the presence and disposal of refuse, rubbish and soil on building sites within the Shire to reduce hazards to the environment and maintain public amenity.

Unless approved otherwise by a Construction Management Plan forming part of a planning permit, the builder of a building site must comply with the following measures:

For clarity, the term building sites also applies to home renovations, and owners or occupiers who are completing works themselves.

Building site identification sign

Every building site must have a building site identification sign displayed on the site fencing at the entry to the site. Signage must consist of the following

- Lot number and street address
- Name of the builder (identified on the building permit)
- Name and contact number of the person in charge of the site
- Postal address of person in charge of the site

Protection of Assets

Every building site must have an asset protection permit issued prior to any works being carried out on that land. Asset Protection permits must be applied for at least 14 days prior to any building commencing. Any person carrying out building works on any land is responsible to ensure that an asset protection permit has been applied for and granted, and that the conditions of that permit are complied with. Pre-existing damage to any Council assets must be reported to Council prior to building works commencing. Any damaged Council asset that is not reported prior to building commencing must be repaired by the person responsible for the building site to the satisfaction of Council.

Storing items or conducting building works on council land

No materials, items or goods associated with a building site may be stored on any Council land. This includes any bulk rubbish containers, building materials, including building materials being delivered to a building site. If goods are required to be stored on the nature strip or footpath this may only be done in accordance with specific conditions in an Asset Protection Permit. The person responsible for a building site must include this request in their permit application. Conditions of an asset protection permit may require any adjacent footpath to be closed and adequate signage and barricades placed in accordance with that permit and Council policy.

Protection of storm water

The person responsible for the management of a building site must ensure that the site is managed in a way that minimises the risk of stormwater pollution through contamination by run off from any site, which may include soil, sand, sediments and other pollutants. The person responsible for a building site must also ensure that any vehicles entering the site are adequately cleaned before exiting the site to prevent any pollutants leaving the site via the wheels of the vehicle. Adequate measures must be taken to reduce the possibility of these materials from contaminating roads and storm drains.

Containment of building works within building site

The person responsible for the management of a building site must ensure that all building work is contained entirely within the site. No building materials, items or goods associated with a building site may be stored or used on any adjoining land unless permitted in accordance with the conditions of an Asset Protection Permit.

Building site fencing

The person responsible for the management of a building site must ensure a fence is erected around the entire perimeter of the Building Site. This fence must be compliant in accordance with the provisions set out in the Local Law.

Containment of refuse

The person responsible for the management of a building site must ensure that a rubbish container is placed within the boundary of the site, or at a location approved by Council in accordance with the conditions of an Asset Protection Permit, at the commencement of any building work. Rubbish containers must be of solid construction with a lid and meet the criteria set out in the Local Law. The rubbish container must be emptied before it becomes full. The container must always be closed unless the waste is being deposited. Each site must have at least one rubbish container. Multiple sites may not share rubbish containers.

If Council is of the view the *Environment Protection Act 2017* is the most appropriate legislation to apply, a **Litter Enforcement Officer** may apply, and enforce the *Environment Protection Act 2017*.

Council authorised officers do have delegations under Section 121 of the *Environment Protection Act 2017* to issue waste abatement notices.



Environment Protection Act 2017 –
Section 115 Unlawful deposit of waste

Building site toilet

The person responsible for the management of a building site must, at the commencement of any building work, provide a minimum of one on-site toilet with serviceable hand washing facilities for use by persons working on the site.

Hours of operation

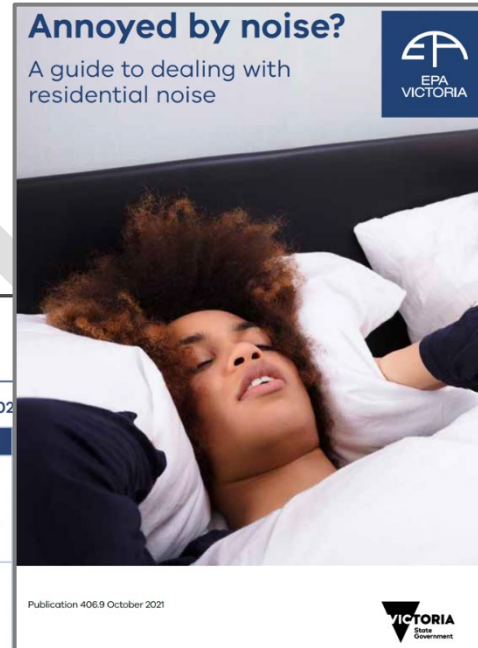
No works are to be conducted onsite before 7.00am on any weekday (Monday to Friday) or before 9.00am on any weekends Saturday Sunday or public holiday; and continue after 8.00pm Monday to Friday, weekends, or public holiday

What laws will be applied to prevent nuisance?

