

LODDON SHIRE COUNCIL

COMMUNITY LOCAL LAW 2022



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This document is available in alternative formats (e.g. larger font) if requested.

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PART 1 – PRELIMINARY

1. Title

This is the Community Local Law 2022 of the Loddon Shire Council and is referred to as “this Local Law”.

2. Objective

The objectives of this Local Law are to provide for:

- a) the peace, order and good governance of the Loddon Shire;
- b) a safe and healthy environment in which residents and visitors can enjoy a quality of life that meets their expectations;
- c) the protection and enhancement of community amenity;
- d) the control of activities or land use which may be hazardous, unsafe or detrimental to the quality of life or the environment;
- e) the fair and reasonable use and enjoyment of private land; and
- f) fair and consistent administration of this Local Law.

3. The power to make this Local Law

This Local Law is made pursuant to Section 71 of the *Local Government Act 2020* and Section 42 of the *Domestic Animals Act 1994*.

4. Commencement

This Local Law commences on the day following the gazettal of the Local Law in the Victoria Government Gazette.

5. Previous Local Laws

On the commencement of this Local Law, the following Local Law is revoked:

- a) Local Law No. 4 – Environment (2015)

The following Local Laws have expired:

- a) Local Law No. 2 – Streets and Roads (2010)
- b) Local Law No. 3 – Municipal Places (2006)
- c) Local Law No. 5 – Livestock (2005)

6. Local Law Ceases to Operate

This Local Law will cease to operate in accordance with Section 84 of the *Local Government Act 2020*.

7. Application and Scope of this Local Law

The application and scope of this Local Law is as follows:

- a) This Local Law applies at all times throughout the whole of the municipal district of the Loddon Shire Council except where it is apparent from its wording that a clause or schedule applies to a specific area only;
- b) Where this Local Law applies to a road, it applies to all parts of the road;
- c) The provisions of this Local Law apply to the extent that they are not inconsistent with any Act, Rule or Regulation applicable to the Loddon Shire Council;
- d) Where this Local Law prohibits any act, matter or thing, or provides that such act, matter or thing can only be done or exist with a permit, that prohibition or provision will not apply if the act, matter or thing can be done or can exist by reason of the Loddon Planning Scheme;
- e) References to any land in this Local Law include buildings and other structures permanently affixed to the land and any land covered with water.

8. Definitions

In this Local Law, unless the context or subject matter indicates otherwise, definitions are as in the *Local Government Act 2020*, or where applicable, the *Local Government Act 1989*, indicated by the words "the Act". Other words and phrases have the respective meanings assigned:

Aboriginal person has the same meaning as in section 4(1) of the *Aboriginal Heritage Act 2006*.

Aboriginal tradition has the same meaning as in section 4(1) of the *Aboriginal Heritage Act 2006*.

acceptable no smoking sign has the same meaning as in section 3 of the *Tobacco Act 1987*.

Act means the *Local Government Act 2020*, or where applicable, the *Local Government Act 1989*.

animal includes any mammal, reptile or bird (excluding humans).

animal housing means any building or structure used to contain or house an animal.

applicant means the person who applies for a permit under this Local Law.

appropriate fee means the appropriate fee determined by the Council in accordance with this Local Law.

authorised officer means an authorised officer of Council appointed under section 224 of the *Local Government Act 1989*.

barbeque	means a structure, device or contraption (not enclosed in a building) which is used primarily as a cooking facility.
builder	means a person engaged by or on behalf of the owner or occupier of a building site to carry out building work.
building refuse	means any solid or liquid domestic or commercial waste, debris or other refuse, including any glass, metal, plastic, paper, fabric, wood, food, vegetation, soil, sand, concrete, rocks and like material, substance or thing generated by, or in connection with, building work.
building site	means any land being prepared for or upon which building work is being carried out.
building work	means work for, or in connection with, the construction, demolition or removal of a building.
built-up area	means an area in which there is urban development or in which street lighting is provided on roads.
bulk rubbish container	means a bin, skip or other container used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but excludes containers used in connection with Council's regular domestic rubbish or recycling collections. Includes waste bins, miniskips, shipping containers, pallets and their contents.
business day	means a day that is not: <ul style="list-style-type: none"> a) a Saturday or Sunday or b) a day that is wholly or partly observed as a public holiday throughout the municipality.
camp	means: <ul style="list-style-type: none"> a) to erect, occupy or use, for accommodation, a tent, tarpaulin or any similar form of accommodation, shelter or temporary structure; or b) to occupy or use a swag or sleeping bag; or c) to erect, occupy or use, for accommodation, a caravan or movable dwelling within the meaning of the <i>Residential Tenancies Act 1997</i>.
caravan or movable dwelling	has the same meaning as in the <i>Residential Tenancies Act 1997</i> .
car park	means an area which is located on land owned by, occupied by or under the care, management and control of Council and which is designated as being, or set aside for the purposes of the parking of vehicles.

