



**Yarriambiack**  
SHIRE COUNCIL

# **GENERAL LOCAL LAW NO.5**

Adopted by Council on 23<sup>rd</sup> september 2015

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## **PART 1 – PRELIMINARY PROVISIONS**

- 101**            **Title**  
This is the **Yarriambiack Shire Council General Local Law No.5**
- 102**            **Objectives of Local Law**  
The objectives of this Local Law are to -
- (a)    protect the amenity of streets and roads and the safety of road users and to provide for the fair and equitable use of roads;
  - (b)    control activities, practices and behaviour in public places so that no detriment is caused to the peace, order and amenity of the area nor detrimental effect to property;
  - (c)    protect the environmental health and amenity of the municipality;
  - (d)    provide for the control, protection and maintenance of Council assets;
  - (d)    provide for the good governance of the Yarriambiack municipal district;
- 103**            **Powers to make Local Law**  
This Local Law is made under section 111 of the Local Government Act 1989.
- 104**            **Operational date of the Local Law**  
23<sup>rd</sup> September 2015
- 105**            **Date this Local Law ceases operation**  
23<sup>rd</sup> September 2025
- 106**            **Repeal of other Local Laws**  
From the commencement of this Local Law the following Local Laws are repealed and will cease to operate:
- Local Law No. 2 – Droving of Livestock
  - Local Law No. 3 – Environment
  - Local Law No. 4 – Consumption of Alcohol in Public Places
- 107**            **Application of Local Law**  
Unless specifically stated this Local Law applies to the whole of the Yarriambiack Municipal District.

Words	Meaning
Act	Means the Local Government Act 1989 and any word defined by the Act has the same meaning in this Local Law except as otherwise defined here.
Animals	Means any vertebrate except a human.
Advertising Sign	means any board, notice, structure, banner or other similar device used for the purposes of soliciting sales or notifying people of the presence of an adjacent property where goods or services may be obtained
Applicant	Means the person who applies for a permit under this Local Law and where the applicant applies as agent includes the principal.
Bulk Rubbish Container	Does not include containers used in connection with the Council's regular domestic rubbish collections
Council	Means the Yarriambiack Shire Council
Council Land	Means any land owned by, vested in or under the control of the Council including roads, reserves, parking areas, watercourses, reservations and the like together with any improvements erected thereon
Caged Birds	Means birds ordinarily kept in a cage, aviary or otherwise restricted in their ability to fly away.
Hen Fowls	Means only hens intended for laying
Land	Means and includes all land within the municipal district but does not include (a) a highway within the meaning of the <i>Road Safety Act 1986</i> ; or (b) any land under the control of a Statutory Authority
Liquor Licence	Means a licence issued under the Liquor Control Reform Act 1998
Livestock	Means an animal (including a bird) of any species used in connection with primary production or kept or used for recreational purposes or for the purposes of recreational sport, other than a dog or cat;
Penalty unit	Has the same meaning as section 110(2) of the Sentencing Act 1991
Permit	Means a permit issued under this Local Law
Poultry	Means any domestic fowl, gallinaceous bird or bird kept for food or eggs
Public Place	includes

Words	Meaning
	(a) any public highway, road, bridge, footpath, alley, passage, car park or thoroughfare open to and used by the public notwithstanding that it may be formed on private property; (b) any park, garden, reserve or other place of public recreation; (c) any part of the Yarriambiack creek reserve; (d) any public toilets or public shelters.
Recreation Vehicle	means and includes any Vehicle which may be propelled or operated by internal combustion, electricity or any other external power and which is normally used for recreational purposes but does not include a peddle powered vehicle or motorised wheelchair
Rural Area	means land within a Rural Zone or Special Use Zone under the Yarriambiack Planning Scheme
Service Authority	means any company or public body responsible for the maintenance of telecommunications, gas, electricity, water, sewerage or drainage facilities in or on a road
Shopping Trolley	means a wheeled container or receptacle supplied by a retailer for enabling customers to transport goods
Statutory Authority	means - (a) Government Department; or (b) body established by an Act of the Parliament of Victoria, any other State or Territory of the Commonwealth, or the Commonwealth
Township Area	means land within a Township, Public Use, Business, Residential, Low Density Residential, Industrial or Rural Living zone of the Yarriambiack Planning Scheme
Unregistered	means not having current registration under the Road Safety Act 1986
Vehicle	has the same meaning as is ascribed to it in the <i>Road Safety Act 1986</i>



## **PART 2 – MANAGEMENT OF STREETS AND ROADS**

**201**

### ***Obstruction of roads requires a permit***

- (1) On any road and except as otherwise provided in this Local Law, a person must not, without a permit -
  - (a) place, leave, allow or cause any obstruction; or
  - (b) cause any hazard; or
  - (c) conduct any activity that is liable to obstruct or be hazardous to any person.
  
- (2) For the purposes of this clause the following objects and activities are deemed to be obstructions -
  - (a) goods for display
  - (b) movable advertising signs
  - (c) outdoor eating facilities
  - (d) street furniture
  - (e) street stalls
  - (f) circuses, carnivals, festivals, street parties or processions
  - (g) abandoned motor vehicles or trailers
  - (h) itinerant trading
  - (i) the temporary occupation or fencing of part of a Road
  - (j) hoardings or overhead protective awnings for building works
  - (k) building materials that
    - (i) protrude onto the road pavement or interfere with pedestrian or traffic movements or
    - (ii) have been left for more than 4 days;
  - (l) shopping trolleys that are not in immediate use
  - (m) the repair, maintenance or dismantling of motor vehicles other than those repairs required to immediately get the vehicle mobile
  - (n) any other thing that protrudes onto the road pavement or interferes with pedestrian or traffic movements

**202            *Trees and plants not to obstruct or obscure***

The owner or occupier of any land must not allow any plant growing on that land to -

- (a) overhang or encroach upon any footpath so as to interfere with or be liable to get in the way of or cause injury to pedestrians; or
- (b) interfere with the view of drivers or pedestrians on any road; or
- (c) obscure any street lighting.

**203            *Property numbers to be displayed***

The owner or occupier of any land that has been allocated a street or rural address number must mark the land with the allocated number. The marking must be maintained so as to be readable at a distance of twenty (20) metres under normal daytime conditions.

**204            *Fencing of livestock***

The owner or occupier of any land that is used for the keeping of livestock must ensure that the fencing of that land is adequate to prevent the likely escape of that livestock onto any public place.

**205            *Droving of livestock requires a permit***

The owner or person in charge of livestock must not, without a permit cause or allow the livestock to be on a road unless the livestock are being moved in compliance with clause 206 on one single day.

**206            *Moving of livestock***

The owner or person in charge of livestock on a road while being moved from one property to another in a single day must ensure that -

- (a) stock are only allowed onto a road during daylight hours and
- (b) stock are not allowed onto sections of roads determined by Council to have conservation value and
- (c) sufficient competent persons are in attendance to maintain effective control of the livestock and
- (d) adequate warning is provided to drivers using the road.

**Vehicle crossings**

- (1) The owner of premises must ensure that:
- (a) each point of vehicle access to the premises from an adjacent carriageway or road has a properly constructed vehicle crossing in line with and matching the width and height of the internal driveway onto the premises linking that carriageway to the premises; and
  - (b) each vehicle crossing to the premises and any channel or pipe under or forming part of that crossing are maintained to the satisfaction of an authorised officer; and
  - (c) where it is likely that damage may be caused to the road, a temporary vehicle crossing is constructed to the satisfaction of an authorised officer; and
  - (d) a bond is paid to the Council when an authorised officer considers that damage is likely to be caused to the road or assets in the road because of activities occurring on the premises; and
  - (e) when a temporary vehicle crossing is no longer necessary, it is removed and the road and the assets in the road are reinstated to the satisfaction of the authorised officer; and
  - (f) No vehicle is permitted to enter or leave the premises except by using the vehicle crossing(s) referred to in paragraph (a).