The *Environment Protection Regulations 2021* provide laws in relation to prescribed times where certain activities that cause noise are prohibited to be used or operated. These prohibited times are described in the Environmental Protection Agency guidelines, 'Annoyed by Noise'. This can be accessed via the following link.

If Council is of the view the *Environment Protection Act 2017* is the most appropriate legislation to apply, a **Residential Noise Enforcement Officer** may apply, and enforce the *Environment Protection Act 2017*.

Council can make this authorisation under section 171 of the *Environment Protection Act 2017*.



Prohibited times		
Environment Protection Regulations 2021		
Group	Prescribed Items	
1	<ul style="list-style-type: none"> Motor vehicles (but not when entering or leaving a site). Vessel or personal watercraft. Lawnmowers or other grass-cutting devices. Any equipment with an internal combustion engine not in group 2. 	
2	<ul style="list-style-type: none"> Electric power tools, chainsaws or circular saws. Gas or air compressors. Pneumatic power tools, hammers or other impacting tools or grinding equipment. 	
3	<ul style="list-style-type: none"> Heating equipment (including central heating, a hot water system or a heat pump, air conditioner or split heating system). Swimming pool, spa or water pumps except when used to fill a header tank. Vacuum cleaners. 	Monday to Friday before 7 am or after 10 pm. Weekends and public holidays before 9 am or after 10 pm.
4	An air conditioner, evaporative cooler or split system used for cooling.*	Monday to Friday before 7 am and after 11 pm. Weekends and public holidays before 9 am and after 11 pm.
5	<ul style="list-style-type: none"> Musical instruments. Electric audio goods, including stereos, radios, TVs and public address systems. 	Monday to Thursday before 7 am or after 10 pm. Friday before 7 am or after 11 pm. Saturday and public holidays before 9 am or after 11 pm. Sunday before 9 am or after 10 pm.
6	Electrical goods not in group 2, 3, 4, or 5 other than an item for personal care or grooming, or for food heating, cooling or preparation.	Monday to Friday before 7 am or after 8 pm. Weekends and public holidays before 9 am or after 8 pm.

*Prohibited times do not apply to noise from an air conditioner used for cooling during a heat health alert. However, the air conditioner noise may still be unreasonable, for example, if it is too loud or rattles as assessed using Noise guidelines: Assessing noise from residential equipment (publication 1973).

Prohibited times apply when the noise can be heard inside a habitable room of another residence.

Residential noise can still be unreasonable outside the prohibited times.


11

What if noise from building sites is impacting me within allowed times?

Noise occurring from building sites within prescribed times may also cause a nuisance. Under these circumstances, an assessment would be made to determine the type of noise, the frequency, duration and impact on the health and wellbeing of the persons affected.



This may be referred to an Environmental Health Officer to assess under the nuisance provisions of the Public Health and Wellbeing Act 2008.



Public Health and Wellbeing Act 2008 – Section 61 Offence of causing a nuisance

(1) A person must not –

- (a) Cause a nuisance
- (b) Knowingly allow or suffer a nuisance to exist on, or emanate from, any land owned or occupied by that person.

Penalty:
In the case of a natural person, 120 penalty units
In the case of a body corporate, 600 penalty units

50. Occupation of roads

A person must not, without a permit given by the Council, occupy or allow to be occupied any road for any use including excavation, landscaping, cultivation, planting, building, erection of structures, installation of recreation facilities, fencing, storage of vehicles or goods of any kind.

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.

Part 5 – Smoking and Liquor

51. Consumption and possession of liquor in prescribed places

Council understands the importance of respecting the safe and quiet enjoyment of public places within the municipal district. This clause of the Local Law aims to control the consumption of alcohol in public places at times when antisocial behaviour is more common.