Chief Executive Officer	means the person appointed pursuant to section 44(1) of the Act to be the Chief Executive Officer.
commercial waste	means any refuse, rubbish, slops or other waste matter arising from or generated by any trade, industry or commercial undertaking.
Council	means the Loddon Shire Council.
Council land	means any land either vested in or under the control of Council, and includes a reserve, watercourse and reservation, car park, road and the like, together with any improvements erected thereupon.
dealing in goods	includes selling goods, exposing goods for sale or possessing goods with the intention of selling them or offering them for sale.
e-cigarette	has the same meaning as in the <i>Tobacco Act 1987</i> .
electronic speaker device	means a device broadcasting electronically generated noise for the purpose of scaring pest animals.
ESTA or Triple Zero Victoria	means the <i>Emergency Services Telecommunications Authority</i> or Triple Zero Victoria, Victoria's 24-hour emergency call-taking and dispatch service for police, fire, ambulance and VICSES.
farm animal	means any horse, cattle, camel, donkey, mule, cow, bull, steer, sheep, pig, deer, goat, ox, ostrich, emu, alpaca and any other animal kept for harvest of fleece, hide or meat; irrespective of whether the animal is kept as a companion animal.
farming area	means any part of the municipal district which is in a Farming Zone under the planning scheme.
fire ban day	means a day or partial day of total fire ban declared under section 40 of the <i>Country Fire Authority Act 1958</i> .
garbage	means and includes household refuse and rubbish, food waste, discarded food or any offensive matter (other than sewage, manure and hazardous materials), but does not include hard waste or recyclable material.
habitable room	means any room other than a storage area, bathroom, laundry, toilet or pantry used for domestic activities.
hard waste	means dry and hard rubbish and waste but does not include household refuse or commercial waste.

household refuse	means all refuse, waste, garbage, rubbish and surplus materials produced or accumulated in or about a dwelling which is not considered to be hard waste, garden waste or recyclable materials and is only placed in a household refuse receptacle.
household refuse receptacle	means a Council approved refuse receptacle specifically intended for the collection of household refuse.
horse	includes stallion, colt, gelding, rig, mare, filly, foal, pony, donkey, ass or mule.
large bird	means any cockatoo, parrot, duck, goose, turkey, peafowl, pheasant or any other bird but does not include poultry, pigeon or small bird.
land	means and includes all land within the municipal district and any associated structures permanently affixed to the land, but does not include: <ul style="list-style-type: none"> a) a highway within the meaning of the <i>Road Safety Act 1986</i>; and b) any land under the control of a Statutory Authority.
livestock	has the same meaning as in the <i>Impounding of Livestock Act 1994</i> .
minor building works	means building work that has a value of less than \$5,000 but excludes demolition and removal of buildings and structures (regardless of value).
motor vehicle	has the same meaning as in the <i>Road Safety Act 1986</i> .
motorised vehicle	a vehicle which meets any of the following criteria: <ul style="list-style-type: none"> a) a mini-bike, trail bike, go-kart, motor bike, motor scooter, all terrain vehicle, four wheel drive or motor car b) any other vehicle which is propelled by a motor or by mechanical means c) any vehicle registered with the Head, Transport for Victoria as a recreational vehicle.
municipal building	means any building: <ul style="list-style-type: none"> a) owned and occupied by or b) under the care, management and control of Council.
municipal district or municipality	means the municipal district of the Loddon Shire Council.
municipal place	means land or any asset, excluding a road, which is vested in, owned, occupied, managed or controlled by Council.