Penalty: 10 penalty units

- (2) A person must not construct or alter a vehicle crossing without obtaining the Council's consent for:
- (a) the location of the crossing; and
  - (b) the standard of construction of the crossing.

Penalty: 10 penalty units

- (3) Where in the opinion of an authorised officer a vehicle crossing is redundant or no longer reasonably required, the owner of the premises which is linked by the crossing to an adjacent carriageway or road must remove the vehicle crossing and reinstate the footpath, nature strip, kerb, gutter, drain and carriageway to the satisfaction of the authorised officer.

Penalty: 10 penalty units

**208**

***Street parties***

No person shall hold a street party without:

- (a) completing an application to the Council via its website at [www.yarriambiack.vic.gov.au](http://www.yarriambiack.vic.gov.au) and completing an event notification form; and
- (b) abiding by any conditions applicable to the event.

Penalty: 2 penalty units

## **PART 3 - ACTIVITIES IN PUBLIC PLACES**

### **301      *Duty to comply with Council signs***

- (1) A person in a public place must comply with the requirements of any sign that has been erected or apparently erected by Council.
- (2) The expression “apparently erected by Council” in this clause means that having regard to all the circumstances including the placement of the sign, the design of the sign, the materials and nature of the construction of the sign, its purpose, any instructions on it, and any logo or identifying mark it is likely that the sign was erected by Council.

### **302      *Liquor not to be consumed in specified areas***

- (1) A person must not, without a permit consume any liquor or be in possession of any liquor in an open container while:
  - (a) in any public place within an area determined under clause 302(2)
  - (b) in a stationary vehicle within an area determined under clause 302 (2)
- (2) Council may by resolution and in accordance with clause 702(1) determine areas where the consumption of liquor is prohibited in public places for specific times.
- (3) This clause does not apply to any area that is subject to a Liquor Licence.

### **303      *Behaviour in public places***

A person in a public place must not:

- (a) use language or act in a way that
  - (i) is indecent, offensive or annoying or
  - (ii) interrupts or interferes with any person’s enjoyment of the public place.
- (c) behave in a way which would damage or be detrimental to property in that public place.

**304**

***Camping in public places***

- (1) A person must not, without a permit
  - (a) occupy or use any public place for camping, or
  - (b) keep, erect or place any tent, caravan or annexe in any public place.
- (2) Clause 304(1) does not apply to
  - (a) land where camping is authorised under the Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 1999
  - (b) camping for less than twenty-four hours in areas where Council has determined that overnight camping is permitted.

**305**

***Noise from vehicles in public places***

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

**306**

***Repair of vehicles on roads or public places***

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.

**307**

***Recreation vehicles on footpaths or bicycle paths***

A person must not operate a recreational vehicle on a shared footpath or bicycle path at a speed of more than 6 kilometres per hour.

**308**

**Abandoned, unregistered or derelict vehicles in public places**

- (1) A person without a permit must not leave any derelict, abandoned or unregistered vehicle or allow such a vehicle to remain on any Council land, public place or road

Penalty: 20 penalty units

- (2) Any vehicle found on Council land and considered by an authorised officer to be derelict, abandoned or unregistered may be dealt with under the provisions of Schedule 11 of the Local Government Act 1989.
- (3) Without derogating from Clause 308(2) hereof any vehicle not displaying registration number plates according to the Road Safety Act 1986 and regulations made under that Act is deemed to be unregistered.
- (4) Clause 3 of Schedule 11 of the Local Government Act 1989 is an incorporated document to this Local Law.

**309**

***Roadside Trading***

- (1) A person must not carry out any commercial activity on Council land without a permit.

Penalty: 10 penalty units

- (2) For the purpose of Clause 309(1) a person is deemed to have complied if:
- (a) the commercial activity is an integral part of an activity authorised by a permit issued under the provisions of another clause of this Local Law; or
- (b) the commercial activity forms the basis of some other binding agreement entered into with Council.
- (3) A person must not sell or offer or expose for sale any goods or services without a permit that are:
- (a) on the person or in a vehicle or;
- (b) from a temporary stall or structure; in a public place.

Penalty: 10 penalty units

- (4) A person must not display a vehicle for sale on a road or on Council Land.

Penalty: 10 penalty units

- (5) A person must not solicit or collect subscriptions or gifts of money or goods in a public place or from building to building unless they have a permit or the activity is authorised under other legislation.

Penalty: 10 penalty units

- (6) This clause does not apply to:
- (a) any person or class of person;
  - (b) any goods or services or class of them or
  - (c) any public place –

Exempted by resolution of the Council; or

- (d) a bona fide delivery of goods or services to premises by prior arrangement between the occupier and the person making the delivery.
- (7) A permit granted under this clause will cease to operate three (3) months from the date on which it was granted.

### **310**

#### ***Bulk Waste Containers***

- (1) A person must not place any trade waste or bulk rubbish hopper or trade waste or bulk rubbish waste container on any road or road reserve for which the Council is the responsible road authority without a permit;

Penalty: 10 penalty units

- (2) The requirement to apply for a permit does not apply to a person who is a member of Council staff or a public body acting in the course of his or her duties.



## **PART 4 – ENVIRONMENTAL AMENITY**

### **401 Land not to be unsightly**

- (1) An owner or occupier of any land must not allow or permit that land to be kept in a state which is unsightly or detrimental to the amenity of the neighborhood.
- (2) In deciding whether land is unsightly regard must be had to:
  - (a) stored vehicles, vehicle parts, tyres, machinery or goods (whether or not they are kept in compliance with clause 402)
  - (b) stockpiles or excessive growth of vegetation
  - (c) disused excavations, waste material or rubble
  - (d) derelict or incomplete buildings or structures
  - (e) graffiti
  - (f) any other relevant condition or thing.

### **402 Land not to be dangerous**

- (1) The owner or occupier of any land must not allow that land to be dangerous to the health, safety or wellbeing of any person.
- (2) Land is deemed to be dangerous under Clause 402(1) if:
  - (a) it has present uncontained asbestos; or
  - (b) it has:
    - (i) any excavation or hole capable of holding 300 mm of water or more; or
    - (ii) any allurements to children that is not fenced in accordance with the regulations that apply to swimming pools in the Building Regulations 2006.
  - (c) it is a haven for vermin or noxious weeds; or
  - (d) it is used for the storage of any substance which is dangerous or likely to cause danger to life or property without a permit under any legislation dealing with the storage of that substance.

### **403 Fire Hazards**

- (1) An owner or occupier of any land must ensure that:
  - (a) All necessary steps are taken to:
    - (i) Prevent fire on; and
    - (ii) Minimise the possibility of a fire spreading from those premises; and
  - (b) The premises are kept free of material or substances which may assist the spread of fire.
  - (c) Without limiting sub clauses (1)(a) and 1(b), no material or substances growth exceeds 20 centimetres in height on land in any township.

- (2) For the purposes of this clause “material or substances” includes undergrowth, scrub, weeds, stubble, grass (whether alive or dead and whether standing or not standing), and any other vegetation (excluding trees and established ornamental shrubs), wood, flammable liquid or substances.
- (3) To determine whether:
  - (a) There is on any premises any material which constitutes or may constitute a fire danger to or on property; or
  - (b) A fire break is required to be made or cleared on those premises;An authorised officer may enter and inspect those premises.

Penalty: 10 penalty units

**404**            ***Storage of unregistered vehicles***

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

**405**            ***Shipping Containers***

- (1) The owner or occupier of any land must not allow a shipping container, or other similar container, to be placed on any land, or to remain on any land, without a permit
- (2) Sub clause (1) does not apply where the use is allowed by the Planning Scheme or any Planning Permit issued by the relevant planning authority.

**406**            ***Caravans***

- (1) A person must not use a caravan, mobile home or temporary structure for the purpose of habitation without a permit.
- (2) Sub clause (1) does not apply to a Council registered caravan park.