A person must not, without a permit, between 11PM and 6AM, within designated townships areas, consume or possess alcohol in an unsealed container on Council land or a road, including while in a vehicle on Council land or a road, or a public place, unless the person is at premises licensed or authorised under the *Liquor Control Reform Act 1998*.

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 seal
at 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 seal
at a time or on a day prescribed under sub-clause (1).

Scenario



Examples of a breach of this clause of the local law:

- A patron leaves a licensed venue at 1AM, and drinks a beer on the way home
- People start congregating and drinking on the footpath outside a private party at 11:45PM

52. Exemption

Clause 52 provides details when a person would not be in breach of clause 51, that being:

- People who are part of a procession, function or street party with all required permit approvals
- A licensed premises.

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.

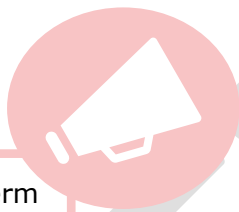
53. Smoking in municipal places

This clause of the Local Law has considered the *Tobacco Act 1987* and aims to support the objective of the legislation by enforcing smoke free areas that are not prescribed in this legislation.

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.

Any areas declared to be smoke free under the Local Law will have adequate signage to educate the community.

For the purposes of this clause, the term 'smoke' has the same meaning as used in the *Tobacco Act 1987* which includes the use of e-cigarettes and vaping devices.



Environmental Health Officer

DRAFT

Part 6 – Council land (including municipal places, parks and Council buildings)

Division 1 – Council land and public places

54. Camping on Council land

This Local Law has been included to protect the amenity of the area. A permit can be obtained and the following considerations will be made:

- the location and use of land and that of adjoining properties
- the number of tents (or caravans etc) to be located on the land
- the position of tents etc on the land
- the duration of time camping is required or proposed
- sanitary facilities available (or to be provided), such as toilets, bathing, disposal of rubbish

If the person or persons may be experiencing homelessness the authorised officer will escalate the matter to the Manager Community Health for further consideration. It is important to note, if the camping is a potential public safety risk or there is dangerous behaviour Council will escalate this matter to Victoria Police.

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

This clause contains provisions which aim to protect the amenity of municipal places, buildings, and reserves for all members of the community.

Through this clause, unless employed, authorised or contracted by Yarriambiack Shire Council, a person must not:

- destroy, damage or interfere with the municipal place
- interfere with any structure, artwork, public decoration or other public display
- remove, or allow to be removed, anything from the municipal place, or thing that is affixed or attached to the municipal place; or
- cause any damage to any Council assets in, or on, the municipal place

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 discharge groundwater

What is groundwater?

In distinguishing between regular rainwater and groundwater being discharged into Council drains, water that enters as a result of rain for a period of 24 hours after rainfall is considered groundwater.

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.

Why do we need this clause in the Local Law?

This clause of the Local Law aims to prevent overloading of Council's drainage system. This is important, as drainage tapping, or the illegal discharging of groundwater can impact the drainage system. This could result in flooding of downstream or lower lying properties and land.

57. Interference with a watercourse and other areas

Why do we need this clause in the Local Law?

It is essential that all watercourses within our Shire are protected. Council does not allow for any interference with a watercourse, as this could result in unnecessary redirection leading to potential property and environmental damage, even risk to human life.

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 objects such as signs, skip bins, tools and equipment on Council land if it causes an obstruction. This clause is important as obstructions can impact line of sight on roads which can affect safety, or they may just be in the way and prevent access for residents and visitors.

Service authorities are exempt from this clause for emergency works.

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

While on Council land, a person must not act contrary to a sign displayed by or on behalf of Council.

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

Municipal reserves are important community spaces, and to ensure these areas can be accessed by all, a permit must be applied for if any activities detailed in subclause (1) – (6) are conducted.

<p>60. Activity within a Municipal Reserve – Permitted Activities</p> <p>A person must not, without a permit, while present on any municipal reserve:</p> <ul style="list-style-type: none"> (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;

61. Lighting fires

Lighting fires in municipal places, such as a recreational reserve creates a safety risk for the community, as well as a fire danger in the declared fire season.

<p>61. Lighting Fires</p> <ul style="list-style-type: none"> (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.

Council has included this clause to protect community safety, and it applies to the person who lit the fire, those who are party to the preparation of the fire and those who congregate around the fire.