municipal waste management facility	means a facility that is designated by Council to receive waste materials including household refuse, hard waste and/or recyclable materials.
nature strip	means the area between the carriageway and the property boundary on any road which abuts the property.
nuisance	has the same meaning as that term at common law.
noxious weed	has the same meaning as in the <i>Catchment and Land Protection Act 1994</i> .
obstruction	includes any tree, plant or other item on a nature strip, or otherwise on a road, that has been placed or planted by, or is maintained by, the owner or occupier of adjacent or nearby premises which restricts passage along a road, but does not include any plant planted by Council.
occupier	includes any person who is residing or using a property as its owner or tenant, with or without the consent of the titled owner of the land.
offence	means an offence under this Local Law.
pavement	includes every footpath, lane or other place including part of a nature strip within the municipal district which is habitually used by pedestrians and not by motor vehicles.
penalty unit	has the meaning as defined by section 110 of the <i>Sentencing Act 1991</i> .
permit	means a permit, including any conditions, issued under this Local Law.
permit holder	means a person to whom a permit has been issued under this Local Law.
permit fee	means a fee fixed by resolution of Council or a statutory fee prescribed in legislation by the Victorian government.
person	has the same meaning as in section 38 of the <i>Interpretation of Legislation Act 1984</i> .
poultry	means domestic fowls but does not include ducks, geese, turkeys, peacocks, pheasants and roosters for the purposes of a permit required in clause 41.
poultry house	means a structure or housing in which poultry are kept or intended to be kept.
planning scheme	means the Loddon Planning Scheme as applicable under the <i>Planning and Environment Act 1987</i> .

premises	includes land and building/s, including a building under construction.
prescribed	means specified in a resolution made by Council, the general purport of which is set out in a newspaper generally circulating in the municipality.
procession	means an organised group of people proceeding along a road, or gathering for a ceremony or function, and includes fun runs and bicycle events.
private land	means land that is not Council land, a road or a public place.
public notice	has the same meaning as in the Act.
public place	has the same meaning as in the <i>Summary Offences Act 1966</i> .
public reserve	means a municipal place which is located outdoors and available for recreational purposes.
rally	means a meeting of people making a political protest or showing support for a cause.
recyclable material	means glass bottles and jars (whether broken or unbroken), polyethylene terephthalate (PET), high density polyethylene (HDPE), polyvinyl chloride (PVC), hard plastics coded or uncoded, aluminium cans and foil, steel cans, clean paper and cardboard, liquid paper board and any other materials prescribed by Council.
recyclable materials receptacle	means a Council approved recyclable material receptacle specifically intended for the collection of recyclable materials only.
refuse receptacle	means a refuse receptacle of the type issued or approved by Council for the collection of house refuse.
reserve	means any of the following: <ul style="list-style-type: none"> a) any land, commons, or public reserve either owned by Council or of which the management is vested in Council; or b) any land purchased or rented or otherwise provided by, granted or given to or vested in Council, for the provision of pleasure grounds or places of public recreation, including playgrounds, car parks, bike trails, gardens and other areas within the land; or c) any tree reserve, garden, lawn or ornamental plantation in or upon any road within the municipal district.
residence	includes part of a building used or intended to be used as a private residence, including a flat and unit but does not include that part of a residential building used for aged care, hotel or motel.