**407**            ***Burning of material***

- (1) A person must not burn or allow any material, substance or thing to be burned on any land or public place or in any appliance in such a manner or to such an extent as to
  - (a) cause a nuisance
  - (b) be liable to be dangerous to the health of any person
  - (c) be offensive to any person
  - (d) be liable to be damaging or prejudicial to any property
- (2) Nothing in this Local Law prevents burning off by any public authority responsible for:
  - (a) the maintenance of public land under its control
  - (b) fire reduction purposes.

- 408**            **Removal of household waste**  
(1)    An occupier of a dwelling must remove all household waste from their property each week.  
(2)    The occupier of every dwelling or other land to which the Council provides a waste collection service (including a recyclable material and hard rubbish collection) must comply with any guidelines for domestic waste, recyclable and hard rubbish collection services and any such guidelines are an incorporated document under this local law.
- 409**            **Use of household waste bins**  
An occupier of a dwelling must  
(a)    keep at the dwelling the type and number of receptacles determined from time to time by Council for the storage and collection of household waste.  
(b)    maintain the household waste receptacles in good order and in a clean and inoffensive condition.  
(c)    only use the household waste receptacles in the manner and for the type of waste determined by Council from time to time.
- 410**            **Prevention of Hoarding**  
A person not authorised by the Council must not take or remove or interfere with any recyclable material or hard rubbish or collection point.
- 411**            **Keeping of Animals**  
An owner or occupier of any land on which an animal or animals are kept must ensure that  
(a)    the land is maintained in a sanitary and inoffensive condition  
(b)    keeping the animals does not attract, breed or harbour pests  
(c)    the shelter or housing for the animals is adequate in regard to the type and number of animals being kept  
(d)    the animals do not cause a noise nuisance
- 412**            **Limit to the number of animals to be kept**  
An owner or occupier of any separate rateable land must not, without a permit keep or allow to be kept on that land any more in number of each kind of animal than that determined by Council in accordance with clause 702.
- 413**            **Recreation Vehicles**  
No person may, without a permit use a Recreation Vehicle  
(a)    on any land within a township area or  
(b)    on any land controlled by Council.

**414**

***Camping on vacant land***

- (1) In this clause “camping” includes occupying or living in any caravan, tent, motor home, camper van or temporary dwelling.
- (2) The owner or occupier of any privately held land must not permit, allow or suffer any person to camp on that land without a permit.
- (3) Despite sub-clause (2) a permit is not required if all of the following conditions are met:
  - (a) The camping does not exceed a total aggregate of 60 days in any calendar year; and
  - (b) No rent, fee, licence, charge or other payment whether in money or kind is paid in respect of the camping; and
  - (c) The camping is not offensive and does not cause a nuisance particularly but not limited to noise, effluent or waste; and
  - (d) The camping does not take place within 6 metres of any frontage and 1.2 metres of any boundary and 30 metres of a watercourse; and
  - (e) No camping takes place on days declared to be days of total fire ban; and
  - (f) Any structures associated with the camping do not remain erected for more than an aggregate of 60 days in any calendar year; and
  - (g) There are adequate sanitary facilities for the camping and those facilities are maintained to the satisfaction of the council; and
  - (h) There are adequate waste water facilities for the camping and those facilities are maintained to the satisfaction of the council; and
  - (i) The land is not zoned residential under the Yarriambiack Planning Scheme; and
  - (j) The land is not less than 700 square metres in area.

Penalty: 20 penalty units

**415**

***Animal Litter***

The owner or person in charge of an animal must not allow any part of that animal's faeces to remain in or on a public place.

**416**

***Keeping of Bees or Roosters***

- (1) A person must not without a permit keep or allow to be kept any beehive or roosters within a township area or on land zoned Residential 1, Low Density Residential or Township under the Yarriambiack Planning Scheme.
- (2) This clause does not apply where a planning permit has been obtained for the purposes of keeping bees for commercial purposes.

## PART 5 – BUILDING SITES AND PROTECTION OF COUNCIL ASSETS

### 501 Definitions

Words	Meaning
Appointed Agent	Means the person authorised in writing by an owner of a building or land to make an application, appeal, referral or representation on their behalf.
Asset Protection Permit	Means a written permit issued by Council for the protection of public assets and infrastructure during building work.
Assets and infrastructure	Includes footpaths, kerb and channel, nature strips, vehicle crossings, street trees, drainage pits or any other assets vested in Council and for which it has responsibility for maintenance and repair.
Builder	Means a person who has applied to the Council (or any other person to whom such an application may be made) for a building permit or, if no such application has been made, the person in charge of any building work being carried out.
Builders' refuse	Includes any solid or liquid domestic or commercial waste, debris or rubbish, and without limiting the generality of the above, includes any glass, metal, plastic, paper, fabric, wood, food, food wrappers and containers, vegetation, soil, sand, concrete, rocks and any other waste material, substance or thing generated by or in connection with building work.
Building	Includes any structure or building, whether temporary or permanent, or any part of such building or structure.
Building site	Means any land on which building work is carried out.
Building work	Means work for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a building including landscaping, concreting, road construction and subdivision, In particular and without limiting the above, building work which affects the assets or utilities must be undertaken in accordance with all applicable legislation and regulations and by appropriately authorised people.
Completion of the building work	Means: <ul style="list-style-type: none"> <li>a) in relation to building work that under legislation requires an occupancy permit or its equivalent, the date the occupancy permit is issued;</li> <li>b) in relation to building work that under legislation operating at the time requires a certificate of final inspection or its equivalent, the date the certificate of final inspection is issued;</li> <li>c) in relation to building work that requires neither an occupancy permit nor certificate of final inspection or their equivalents, the</li> </ul>

Words	Meaning
	date the works being undertaken needs no further substantive work for it to be used or enjoyed for the purpose for which it is being constructed; and
Construction period	d) In relation to building work, where responsibility for the building site has been transferred, the date of written notification to council of the transfer of responsibility for the site. Means the period in which building work is carried out from its commencement of the completion of the building work.
Container	Means a suitable container not less than 1.5 square metres in volume that has a lid attached to it that is intended to prevent debris and other waste deposited in it from leaving the site and becoming windblown refuse.
Council Officer	Means any person appointed in writing by Council to be an Authorised or Delegated Officer for specified purposes or functions in accordance with relevant legislation.
Materials	Means any materials used in connection with building works.
Minor Building Work	Means building work valued at less than \$5,000.00 but excludes demolition and removal of building and structures (regardless of value).
Owner	In relation to a building means the owner of land on which the building is situated.
Site fencing	Means an enclosure that separates the building site or subdivision from the adjacent properties from the commencement of work until the works have been completed.
Stormwater system	Means stormwater system which provides for the conveyance of stormwater run-off including kerb and channel, open channels, underground pipe systems and natural waterways.
Subdivision work	Means any physical works that change the natural condition of the land, including the construction of roads and drains and the installation of utility services.
Temporary vehicle crossing	Is a constructed form of wooden panels or other Council approved structure over a bed of sand that extends from the boundary of a property over any public assets such as footpaths, nature strips, kerbs and channels to the road (carriageway) and is designed to minimise damage to the assets caused by motor vehicles and materials entering and leaving the property during the currency of building work.
Vehicle crossing	Is a bridge or crossing constructed to Council specifications over any footpath or channel next to a road (carriageway) to enable a person using the road to have access to the land on the other side of the footpath or channel.

**Asset Protection**

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

Penalty: 10 penalty units

- (6) The owner of any vehicle which:
  - (a) Accesses a building site; or
  - (b) Accesses land adjacent to a building site; or
  - (c) Accesses a building site via land adjacent to a building site

Otherwise than over a temporary vehicle crossing is guilty of an offence.