62. Parking on municipal reserves

The parking of any motor car, motorcycle or other vehicle on municipal reserves is prohibited within Yarriambiack Shire Council. This clause aims to prevent the use of such vehicles within reserves, which then poses a community safety risk and may cause damage to grass and other vegetation.

<p>62. Parking on Municipal Reserves</p> <ul style="list-style-type: none"> (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

This clause of the Local Law applies to circumstances where the noise is frequent, of a high intensity and impact to neighbouring properties.

<p>63. Noise From Vehicles</p> <p>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).</p>
--

64. Feeding of animal and birds on public land

Council would like to remind the community that feeding of birds and wild animals can lead to adverse health impacts. Further, by feeding wild animals or birds it may:

- Encourage them to stay where they shouldn't
- Spread disease between flocks
- Disrupt the duck's natural life cycle
- Weaken certain species
- Increase risk to human health

Council would apply this Local Law in circumstances where there is an allegation of regular feeding.

<p>64. Feeding of Animals and Birds on Public Land</p> <p>(1) An Authorised Officer or a Delegated Officer may direct a person on any road or Council Land not to:</p> <p>(a) feed or continue to feed; or</p> <p>(b) allow or cause to be fed</p> <p>any animal or bird on that road or Council Land.</p>
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Division 3 – Council buildings

65. Availability and hire

A person must not organise or undertake any event within a municipal building without Council consent. Unless expressly approved by Council, no such event may require an admission fee.

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.

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Part 7 – Fees and charges

67. Setting fees and charges

The Council’s fees and charges are determined by Council annually during the budgeting process and are available from the Council’s website or by enquiry direct to Council.

67. 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.

68. Waiver of fees and charges

From time to time, Council may choose to waive, reduce, or alter a fee. Council has developed a **Community Assistance and Fee Waiver Policy** and can be accessed via Councils website.

68. 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.

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Part 8 – Permits

69. Applications and grant and renewal of permits

Many clauses throughout the Local Law include reference to a 'permit' that must be applied for. The Local Law permit process allows people and organisations to do something, that is otherwise prohibited. This permit process allows Councils to:

- assess an application on its merit
- identify any potential community safety or environmental risks
- if required, refer the applications to another agency for input
- if required, provide conditions for compliance

69. 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.

As detailed within clause 68 of the Local Law, when a permit is required, an authorised officer may:

- grant the permit
- refuse the permit
- grant the permit subject to conditions
- determine that no permit is required

If a permit is granted, most will contain conditions for compliance, and it is the responsibility of the permit holder to comply with these conditions. If a permit is refused, an authorised officer will advise the applicant in writing the reasons why the permit has been refused.

A person must not, **without a permit'**

- Yarriambiack Shire Council General Local Law



70. Scope of permits

It is essential to remind all permit holders that the permit does not relieve the permit holder from compliance with any other legislation or liability, and that all applications must be true and correct.

70. 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 .



Scenario

“The permit holder had a Local Laws permit for Roadside Trading, however they did not have a Food Act Registration allowing them to trade. The Environmental Health Officer issued an infringement under the *Victorian Food Act 1984*.”