resident	means a person who has a place of residence within the municipal district.
residential area	means any part of the municipal district which is in a Residential Zone under the planning scheme, including township and low density residential zones.
residential premises	means a building used to permanently or temporarily accommodate persons and includes a dwelling, residential hotel, hostel, motel, boarding house, rooming house and bed and breakfast establishment.
responsible road authority	has the same meaning as in the <i>Road Management Act 2004</i> .
retailer	means a person who sells goods by retail.
road	has the same meaning as in the Act.
rural residential area	means any part of the municipal district which is in a Rural Living Zone or a Rural Conservation Zone under the planning scheme.
scare gun	means a device for producing a loud percussive sound for the purpose of scaring birds from crops, orchards and vineyards (also known as gas guns and scatter guns).
service authority	means any company or Statutory Authority responsible for the installation of telecommunications, gas, electricity, water, sewerage or drainage facilities in or on a road, road related area or easement.
shipping container	means a container that is a large reusable and portable steel box, normally designed and intended for use during intermodal transport shipments to facilitate the packaging and transport of goods, equipment and materials.
small bird	means a small domestic bird such as a canary, finch, budgerigar and the like which is kept by, or under the care or control of a person, but excludes poultry.
smoke	in relation to a tobacco product or an e-cigarette has the same meaning as in the <i>Tobacco Act 1987</i> .
Statutory Authority	means a Government Department, or a body established by an Act of the Parliament of Victoria, any other State or Territory of Australia or the Commonwealth of Australia.
street	has the same meaning as road in this Local Law.
street festival	means an organised recreational, cultural, commercial or social gathering of people which is held on a road.

street stall	means a table, structure, furniture, sign or fixture erected for the temporary display of goods, whether or not for sale.
street furniture	means any sign, notice, structure, or fixture which is owned, erected, or maintained by Council or other responsible road authority and which is located on, or adjacent to a road.
tobacco product	has the same meaning as in the <i>Tobacco Act 1987</i> .
traffic control item	means a major traffic control device or a minor traffic control device, within the meaning of the <i>Road Safety (Traffic Management) Regulations 2019</i> .
vacant land	means a property on which there is no house or other structure approved for human habitation.
vehicle crossing or driveway	means a constructed area that provides for the passage of vehicles from a carriageway to private property and includes the kerb, channel, hardstand areas and infills but not footpath.
vehicle	any conveyance for transporting people, goods etc.
wasp	includes an English or European wasp.
waste hopper	means a bin, skip or other container used for the deposit of waste.

Any term listed throughout this document which has not been specifically defined within the table above, has its ordinary dictionary meaning.

PART 2 – COUNCIL LAND, STREETS AND ROADS

9. Roadside trading

- 1) A person must not, without a permit:
 - a) sell or offer for sale goods or services on a road, footpath or nature strip; or
 - b) sell or offer for sale any goods or services from a property or a public place adjacent to a road, footpath or nature strip to any person who is on that road, footpath, nature strip or public place; or
 - c) sell a raffle ticket, solicit or collect a gift of money or subscription on a road, footpath or nature strip.

Penalty: 10 Penalty Units

- 2) In deciding whether to grant a permit, the Council or an Authorised Officer must take into consideration:
 - a) whether the safety of road users or the passage of vehicles will be affected by the placement; and
 - b) whether permits required by the *Food Act 1984*, *Public Health and Wellbeing Act 2008* or any other legislation have been obtained; and
 - c) whether the activity will disturb, annoy or disrupt adjacent property owners or occupiers; and
 - d) whether the activity will be detrimental to the amenity of the area; and
 - e) whether appropriate arrangements can be made for waste water disposal, litter and garbage disposal, car parking including access and egress, lighting and advertising signs; and
 - f) whether the consent of the Head, Transport for Victoria has been obtained where the road is a road for which it is the responsible road authority under the *Road Management Act 2004*; and
 - g) whether persons who may be liable for injury caused by the activity are insured against that risk; and
 - h) whether the applicant has provided a written indemnification of Council against liability arising from activities authorised by the permit; and
 - i) any other matter relevant to the circumstances of the application.

10. Street furniture and outdoor eating

- 1) A person must not, without a permit, place any seat, umbrella, table, chair, barricade, portable heater, potted plant, visual display or other furniture on any footpath or other part of a road.