Penalty: 10 penalty units

**503**

***Fencing of Building Sites***

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

Penalty: 15 penalty units

**504**

***Inspection of building sites***

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



505

**Stormwater Protection**

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

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

Penalty: 15 penalty units

506

**Controlling Refuse and building materials**

- (1) Prior to the commencement of any building work the owner, builder or appointed agent must:
  - (a) Provide a container on the building site for disposing builders' refuse that may be windblown which must:
    - (i) Be maintained in working order by having a functioning lid that effectively contains all the builders' refuse on the building site to the satisfaction of Council; and
    - (ii) Be not less than 1.5 square metres in volume; and
    - (iii) Remain on the site at all times.
  - (b) Place the container on the building site and keep it in place until the building work is completed, except when it is necessary to remove it for the purpose of emptying it;
  - (c) Not place the container on any Council land, road, street or nature strip unless that is approved by Council;
  - (d) Remove the container within twenty-one days of completion of the building work or issue of the occupancy permit, whichever occurs last;
  - (e) Empty the container immediately when full and provide a replacement if the container has to be removed from the building site during the emptying process;
  - (f) Prevent mud and dirt being carried out by vehicles from the building site onto adjoining roads;
  - (g) Be responsible for the tidiness of any abutting nature strip and ensure no refuse or building materials, vehicles or items are placed on nature strips or other Council land, unless approved by Council;
  - (h) Ensure that no refuse or building materials, vehicles or items are placed on any adjoining property that is not under their ownership or control;
  - (i) Ensure that any footpath adjacent to the building site to which the building permit relates or likely to be affected by the building work is kept clear of mud and dirt at all times; and

- (j) Ensure that all polystyrene materials on the building site are secured at all times so that any surplus cannot leave the building site without human assistance.

Penalty: 10 penalty units

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

**507            *Disposal of builders' refuse***

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

- (a) all builders' refuse that could become windblown refuse or litter is placed in the container referred to in Clause 506;
- (b) any builders' refuse is not deposited in or on any land other than the building site directly under their control;
- (c) the builders' refuse is not deposited in or over any part of the stormwater system; and
- (d) all residual polystyrene foam material is removed from the site within 48 hours of the completion of the slab pour.

Penalty: 10 penalty units

**508            *Removal of builders' refuse***

- (1) On any land where building work is being or has been carried out the owner, builder or appointed agent must remove and lawfully dispose of all refuse including, without limiting the generality of the above, the builders' refuse in the container referred to in Clause 506, within twenty-one days of completion of the building work or issue of an occupancy permit, whichever occurs last.
- (2) The driver of any vehicle involved in placing or removing builders' refuse containers must access the building site by way of a temporary vehicle crossing unless otherwise permitted by Council and in accordance with that permission.

Penalty: 10 penalty units

509

***Sanitary Facilities***

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

Penalty: 10 penalty units

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

Penalty: 10 penalty units

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

510

***Identifying a building site***

- (1) Prior to the commencement of any building work the owner, builder or appointed agent must erect a sign at the main entrance of the building site which must:
  - (a) Be at least 800 mm in height and 1200 mm in width;
  - (b) Be placed in such a location that makes it clearly visible and legible from the road;
  - (c) Contain the lot number of the site as described in the relevant Certificate of Title; and
  - (d) Identifies the name, postal address and a business hours contact telephone number of the person in charge of the building work.
- (2) The sign referred to in Clause 510(1) must be displayed until the completion of building work.
- (3) If, prior to the completion of the building work, there is a change of builder, the owner must, within seven days of that change, give written notice to Council.
- (4) The notice under Clause 510(3) must specify the date of the change of builder and be signed by the owner, the builder who has been replaced and the new builder.
- (5) From the date of receipt of the notice under Clause 510(3) the new builder specified in the notice becomes the builder for the purposes of this Local Law.

- (6) Prior to the commencement of any subdivision work the owner, person contracted to undertake the subdivision work or appointed agent must erect a sign at each access gate to the subdivision that complies with the following requirements. The sign must:
- (a) Be at least 800 mm in height and 1200 mm in width;
  - (b) Be placed in such a location that makes it clearly visible and legible from the road;
  - (c) Contain the name of the person or organisation which owns the subdivision; and
  - (d) Identify the name, postal address and a business contact telephone number of the person in charge of the subdivision works which can be reached 24 hours a day.
- (7) The sign referred to in Clause 510(6) must be displayed until completion of the subdivision work.

Penalty: 10 penalty units

**511 Works on roads or Council land**

A person must not, without a permit on a Road or on Council Land -

- (a) make a hole or excavation; or
- (b) remove any materials; or
- (c) interfere with or damage any council asset including water course, gutter, drain, tunnel, bridge, culvert or fence; or
- (d) damage, interfere with or tap into a drain owned by Council.

**512 Vehicle crossings**

An owner or occupier of land must not without a permit, cause or permit any vehicle to enter or leave that land unless a vehicle crossing that is

- (a) constructed to a standard approved by Council and
- (b) maintained in good repair and
- (c) adjacent to the entry to the land is provided for that vehicle.

**513 Permit required for a vehicle crossing**

A person must not without a permit construct, install, remove or alter a Vehicle crossing.

**514 Compliance with directions**

- (1) A person must comply with any reasonable direction of an authorised officer, member of Council staff who manages and controls Council land, a member of the Police or an emergency service when requested to do so and when acting in the course of his or her duties, whether or not the person has a permit under this Local Law.

Penalty: 10 penalty units

## **PART 6 – PERMITS**

### **601 Council may determine standard conditions for permits**

- (1) Council may from time to time determine
  - (a) standard matters that will be considered before the granting of permits.
  - (b) standard conditions that may be included in permits.
- (2) Any determination made under clause 601(1) must be in accordance with clause 702

### **602 Applications for permits**

- (1) A person applying for a permit under any clause of this Local Law must lodge with Council:
  - (a) an application in a form determined by Council for that particular purpose; and
  - (b) any application fee determined by resolution of Council.
- (2) The Council may require an applicant to provide additional information before dealing with an application for a permit or for exemption.
- (3) The Council may require the applicant to provide written proof that the consent of the land owner has been obtained where the applicant is not the owner of the subject property.
- (4) The Council may require a person making an application for a permit to give public notice inviting any person to make a submission and to be heard in accordance with section 223 of the Act.

### **603 Issue of permits**

After considering the matters prescribed in its Local Law Procedures Manual and any objections, the Council may:

- (a) issue a permit with or without conditions or
- (b) refuse to issue a permit.
- (a) exempt a class or type of applicant or activity from the requirement to obtain a permit.

### **604 Currency of permit**

- (1) Unless it is sooner revoked or renewed, any permit will continue in force for the period specified in the permit, or, if no period is specified, for a period of 12 months from the date of its issue or renewal.
- (2) Any permit issued under this Local Law shall be personal to the person to whom it is issued and does not authorise any other person to do what is authorised by the permit.
- (3) A permit holder must not assign, transfer or encumber his or her permit.

**605**            ***Permit may be conditional***

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

- (a) the payment of a fee or charge;
- (b) a standard to be applied;
- (c) a time limit to be applied either specifying the duration, commencement or completion date;
- (d) that the permit is subject to the happening of an event;
- (e) the rectification, remedying or restoration of a situation or circumstance;
- (f) the granting of some other permit, authorisation or agreement;
- (g) any other condition considered necessary by the Council.

**606**            ***Permit holder to comply with conditions***

The holder of a permit issued under this Local Law must comply with the conditions of permit.

**607**            ***Revocation of permit***

If, in the opinion of Council:

- (a) a permit holder has failed to comply with any conditions of the permit;
- (b) there has been a material misstatement or concealment of fact in relation to the grant of the permit;
- (c) there has been a material change of circumstances since the grant of the permit; or
- (d) a Notice to Comply has been issued but not complied with;

it may revoke the permit.

**608**            ***Register of permits***

- (1) Council must keep a register of all permits issued under this Local Law.
- (2) Council must note the:
  - (a) correction; and
  - (b) revocation

Of any permit in the register.

## **PART 7 – FEES, DECLARATIONS AND STANDARDS**

### **701            *Setting Fees and Charges***

- (1) any fees, charges, guarantees or bonds that are applied for the purpose of this Local Law shall first be
  - (a) adopted by resolution of the Council
  - (b) fees subject to change set by Council resolution from time to time
- (2) In determining any fees and charges the Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge.
- (3) The Chief Executive Officer may waive, reduce or alter any specific fee, charge, and bond or guarantee with or without conditions.