Part 9 – Enforcement

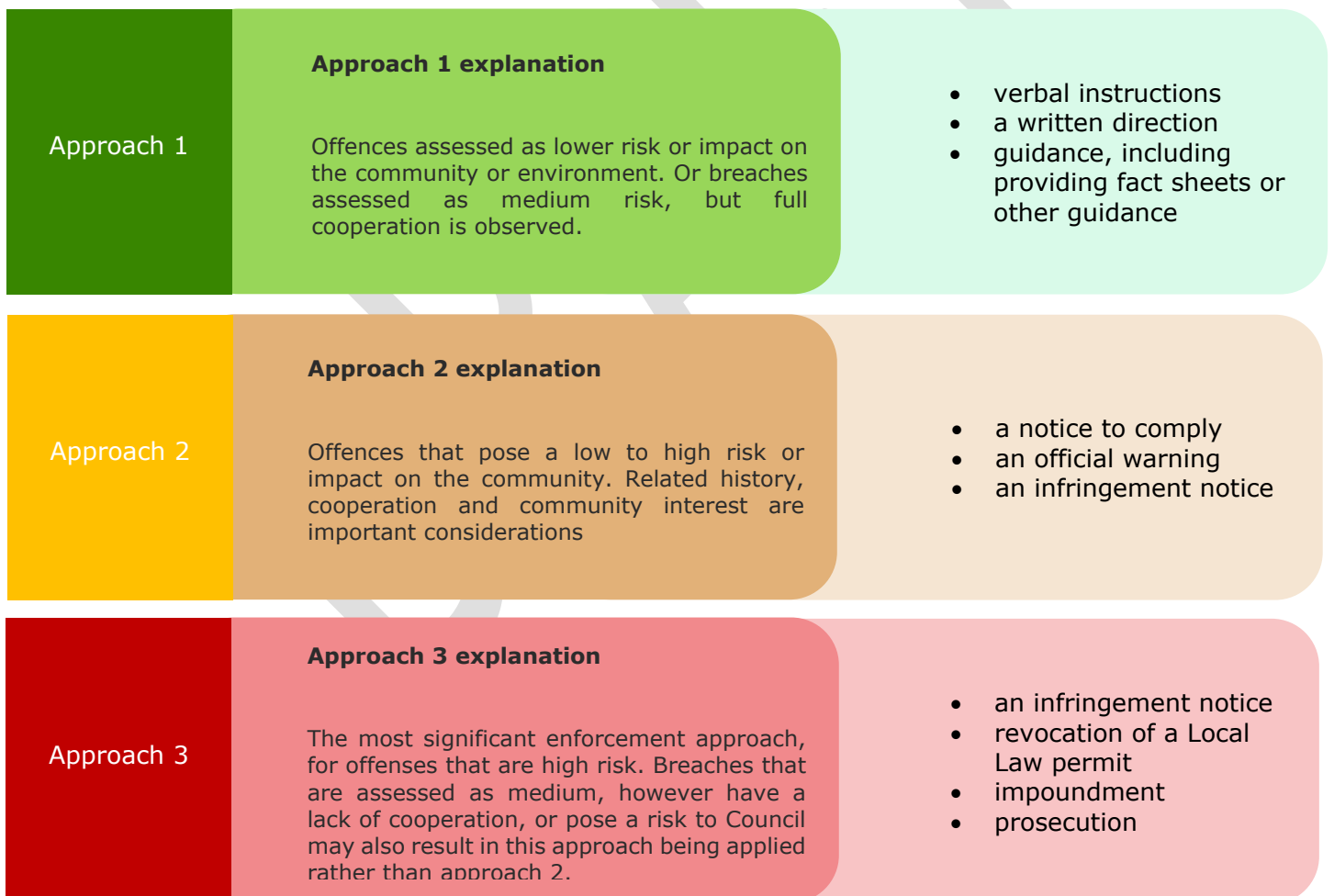
In applying and enforcing the Local Laws, Council authorised officers have a range of enforcement powers. This section of the guideline will inform the community and other stakeholders of Councils approach to enforcement.

Council is committed to fair and consistent regulation that is proportionate to risk. To guide these commitments, authorised officers apply the following considerations to all breaches of the Local Law:

- the risk, or level of impact
- available evidence, history and community expectations

Based on these considerations, the authorised officer will be guided into an enforcement approach, which is described below.

Level of Risk or Impact (1 - 3)	1 Low	2 Medium	3 High
Evidence History Community expectations (A - C) A <ul style="list-style-type: none"> • Full cooperation. • The breach no longer poses a risk to community safety. • Low urgency for compliance. • Insufficient evidence. 	"The risk or impact on community safety is a low" "I can educate rather than enforce."	"Although the offence is not critical, compliance must be achieved." "The risk or impact requires remedial action for compliance."	"This is significant risk or impact on community safety and remedial action must be achieved."
B <ul style="list-style-type: none"> • Prior history for a related offence but is willing to cooperate. • The offence may be a reputational risk to Council should compliance not be achieved. • Satisfactory evidence available. 	Educational approach	General enforcement approach	Significant enforcement approach
C <ul style="list-style-type: none"> • Repeat offender. • The offence is a reputational risk. • Full evidence available to support enforcement. • High urgency for compliance. 	General enforcement approach	Significant enforcement approach	Significant enforcement approach



71. Exemptions

For any exemptions of the Local Law, referral to the elected Councillors will be made. This will not occur if:

- the exemption poses a risk to public safety
- the exemption can be managed via a permit with enforceable conditions

71. 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.