Penalty: 10 Penalty Units

- 2) In deciding whether to grant a permit the Council or an Authorised Officer must take into consideration:
 - a) whether the facility would be located where it would obstruct the visibility at an intersection; and
 - b) whether appropriate and safe pedestrian access can be maintained; and
 - c) whether the tables, chairs and other equipment to be used will be a hazard; and
 - d) whether the tables, chairs and other equipment are of a construction that will not cause any damage to the footpath or part of the road; and
 - e) whether the tables, chairs and other equipment might impact on any vehicle parked in the vicinity, including persons accessing and egressing the vehicle; and
 - f) whether persons who may be liable for injury caused by the placing of the facility are insured against that risk; and

- g) whether the applicant has provided a written indemnification of the Council against liability arising from activities authorised by the permit; and
- h) whether the facility is conducted in conjunction with and as an extension of food premises located immediately abutting the facility, and the applicant is the person conducting such food premises; and
- i) whether the food premises are registered in accordance with the *Food Act 1984*; and
- j) any other matter relevant to the circumstances of the application.

11. Smoking in municipal places

- 1) A person must not smoke a tobacco product or an e-cigarette in or on any municipal place or part of a municipal place which has been declared by the Council to be a smoke free area.

Penalty: 5 Penalty Units

- 2) Council must cause an acceptable no smoking sign to be displayed in any municipal place or Council Land which has been declared a smoke free area.
- 3) If an authorised officer believes on reasonable grounds that a person is contravening or has contravened clause 11(1), the authorised officer may direct the person to:
 - a) in the case of a tobacco product, extinguish and then dispose of the tobacco product; or
 - b) in the case of an e-cigarette, cease using the device.
- 4) A person to whom a direction is given under clause 11(3) must comply with that direction.

Penalty: 5 Penalty Units

12. Consumption of alcohol

- 1) A person in a public place or within a motor vehicle which is parked or stopped in a public place, must not:
 - a) consume alcohol; or
 - b) possess alcohol other than in a sealed container.

Penalty: 5 Penalty Units

- 2) Clause 12(1) does not apply in such places as for the time being are:
 - a) licensed premises within the meaning of the *Liquor Control Reform Act 1998*; or
 - b) an area in which Council has issued a permit for the sale or consumption of alcohol.

Note: this clause enables the Council to issue a local law permit to licensed premises to extend their licensed use from adjoining premises onto footpaths and is authorised under clauses 52.27 and 62.01 of the Loddon Planning Scheme.

13. Requirement to seal or dispose of an alcoholic beverage

- 1) If an Authorised Officer believes on reasonable grounds that a person is contravening or has contravened clause 12(1), the Authorised Officer may direct the person to seal any container or dispose of the contents of any unsealed container.
- 2) A person must comply with a direction of an Authorised Officer under clause 13(1).

Penalty: 10 Penalty Units

14. Behaviour in a municipal place or on Council land

A person, in any municipal place, or on any Council land, must not:

- a) behave in a manner that interferes with another person's use or enjoyment of that place; or
- b) act in such a manner which endangers any person; or
- c) use language or behave in a manner which is indecent, offensive or abusive; or
- d) damage, destroy, deface, remove or interfere with anything in or on any building or structure of any kind; or
- e) damage or interfere with any Council land; or
- f) allow any vehicle or equipment to cause damage to or interfere with Council land; or
- g) light or allow to be lit any fire on any council land except in a permanent fireplace, barbeque or temporary barbeque; or
- h) act contrary to any signs that contain conditions that apply to the use of the Council land; or
- i) act contrary to the lawful direction of an Authorised Officer or a person responsible for the Council land.

Penalty: 5 Penalty Units

15. Damage to Council land

A person must not allow any tree or plant on land owned or occupied by them to cause damage to or interfere with any Council land or a road under the control of Council.

Penalty: 10 Penalty Units

16. Use of Council reserves

- 1) Except with written consent, a person in or upon any Council reserve, must not:
 - a) act contrary to any condition of use set by a Management Committee appointed by Council; or
 - b) engage in, play or practice any games in such a manner as to be a danger to the safety of any person or property or interfere with the reasonable use and enjoyment of the Council reserve, or any part thereof by any other person; or
 - c) ride or drive any horse into or upon any Council reserve; or
 - d) drive any motor vehicle other than on a designated roadway or parking area; or
 - e) ride a bicycle or use a toy vehicle in a manner that interferes with the use or enjoyment of the Council reserve; or
 - f) fly or permit to be flown any model aeroplane, drone, or similar apparatus of any kind (excluding kites) from such Council reserve; or
 - g) light any fire except in a permanent fireplace or barbeque provided.