### **702            *Procedure for determining and regulating matters***

Any determinations made from time to time by Council for the purpose of this Local Law must be consistent with the objectives of the Local Law and shall, as far as is practicable, be made in accordance with the Local Laws Procedures Manual by the Council, CEO or delegate but no determination shall be invalid only by reason of failure to comply with this clause

### **703            *Procedures Manual to be maintained***

The Local Laws Procedures Manual kept for the purposes of this Part will be made available for inspection and sale at the office of the Council during normal office hours.

### **704            *Procedures Manual an Incorporated Document***

The Local Laws Procedures Manual is a document incorporated into this Local Law.

## **PART 8 – ENFORCEMENT**

### **801            *Authorised Officers may issue a Notice to Comply***

Where an authorised officer has reason to believe that a breach of this Local Law has occurred, the officer may by serving a Notice to Comply direct any person to remedy any situation which constitutes a breach of this Local Law or do anything required to be done under this Local Law. A Notice to Comply must be essentially in the form of Schedule 4

### **802            *Failure to adhere to a Notice to Comply***

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

### **803            *Authorised officer may impound animals or things***

- (1) If any animal or thing required to be removed by a Notice to Comply is not removed within the required time, an authorised officer may impound that animal or thing in accordance with clause 804
- (2) When all reasonable steps have failed to identify the owner or person responsible for an object or thing that is in breach of this Local Law an authorized officer may impound that object or thing in accordance with clause 804.

### **804            *Control of impounded items***

- (1) As soon as practicable after impounding an animal or thing under clause 803(1) the authorized officer must serve a Notice of Impoundment generally in the form of Schedule 3 on the owner or person to whom the Notice to Comply was issued.
- (2) The authorized officer may refuse to release an animal or thing impounded under clause 803(1) until the appropriate fee or charge for its release has been paid to Council.
- (3) The Council may charge such fees and charges for the impoundment of any animal or thing as set by the Council from time to time.
- (4) If, after seven (7) days of issue of the Impoundment Notice, an impounded item is not retrieved, an authorized officer may dispose of the impounded item in accordance with the policy of Council as determined from time to time.
- (5) If an object or thing impounded under clause 803(2) is not retrieved by the owner within 10 days from the impounding of that object an authorized officer may dispose of the impounded item in accordance with the policy of Council as determined from time to time.



- (6) The proceeds from the disposal of an impounded item (if any) are payable to the owner after deducting the reasonable costs incurred by Council in the administration of this Part. Such proceeds may be claimed by the owner within one (1) year of sale after which the proceeds are to be paid to the Council absolutely.
- (7) Where an animal is impounded pursuant to Clause 803(1) and where the impounded animal is livestock and the Local Law is consistent with the Impounding of Livestock Act 1994 then the Act prevails and Part 8 is to be read subject to the Act.

### **805 Urgent Powers**

An Authorised Officer may, in urgent circumstances arising from a failure to comply with this Local Law, take action to remove, remedy or rectify a situation, without the necessity to serve a Notice to Comply provided -

- (a) he or she considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice, may place a person, animal, property or thing at risk or in danger;
- (b) details of the circumstances and remedying action are as soon as possible forwarded to the person on whose behalf the action was taken; and
- (c) the action taken does not extend beyond what is necessary to cause the immediate abatement of or to minimise the risk or danger involved.

### **806 Offences and penalties**

Any person who whether wilfully or not -

- (a) fails to do anything directed or required to be done;
- (b) does anything forbidden;
- (c) contravenes a condition included in a permit

is guilty of an offence against this Local Law is liable to a penalty not exceeding;

10 penalty units for a first offence,  
20 penalty units for a subsequent offence and with a daily  
penalty of 2 penalty units for each day the offence continues after  
conviction.

The penalties for an offence in respect of which a Local Law Infringement Notice is issued are set out in Schedule 2.

**807**

***Infringement Notices***

- (1) An Authorised Officer may serve a Local Law Infringement Notice in the form of Schedule 1 on a person whom the officer believes has committed an infringement referred to in Schedule 2.
- (2) To avoid prosecution, the penalty indicated on a Local Law Infringement Notice should be paid to the Chief Executive Officer, Yarriambiack Shire Council within 28 days from the date of the infringement notice.
- (3) Any person served with a Local Law Infringement Notice is entitled to disregard the notice and defend the prosecution in Court.
- (4) A Local Law Infringement Notice may be withdrawn by an Authorised Officer following representations from the person served with the Local Law Infringement Notice or made on behalf of that person.

**808**

***Appeals***

Any person who is aggrieved by any matter under this Local Law may apply to the Council to be heard and may make a written submission for consideration by the 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 under this Local Law.

**809**

***Owner Onus***

- (1) Offences against clauses 201, 205, 206, 301, 302, 303, 304, 305, 306, 308, 409 and 511 in this local law and any other offence that may be committed by the driver or person in charge of a motor vehicle or trailer are owner onus offences for the purposes of Part 6AA of the Road Safety Act 1986.
- (2) The owner of the vehicle or the responsible person is liable for the offence and the same penalty subject to the provisions of that Act. [Note: refer to s84BC(1) of the Road Safety Act 1986.]

**810**

***Nomination by Owner***

- (1) The owner or operator of any vehicle or trailer must provide all information in their possession or knowledge to an authorised officer within 14 days after being requested any information that will identify the driver or person in charge of the vehicle or trailer at the time that the officer believes that an offence has been committed provided that the officer provides sufficient details to enable the person to sufficiently identify the time, place and nature of the offence that the officer believes has been committed.

## SCHEDULE 1



Local Law No.5 – General Local Law

### LOCAL LAW INFRINGEMENT NOTICE

1. Date of Notice
2. Name of Alleged Offender  
Surname  
Other Names
3. Address of Alleged Offender
4. Nature of Offence Alleged to have been Committed
5. Date of Alleged Offence
6. Time of Alleged Offence
7. Place of Alleged Offence
8. Amount of Fixed Penalty
9. Period within Which and Place Where Fixed Penalty May be Paid

To avoid prosecution the penalty indicated should be paid within twenty eight days from the date of this Notice by either presenting or sending this Notice and payment for the full penalty amount (not part payment) to Yarriambiack Shire Council, 34 Lyle Street, Warracknabeal 3393. All cheques and money orders should be marked "*not-negotiable*" and made payable to Yarriambiack Shire City Council.

10. The alleged offender is entitled to disregard this Notice and defend the prosecution for the offence in Court.

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Signature of Authorised Officer

## SCHEDULE 2



### Local Law No.5 – General Local Law

#### PENALTIES FOR INFRINGEMENT

Clause	Offence	Infringement Penalty
201	(a) place goods for display on a road	1.5 penalty unit
	(b) place movable advertising signs on a road	1.5 penalty unit
	(d) place street furniture on a road	2 penalty unit
	(e) conduct street stalls on a road	1.5 penalty unit
	(f) conduct circuses, carnivals, festivals, street parties or processions on a road	3 penalty unit
	(g) leave abandoned motor vehicles or trailers	1.5 penalty unit
	(h) conduct itinerant trading on a road	2 penalty unit
	(i) leave a skip or bulk rubbish on a road	3 penalty unit
	(l) place building materials on a road	3 penalty unit
	(m) leave a shopping trolley on a road	3 penalty unit
	(n) conduct the repair, maintenance or dismantling of motor vehicles on a road	0.5 penalty units 3 penalty unit
	(o) place or leave any other thing on a road	2 penalty unit
	202	Allowing a plant to overhang footpath
203	Failure to display property number	0.5 penalty unit
204	Failure to ensure adequate fencing for livestock	6 penalty units
205	Droving livestock without a permit	2 penalty units
206	(a) Moving stock after dark	3 penalty units
	(b) Moving stock on roads declared for conservation	3 penalty units
	(c) Moving stock without sufficient control	3 penalty units
	(d) Failing to warn drivers about moving stock	3 penalty units
301	Failure to obey a Council sign	2 penalty unit
302	Possessing open liquor in a restricted area	3 penalty unit
303	(a) Use offensive language	3 penalty unit
	(b) Cause detriment to property	3 penalty unit
304	Camping in a public place	1 penalty unit
305	Noise from Vehicles in Public Places	2 penalty unit
306	Repair of Vehicles on roads or public places	2 penalty unit