72. Power of authorised officers or delegated officers to issue a notice to comply

A notice to comply is a written notice directing the offender of the offence. The notice to comply will detail:

- the offence
- grounds of the offence
- directions for compliance
- a timeframe for compliance
- contact details of the authorised officer

72. 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.

Authorised officers will issue a notice to comply for offenses or breaches that range from a low to high risk on the community. An important consideration when determining if a notice to comply is the related history, cooperation of the alleged offender and community interest.



“The offence has been assessed as lower risk; however, this is the second time this offence has happened, and there is no cooperation by the offender. They didn’t listen to the verbal direction 2 months ago, so a notice to comply is being issued”.

The supportive considerations include **low risk or impact** and **repeat offending**.



“The offence has resulted in a medium impact and requires corrective action. Although there is prior history, due to the offender being fully cooperative, I have decided to issue a notice to comply, rather than an official warning”

The supportive considerations include **medium risk or impact** and **full cooperation**

73. Failure to adhere to a notice to comply

The notice to comply will be recorded on Councils record management system, and non-compliance with this notice may result in a higher enforcement approach being applied.

<p>73. Failure to adhere to a Notice to Comply</p> <p>Any person who fails to remedy a situation or do any act required to be done in accordance with a notice to comply:</p> <p>(1) is guilty of an offence and is liable to the penalty of 20 penalty units; and</p> <p>(2) is liable to pay to Council all costs incurred by Council (including administration costs) in complying with a notice to comply.</p>

74. Impounding

Depending on the circumstances, impoundment may be considered either an approach 2 or 3 enforcement. An impoundment would be generally applied for circumstances that are medium to lower risk, however, no cooperation or compliance or a serious risk that could be a threat to community safety.

<p>74. Impounding</p> <p>(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.</p>
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“The 20 unregistered cars are causing significant community complaint. Authorised Officers have already issued a notice to comply, and this has not been complied with. All opportunities for compliance have been given, so escalation to a more significant enforcement approach is needed.”

The supportive considerations include **low risk or impact** and **repeat offending**.



“The unregistered car on the nature strip is impacting visibility. Council must impound the vehicle to protect public safety.”

The supportive considerations include **high risk or impact** and **high urgency for compliance**.

75. Recovery of expenses

Through the Local Law, Council can recover expenses to remove a community safety risk. This will generally occur after another method of enforcement has not been complied with.

<p>75. Recovery of Expenses</p> <p>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.</p>

76. Appeals

If a permit has been declined, the applicant can appeal the decision to Council. This appeal must be in writing and will be considered by Councils representing Councillors.

76. 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.



Scenario

"The resident had been issued a Notice to Comply in June regarding unsightly property, and this notice was not complied with. In December an assessment of the property was made, and a Fire Prevention Notice was issued under the Country Fire Authority Act 1958 due to the fire hazards present. As this notice has now lapsed, Council has decided to clear the property of the long grass and will therefore recover the expenses."

The supportive considerations include **high risk or impact** and **repeat offending**.

77. Urgent powers

This clause of the Local Law enables authorised officers to remove, remedy or rectify a situation within the scope of their role, if there is an immediate risk or danger to community safety related to an offence under the Local Law.

The authorised officer must ensure that the actions are communicated to the person or organisation impacted as soon as possible after the incident.

77. 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.



Scenario

"The resident had been issued with a Fire Prevention Notice (issued under the Country Fire Authority Act 1958). As this notice has now lapsed, and the Shire is in the fire danger period, Council has decided to clear the property to reduce the fire risk."

The supportive considerations include **high risk or impact** and **high urgency for compliance**.

78. Power to issue a direction

While applying and enforcing this Local Law, authorised officers have the power to issue a written or verbal direction.

78. 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.

It is the responsibility of the person or organisation responsible to comply with this direction.



It is important to remember that all written directions are saved on Councils record management system, and can be used as evidence if:

- there is failure to comply with the direction
- reoffending occurs

This may lead to a more serious enforcement approach being applied so compliance can be achieved.