Penalty: 5 Penalty Units

17. Motorised vehicles

A person must not, without a permit, use a motorised vehicle on any Council land or reserve (other than any public highway, gazetted road or designated internal vehicular track) unless that land or reserve has been designated for that purpose.

Penalty: 10 Penalty Units

18. Stationary heavy vehicles

- 1) A person must not, without a permit, park, keep, store, repair or authorise another person to keep, store or repair a prime mover with an attached trailer, a semi-trailer, a heavy combination trailer or multi combination trailer on a road in a residential area or rural residential area.

Penalty: 10 Penalty Units

- 2) Clause 18(1) does not apply in relation to a vehicle which is parked, kept, stored or repaired for less than two consecutive hours.

19. Unregistered, abandoned or derelict vehicles

A person must not abandon, leave or allow to be left, in or on a public place, road, Council reserve or Council land any vehicle or recreational vehicle that is:

- a) not currently registered with, or having a permit from, the Head, Transport for Victoria or any other relevant authority (if it is of a class of vehicle which requires it to be, or is usually registered under the *Road Safety Act 1986*); or
- b) derelict to such an extent as to be unable to move under its own power and is in disrepair.

Penalty: 10 Penalty Units

20. Storage of vehicles

A person must not without a permit use any road or Council land for the purpose of storing any caravan, trailer, boat, damaged vehicle or unregistered vehicle.

Penalty: 10 Penalty Units

21. Camping on Council land or in a public place

- 1) A person must not, without a permit, camp on Council land, a public place, roads or car parks in a tent, vehicle or caravan or any other temporary or makeshift structure unless they are within a caravan park registered under the *Residential Tenancies Act 1997* or an area determined by the Council to be available for camping purposes.

Penalty: 10 Penalty Units

- 2) Clause 21(1) does not prohibit a person from resting or sleeping in a parked vehicle or movable dwelling in order to manage or avoid driver fatigue.

22. Circuses, carnivals, festivals and events

- 1) A person must not, without a permit, conduct a circus, carnival, festival, community market or other similar event on any Council land or in a public place within the municipality.
- 2) A person must not, without a permit, hold a street festival or procession on a road.

Penalty: 20 Penalty Units

- 3) Clause 22(1) does not apply where the organisers or responsible persons for the circus, carnival, festival, community market or other similar event have obtained a planning permit in accordance with the Loddon Planning Scheme.

Note: a permit for a place of public entertainment, or for the siting of a temporary structure under the *Building Act* 1993 may also be required.

23. Closed roads

- 1) Except with written consent, a person must not drive a vehicle on any part of a road, bridge or culvert which has been closed in accordance with the Act.

Penalty: 10 Penalty Units

- 2) A person must not remove, destroy, damage, deface, interfere or tamper with any obstruction or barrier placed on a road in accordance with the Act.

Penalty: 10 Penalty Units

24. Drainage and pipeline tapping

- 1) A person must not, without a permit, tap into or interfere with any drain or pipeline owned by, or under the control of the Council.

Penalty: 20 Penalty Units

- 2) If in the opinion of Council, any of Council's assets may be at risk of being damaged during the course of tapping installation works, the person responsible for the tapping work must, upon request, pay a bond to the Council.
- 3) The amount of the bond required under clause 24(2) must be proportionate to the likely cost of repairing any damage and must be refunded upon satisfactory completion of the works.
- 4) Where appropriate, the bond may be retained by Council to offset the cost of repairing any damage.

25. Bulk rubbish containers on roads

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

Penalty: 10 Penalty Units

26. Repair of vehicles on a road

A person must not dismantle, paint, repair or carry out maintenance on a vehicle on a road, except to the minimum extent necessary for the purpose of removing it.

Penalty: 10 Penalty Units

27. Substances from vehicles, animals and livestock

A person must not permit any grease, oil, mud, clay or other substance to fall or run off a vehicle or livestock onto a road, into any drain on or under the road or permit or authorise another person to do so.

Penalty: 10 Penalty Units

28. Vehicle crossings

- 1) If required by the Council or an Authorised Officer, the owner of land must ensure that each point of vehicular access from a carriageway on a road to the land has a properly constructed vehicle crossing.