Clause	Offence	Infringement Penalty
307	Recreation vehicles on footpaths	0.5 penalty unit
401	Allowing land to be unsightly	3 penalty unit
402	Land not to be dangerous	4 penalty unit
404	Storage of unregistered vehicles	2 penalty unit
405	Shipping Containers	2 penalty unit
406	Caravans	1 penalty unit
407	(a) Burning material so as to cause a nuisance	2 penalty unit
	(b) Burning material so as to be liable to be dangerous	3 penalty units
	(c) Burning material so as to be offensive	2 Penalty units
	(d) Burning material so as to be prejudicial to property	3 Penalty Units
408	Failure to remove household waste	2 penalty unit
409	(a) failure to keep household waste receptacle	0.5 penalty unit
	(b) failure to maintain household waste receptacle	0.5 penalty unit
	(c) failure to use household waste receptacle as determined	0.5 penalty units
410	Prevention of Hoarding	1 penalty unit
411	(a) Keeping animals in offensive condition	3 penalty unit
	(b) Allowing animals to attract pests	2 penalty units
	(c) Housing animals within two metres of property boundary	1 penalty units
	(d) Allowing animals to cause a noise nuisance	3 penalty unit
412	Keeping excess animals without a permit	2 penalty unit
413	(a) Using a recreational vehicle in a township area without a permit	1.5 penalty unit
	(b) Using a recreational vehicle on Council land without a permit	1.5 penalty unit
415	Failure to remove animal faeces from a public place	1.5 penalty units
416	Keeping bees & roosters in a township without a permit	1.5 penalty unit
511	(a) Making a hole in a road without a permit	3 penalty units
	(b) Remove any materials from a road	3 penalty units
	(c) Interfere with a Council asset	3 penalty units
	(d) Interfere with a Council drain	3 penalty units
512	Vehicle crossings	1 penalty unit
513	Constructing a vehicle crossing without a permit	1.5 penalty unit
606	Failing to comply with conditions of a permit	2 penalty unit
802	Failing to adhere to a Notice to Comply	4 penalty units

# SCHEDULE 3



Local Law No.5 – General Local Law

## NOTICE OF IMPOUNDMENT

To: .....

Address: .....

.....

These items listed have been impounded under clause: \_\_\_\_\_ of the Councils General Local Law No.5

Reason for Impoundment:

.....  
.....  
.....

Items Impounded: .....

.....  
.....

IMPOUND DATE: ..... IMPOUND RELEASE FEE: \$.....

If you fail to re-claim the items listed in this Notice within 7 days of the issue of this notice Council may dispose of or sell the impounded items to recover any costs that it has incurred.

To re-claim your property contact the Local Laws Officer at the Municipal Offices Warracknabeal during normal business hours 9am – 5pm Mon – Fri and pay the Impound fee specified above.

Authorised Officer: .....

Officers Signature: .....

DATE NOTICE ISSUED: .....

NOTICE SERVED: Personally / registered Mail.

# SCHEDULE 4



## NOTICE TO COMPLY

To: .....

Address: .....

.....

The following constitutes a breach under clause: \_\_\_\_\_ of the Councils General Local Law.

Details of breach:

.....

.....

.....

To remedy the breach you must carry out the following work or do the following by:

..... AM / PM on the ...../...../..... (Completion Date)

Details of work:

.....

.....

.....

If you fail to comply with this Notice you will be guilty of an offence and liable for payment of the penalty of four penalty units. If you fail to carry out any work required by this Notice it may be done by the Council or another person authorised by the Council at your cost pursuant to Section 225 of the Local Government Act. 1989.

If you require further information regarding this Notice contact the Authorised Officer who issued it. To do this, call the Municipal Offices during normal business hours 9am – 5pm Mon – Fri Ph: 53980 0100.

Authorised Officer: ..... Officers Signature: .....

Recipients Signature: ..... Date Issued: .....  
(If available)

NOTE: If this Notice relates to the contravention of a permit or a condition of a permit and there is failure to comply with this Notice, the permit may then be cancelled. If you do not wish to have the permit cancelled you should either comply with this Notice, or write to the Local Laws Officer P.O. Box 243 Warracknabeal 3393 prior to the completion date specified in this Notice and state the reasons why it should not be cancelled.



**Yarriambiack**

SHIRE COUNCIL

# **GENERAL LOCAL LAW NO.5**

## **PROCEDURES MANUAL**



## PRELIMINARY

This procedures manual has been created pursuant to the Yarriambiack General Local Law No.5. It contains all of the determinations that Council has made for the purpose of the Local Law.

When using this handbook the reader should also make reference to the corresponding clause of the Local Law.

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# USE OF FOOTPATHS BY TRADERS

## **See Clause 201(2) (a - e) of Local Law**

The extended public liability insurance that Council acquires to cover trading on its footpaths will be funded by fees charged for the use of the footpaths.

### **Fees for permits**

No fee shall apply to permits issued for use of footpaths.

Council will only grant permits for the use of footpaths under the following conditions.

### **Area of footpath available for use**

No items (fixed or temporary) may be placed on the Walkway Section of the footpath. The Walkway Section extends 1.5m from the property line toward the curb.

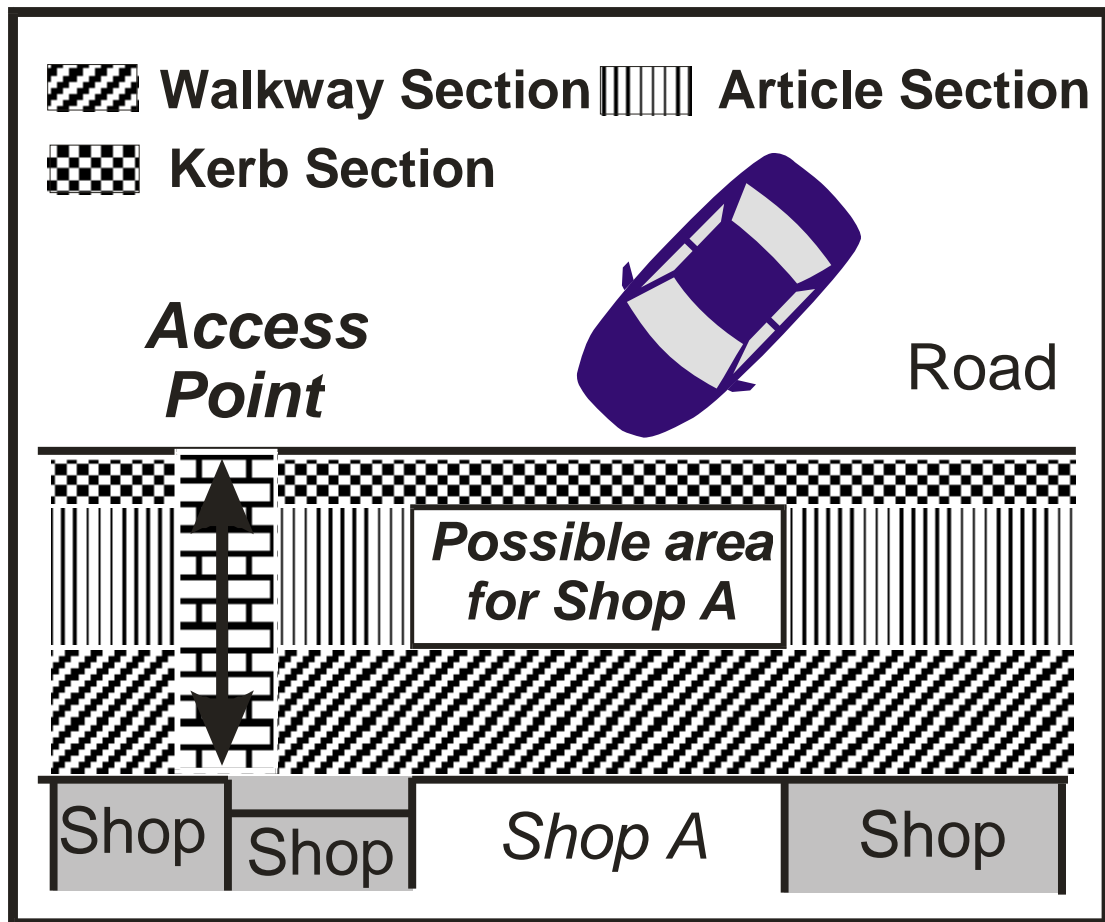
No items (fixed or temporary) may be located on the Kerb Section of the footpath. The first 0.70 metres of the footpath from the face of the kerb (gutter) must be kept clear.