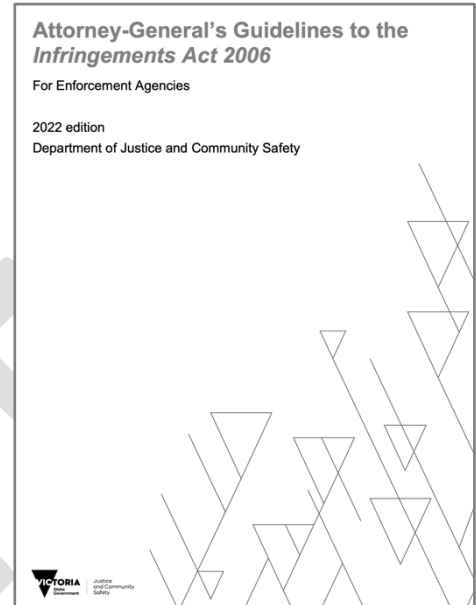
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Part 10 – Offences, Penalties, Infringement Notices and Official Warnings

When exercising discretion, issuing officers must comply with a range of legal principles, such as acting lawfully, impartially and reasonably. All authorised officers are required to:

- be properly authorised to issue infringement notices or official warnings
- properly exercise their discretionary powers
- deal appropriately with vulnerable persons
- comply with operational requirements for issuing infringement notices or official warnings

To guide Council in correctly applying the Infringements Act 2006, Council is applying the Attorney-General’s Guidelines to the Infringements Act 2006.



79. Offences and penalties

Council will apply and enforce offences detailed in Local Law. This clause explains when people are guilty of an offence, and within Part 10 of this guideline, you will see explanations around some of the enforcement powers available to authorised officers.

<p>79. Offences and Penalties</p> <p>(1) A person is guilty of an offence if the person:</p> <p>(a) does something which a provision of this Local Law prohibits to be done or makes an offence;</p> <p>(b) fails to do something which a provision of this Local Law requires to be done;</p> <p>(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;</p> <p>(d) breaches or fails to comply with a condition of a permit issued or an exemption given under this Local Law; or</p> <p>(e) fails to comply with a notice to comply or a direction of Council under this Local Law</p> <p>and is liable to a penalty not exceeding 20 penalty units.</p>

80. Infringement notices

In Victoria, the issuing, management, and enforcement of infringement notices is governed by the *Infringements Act 2006*, the *Fines Reform Act 2014*, the *Infringements Regulations 2016* and the *Fines Reform Regulations 2017*.

<p>80. Infringement Notices</p> <p>(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.</p> <p>(2) The penalties fixed for infringement notices served under this Local Law are set out in Schedule 1.</p>

Infringements can be issued under State and local laws. All infringement notices – whether issued by a State government, local government, or other enforcement agency – are governed by fines legislation.



Infringements Act 2006

1. Purposes

The main purpose of this Act are -

- (a) to provide a framework for the issuing and serving of infringement notices
- (ab) to provide a framework for internal review of a decision by an enforcement agency to serve an infringement notice
- (ac) to provide for the payment of an infringement penalty by payment plan
- (ad) to provide for the work and development permit scheme

Infringement notices are a enforcement approach commonly used in Local Laws as they offer an alternative method for dealing with minor offences, giving the person to whom a notice is issued the option of paying a fixed penalty, rather than proceeding to a court hearing. This system uses inducements such as convenience of payment, lower fine levels than in open court, the avoidance of a conviction being recorded and saving of legal costs to dispose of matters in an efficient and timely manner.



Scenario

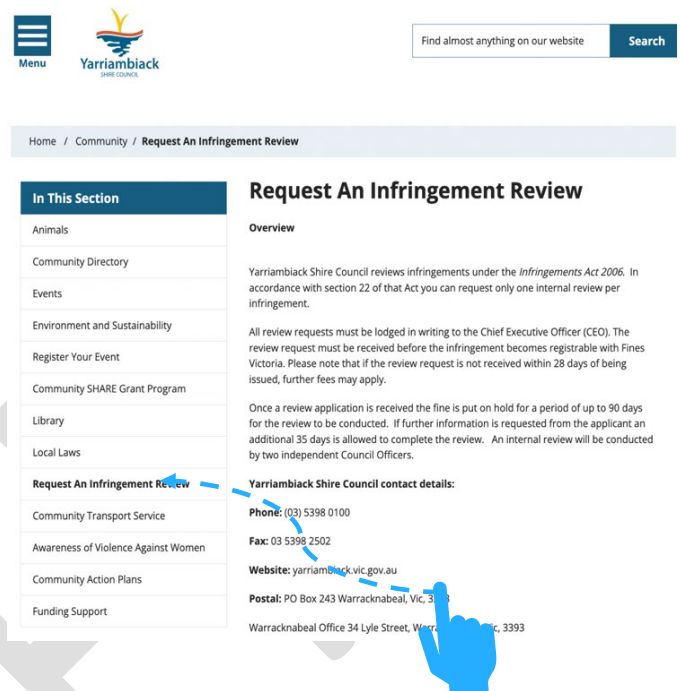
“The verbal direction to apply for a permit to camp on private property under clause 17 has been ignored. An infringement will be issued for the offence.”

The supportive considerations include **Medium risk or impact** and **Satisfactory evidence available**.

Can I appeal my infringement, or request a review?

Yes, anyone issued with an infringement notice can request an infringement review on [Councils website](#).

It is important to note that after payment, the offence has been finalised. If the infringement is not paid, Council can refer this to Fines Victoria, or withdraw the infringement. If an infringement is withdrawn, Council can issue a more significant enforcement or choose not to pursue the matter.



81. Official Warnings

Official warnings are effectively the same as an infringement notice, but without the infringement fee.

Section 8 of the Infringements Act 2006 authorises authorised officers to serve an official warning if the officer:

- believes on reasonable grounds that the person has committed the infringement offence
- forms the opinion that, in all the circumstances, it is appropriate to serve an official warning.

Yarriambiack Shire authorised officers will consider an official warning opposed to an infringement notice for offences if there is full cooperation. If an official warning is issued, this is considered the final enforcement action for the offence. For Council to take further action if the offence is not complied with, an authorised officer is required to establish a new offence or withdraw the official warning and issue another enforcement. Often this would be an infringement notice or prosecution.

81. 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.



"The verbal direction to apply for a permit to camp on private property under clause 17 has been ignored, but at the time of the site inspection, the occupier began removing the tent, and said the activity would stop. An official warning was issued for the offence due to the cooperation."

The supportive considerations include **Medium risk or impact** and **Prior history**, but willing to comply.

Schedule 1 – Infringement Penalties

The *Infringements Act 2006* sets out extensive provisions related to the issuing of infringement notices.

Yarriambiack Shire Council
General Local Law 2024

Yarriambiack Shire Council
General Local Law 2024

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
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

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Clause	Abbreviated Description of Offence	Infringement Notice Penalty Units
4)	Failing to provide a properly constructed and maintained vehicle crossing or a crossing to Council's specifications	2
	Constructing, installing, removing or altering a vehicle crossing without first obtaining a permit to do so	2
	Removing, pruning or damaging street tree from works on vehicle crossing	2
	Failing to comply with a direction to remove any redundant vehicle crossing	1
nd	Temporary vehicle crossing – failing to obtain a permit, repair damage or reimburse Council	2
	Failing to obtain an Asset Protection Permit	2
	Failing to comply with Local Law Guidelines	2
	Failing to produce records upon request	1
	Failing to comply with direction to provide a Traffic Management Plan	2
	Failing to minimise risk of stormwater pollution	2
	Failing to provide appropriately sized and/or empty refuse facility	1
	Failing to comply with refuse requirements relating to containment and deposit.	1
	Failing to remove refuse and lawfully dispose of it	2
	Not causing damage to adjoining road	2
	Reinstatement following non-compliance not completed as directed in Notice To Comply	2
	Failing to repair asset to the satisfaction of Council	2
	Occupying a road without a permit	1
	Consumption or possession of liquor in a prescribed place	1
	Smoking in municipal place contrary to signs	1
	Camping on Council land	2
	Damaging or defacing Council land	1
	Drainage lapping/interference or discharging groundwater to Council drain	1
	Interfering with watercourse or other area without a permit	2
	Obstruction on Council land	1
	Failing to comply with Council sign	1
	Conduct activity in municipal reserve without a permit	2
nd	Lighting a fire in a municipal place or municipal reserve	2
	Parking on municipal reserve	1
	Emitting unreasonable noise from equipment within vehicle	1
	Failing to comply with direction	2
	Use of Council building without consent	1
	Failing to register public event	1
	Failing to adhere to Notice to Comply	3
	Failing to comply with direction	1
	Any offence in respect of which a specific infringement penalty unit has not been listed	1

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5.11