No items (fixed or temporary) may be placed on Access Points of the footpath.

Clear and regular access from the footpath to the road must be provided. Access Points should be located approximately every 10 metres.

Head clearance of 2.4 metres above the footpath must be maintained.

Any Code of Practice, Standard or Policy relating to people with a disability must be complied with.



### Equipment that may be used

#### Tables:

- Should provide a positive contribution to the amenity of the street
- Should not be of a material that will easily deteriorate or discolour
- Should be stable and safe to diners and pedestrians
- Must not be lightweight (as they can be flimsy and move easily in the wind)
- Must be removed after hours and no permanent furniture will be considered
- Should not have a perforated top
- Should be kept stable at all times (with adjustable legs preferred) and must not be propped up (to keep stable/level) in a temporary manner (i.e. with paper, wood pieces etc).
- Should have rubber/plastic stops on the legs (to stop slippage and to prevent damage to the footpath)
- With legs that form a central column are preferred
- May have locking fixtures into the footpath (fixture design must be to the satisfaction of Council)

*Chairs:*

- Should provide a positive contribution to the amenity of the street
- Should not be of a material that will easily deteriorate or discolour
- Should be stable and safe for diners and pedestrians
- Must be removed after trading hours (no permanent furniture will be considered)
- Must not be lightweight (as they can be flimsy and move easily in the wind)
- Should be individual single seats only
- Should have rubber/plastic stops on the legs (to stop slippage and to prevent damage to the footpath)
- Should have four legs
- Should be placed on the footpath with no locking fixtures into the footpath

*Umbrellas:*

- Should provide a positive contribution to the amenity of the street
- Should not be of a material that will easily deteriorate or discolour
- Should be stable and safe to diners and pedestrians
- Must be removed after trading hours (no permanent furniture will be considered)
- Must be appropriately restrained so they cannot move easily in the wind (an umbrella simply through a dining table and/or a brick around its base is not considered appropriate restraint)
- Should have locking fixtures into the footpath or veranda (fixture design must be to the satisfaction of Council)
- Must have an underside clearance of 2.4 metres

*A – Frames (advertising boards):*

A maximum of two advertising boards may be approved for each business and they must generally:

- Have no oscillating or moving parts
- Be removed out of business hours
- Have no notices, signs or other objects attached
- Be of solid construction and sufficient weight to prevent them being blown over

General Local Law No. 5  
**APPLICATION for PERMIT**

**USE of FOOTPATH for TRADE**



Applicants name ..... Phone .....

Business name .....

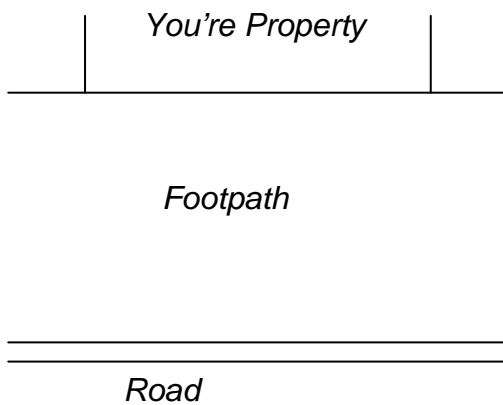
Business address .....

**What do you want to use the footpath for and what items do you propose to place on the footpath?**

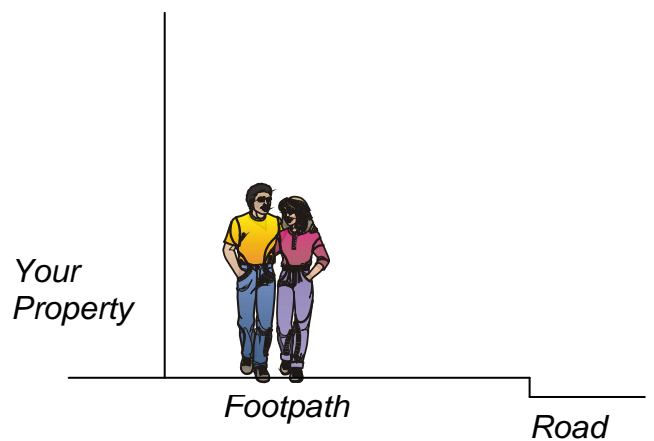
.....  
 .....  
 .....  
 .....

**What part of the footpath do you propose to use or place items?** (please indicate existing and proposed items and approx dimensions and setbacks)

**Overhead PLAN**



**Side ELEVATION**



Signature

Date

Rec. No.

Amount

## **CARNIVALS, PROCESSIONS, etc. ON ROADS**

### **See Clause 201(2)(F) of Local Law**

#### **Fees for permits**

The fee for an application for the issue of a daily permit to use a road for a carnival, procession, etc is \$50.00. Any costs incurred by Council e.g. signage, street cleaning, repairs, traffic control, etc. will be negotiated separately.

#### **Matters to be considered**

In deciding whether to grant a permit for circuses, carnivals, festivals, street parties or processions on roads the Council will take into consideration:

- (a) the location of the road; and
- (b) the suitability of the road; and
- (c) the duration of the event; and
- (d) the proposed hours of operation; and
- (e) the availability of sanitary facilities to the event; and
- (f) the likely damage to be caused; and
- (g) the amenity of the area; and
- (h) the availability of parking; and
- (i) the likely effects on traffic in the area; and
- (j) the safety and wellbeing of any person, including any person with a disability; and
- (k) any other matter relevant to the circumstances associated with the application.

# DROVING OF LIVESTOCK

## See Clause 205 of Local Law

### Fees for permits

The fee for an application for the issue of a permit to drive livestock is \$200.00

### Matters to be considered

- (a) In deciding whether to grant a permit for droving of livestock the Council will take into consideration:
- (b) Whether the proposed route is the most direct practicable from the point of departure to the point of destination through any part of the Municipal district
- (c) Whether the proposed route is sufficiently fenced to prevent the entry of livestock onto properties.
- (d) Whether damage to sensitive plants or plants of conservation value is likely.
- (e) Whether the livestock are able to travel a distance of nine (9) kilometres a day in a forward direction towards the destination.
- (f) That prior written approval of the Regional Manager, Department of Environment and Sustainability, Horsham is obtained for the livestock to pass through or camp on any Crown Land on the route.
- (g) That the absolute number of livestock to be driven does not exceed a total of 4,000 sheep **or** 400 of any other livestock.

### Standard Conditions

Any permit issued will include the following standard conditions:

This permit is issued subject to the following conditions:

- (1) Except where specific allowance is made for ewes with lambs as an "Other Condition" under sub-clause (6) below, the livestock is required to travel a distance of at least nine (9) kilometres a day in a forward direction toward the destination.
- (2) The person in charge of droving is at least 18 years of age and is competent in handling livestock, is present and supervises the livestock being driven at all times in such a manner as to ensure the safety of all road users.

- (3) Livestock camped overnight must be enclosed by a substantial and secure fence proved and erected by the person in charge of the livestock to the satisfaction of the Authorised Officer. Such fence shall not include any part of an existing farm fence except with the specific agreement of the adjoining landowner or landowners.
- (4) The person in charge of the livestock shall properly dispose of the carcass of any livestock under his or her charge which die whilst within the Municipal district.
- (5) The said livestock shall be driven only during daylight hours.
- (6) Other conditions:  
.....  
.....  
.....  
.....  
.....



## **LIQUOR NOT TO BE CONSUMED IN SPECIFIED AREAS**

### **See Clause 302 of Local Law**

For the purposes of clause 302 the following areas and times are restricted for the consumption of alcohol or carrying alcohol in an open container.

- 1 At any time in a public place within that part of the town of Warracknabeal bounded by and including Lyle Street, Jamouneau Street, Kelsall Street, and Devereux Street.
  
- 2 At any time in a public place within that part of the town of Warracknabeal bounded by and including Jamouneau Street, Lyle Street, Anderson Street and the laneway on the north side of the Warracknabeal Leisure Centre.
  
- 3 At any time in Main Street, Minyip between McLeod Street and the railway line.
  
- 4 At any time in Cromie Street, Rupanyup.
  
- 5 Between the hours of 11pm and 6am in any Public Place within a township area in the Shire of Yarriambiack.

**Note:**

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

# CAMPING IN PUBLIC PLACES

## See Clause 304 of Local Law

### Fees for permits

The fee for an application for the issue of a permit to use a public place for camping is \$50.00

### Matters to be considered

In deciding whether to grant a permit for using a public place for camping the Council will take into consideration:

- (a) the location of the site; and
- (b) the suitability of the site; and
- (c) the intended duration of occupancy; and
- (d) the availability of sanitary facilities to the site; and
- (e) the likely damage to be caused; and
- (f) the amenity of the area; and
- (g) site access and the availability of parking; and
- (h) the likely effects on traffic in the area; and
- (i) the likely effects on neighbouring residents including residents with a disability; and
- (j) any environmental impact; and
- (k) any other matter relevant to the circumstances associated with the application.

### Standard Conditions

Any permit issued will include the following standard conditions:

This permit is issued subject to the following conditions:

- (1) The permit holder shall remove all litter from the site unless Council has provided waste receptacles.
- (2) No recreation vehicles will be used unless a permit has been issued.

(3) All night soil will be removed from the site or buried with at least 300mm of soil cover and at least 50 metres from the edge of any body of water or water course.

(4) The permit holder shall not allow any activity which may be detrimental to the flora and fauna of the site.

(5) Other conditions:  
.....  
.....

# STORAGE OF UNREGISTERED VEHICLES

## See Clause 404 of Local Law

### Fees for permits

The fee for an application for the issue of a permit to store more than one unregistered vehicle exposed to view is \$50.00 per year.

### Matters to be considered

In deciding whether to grant a permit for the storage of vehicles the Council will take into consideration :

- (a) the zoning of the land; and
- (b) the amenity of the area including the amenity of any neighbouring properties; and
- (c) the type and additional numbers of vehicles to be kept; and
- (d) the likely effects on adjoining occupants, including any adjoining occupants with a disability; and
- (e) any other matter relevant to the circumstances associated with the application.

While assessing an application for a permit Council will make all reasonable effort to canvass the views of any neighbour who is likely to be affected by the granting of a the permit.

### Standard Conditions

Any permit issued will include the following standard conditions:

This permit is issued subject to the following conditions:

- (1) The permit holder shall not allow the dismantling of vehicles on site for the purpose of sale of components.
- (2) All fluids shall be drained into appropriate containers for disposal in an approved manner.
- (3) Vegetation around vehicles is to be controlled
- (4) Other conditions:.....

## LIMIT TO THE NUMBER OF ANIMALS TO BE KEPT

### See Clause 412 of Local Law

For the purposes of clause 407 the following numbers of animals are the **maximum** that may be kept without a permit.

Type of Animal	in township areas	in rural areas
Dogs	2	5
Cats	3	5
Hen fowls	12	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/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
Other animals and birds	0	no maximum limit

For the purposes of calculating the maximum number of animals kept, the progeny of any dog or cat will be exempt for a period of 12 weeks after their birth.

### Fees for permits

The fee for an application for the issue of a permit to keep more than the permitted number of animals is \$50.00

### **Matters to be considered**

In deciding whether to grant a permit for additional animals the Council will take into consideration :

- (a) the zoning of the land; and
- (b) the proximity to adjoining properties; and
- (c) the amenity of the area; and
- (d) the type and additional numbers of animals to be kept; and
- (e) the likely effects on adjoining owners; and
- (f) the adequacy of animal shelters; and
- (g) the requirements of any relevant legislation; and
- (h) the health and wellbeing of any person, including any person with a disability; and
- (i) any other matter relevant to the circumstances associated with the application.

While assessing an application for a permit Council will make all reasonable effort to canvass the views of any neighbour who is likely to be affected by the granting of a the permit.

### **Standard Conditions**

Any permit issued for additional animals will include the following standard conditions:

This permit is issued on condition that the permit holder shall:

1. Provide sufficient shelter, exercise, feed and water for all animals intended to be kept.
2. Ensure that the animal housing is maintained to avoid the harborage of pests or vermin and has sufficient ventilation to prevent any onset or harboring of disease.
3. Ensure that feed storage containers are vermin proof and that any feed spills regularly cleaned up.

4. Not allow excessive noise to the annoyance of neighbors.
5. Not allow odor to be detectable at any adjoining property.
6. Ensure that all manure shall be removed daily.
7. Maintain fencing so as to be of a suitable size or height to contain the animal/s being kept and be of a design that poses no threat to the safety of the animals.

Other conditions:

.....  
.....

# RECREATION VEHICLES

## See Clause 413 of Local Law

### Fees for permits

The fee for an application for the issue of a permit to use a recreation Vehicle in an area that requires a permit is \$50.00.

### Matters to be considered

In deciding whether to grant a permit to use a Recreation Vehicle the Council will take into consideration :

- (a) the zoning of the land; and
- (b) the proximity to adjoining properties; and
- (c) the likely effects on the amenity of the area especially with regard to noise and dust; and
- (d) the likely damage to valuable vegetation and soil stability; and
- (e) the health and wellbeing of any person, including any person with a disability; and
- (f) any other matter relevant to the circumstances associated with the application.

While assessing an application for a permit Council will make all reasonable effort to canvass the views of any neighbour who is likely to be affected by the granting of a the permit.



General Local Law No. 5  
**APPLICATION for PERMIT**



***USE of RECREATION VEHICLE***

**Applicants name** .....

**Phone (H)** ..... **(B)** .....

**Address** .....

.....

I wish to use the following recreation vehicle/s on the following land which is  
*(i) in a township area or (ii) controlled by Council* and described below.

**Specification of vehicle/s** .....

.....

**Days / Times to be used** .....

**Land to be used** (include plan if required)

.....

.....

.....

**Signature of Applicant** ..... **Date** .....

**Signature of Land Owner** ..... **Date** .....

Amount: \$

Rec. No.

# KEEPING OF BEES

## See Clause 415 of Local Law

### Fees for permits

The fee for an application for the issue of a permit to keep bees in an area requiring a permit is \$50.00.

### Matters to be considered

In deciding whether to grant a permit to keep bees in a township area the Council will take into consideration :

- (a) whether the applicant is a registered bee keeper and keeps the hive in accordance with the Code of Practice for bee keeping;
- (b) the location is not a public place;
- (c) the location and distance of the hives from the premises boundaries;
- (c) the numbers and type of boxes to be kept on the premises;
- (d) the likely nuisance or danger to any person;
- (e) the availability and location of the hives to a permanent supply of water;
- (f) the ability to protect surrounding premises by a screen that is impenetrable to bees and which forms a continuous barrier around the hives;
- (g) whether the hives will comply with any requirements of the Department of Environment and Sustainability;
- (h) the health or wellbeing of any person, including any person with a disability;
- (i) any other matter relevant to the circumstances associated with the application.

While assessing an application for a permit Council will make all reasonable effort to canvass the views of any neighbour who is likely to be affected by the granting of a the permit.