Penalty: 10 Penalty Units

- 2) For the purposes of clause 28(1), a vehicle crossing is properly constructed if:
 - a) it was constructed by, or in accordance with, the terms of Council approval; or
 - b) Council has approved the method of construction of the particular vehicle crossing.
- 3) If Council or an Authorised Officer is of the opinion that a vehicle crossing is in a state of disrepair or is otherwise in an unsatisfactory condition, an Authorised Officer may serve a Notice to Comply on the owner or occupier of the property serviced by the crossing.

29. Constructing, removing or altering a vehicle crossing

A person must not, without a permit, construct, install, remove or alter a vehicle crossing, whether temporarily or permanently.

Penalty: 10 Penalty Units

30. Temporary vehicle crossings

- 1) A person responsible for building work must obtain a permit for the construction of a temporary vehicle crossing which protects all of the existing road and Council assets, if it is likely that building work on land will involve vehicles entering or leaving the carriageway from a point other than an existing driveway or vehicle crossing.

Penalty: 10 Penalty Units

- 2) A person responsible for works referred to in clause 30(1) must ensure that the temporary vehicle crossing is maintained in good repair.

Penalty: 10 Penalty Units

- 3) If, in the opinion of Council, an existing driveway crossing, footpath, kerb or other part of the road may be damaged by building works, the person responsible for the works must, when requested to do so by Council, pay a bond to Council.
- 4) The amount of the bond required under clause 30(3) must be proportionate to the likely cost of repairing any damage and must be refunded on satisfactory completion of the building works or, where appropriate, may be retained by Council to offset the costs of repairing any damage.

31. Disposal of water on roads

Without written consent, a person must not cause or permit:

- a) the direct or indirect flow of any stormwater or irrigation water onto any Council land or road reserve; or
- b) the unreasonable discharge of any water onto any Council land or road reserve; or
- c) the unreasonable discharge of any water onto any land (including land owned by that person) so as to cause or permit such water to discharge onto any Council land or road reserve.

Penalty: 10 Penalty Units

PART 3 – PRIVATE PROPERTY

32. Numbering properties

If the Council has allocated a number to a property, the owner or occupier of the property must ensure that:

- a) the property is marked with the number allocated; and
- b) the numbers used are at least 40 millimetres high and have a contrasting colour to the background material on which they are painted or placed; and
- c) the numbers are located so that they are free from obstructions and they can be read under all normal lighting conditions from the road immediately adjacent to the front boundary of the property.

Penalty: 3 Penalty Units

33. Dangerous or hazardous properties

The owner or occupier of any land or premises must not:

- a) permit or allow the land or premises to be kept in a manner, state or condition which is dangerous or likely to cause danger to any person or property; or
- b) permit or allow the growth of any vegetation on the land which constitutes or is likely to constitute a danger, hazard or nuisance to any person or property; or
- c) permit or allow any vegetation, fencing, a sign or anything else on the land or premises to be an obstruction or interfere with pedestrian or vehicular traffic by:
 - i) overhanging a boundary of the land onto a footpath or other part of a road used by pedestrians in a manner that limits safe access, or by otherwise not providing a clearance of at least 1.8m in height over the footpath; or
 - ii) extending over any part of a road so that it obstructs the view of the driver of a vehicle at an intersection, or obstructs the view between the driver of a vehicle and a pedestrian; or
 - iii) obscuring a traffic control item or sign from the view of a driver of an approaching vehicle or pedestrian; or
 - iv) obscuring street lighting; or
- d) permit or allow any land or premises to be a haven for uncontrolled vermin, noxious weeds or insects which constitutes or is likely to constitute a danger, hazard or nuisance to any person or property; or
- e) permit or allow the use of any land or premises for the storage of any materials or other substances which is dangerous or likely to cause danger to life or property.

Penalty: 20 Penalty Units

34. Untidy or unsightly properties

The owner or occupier of any land or premises must not:

- a) permit or allow the land or premises, including immediately adjacent nature strip, to be kept in an untidy or unsightly condition, state or manner which is detrimental to, or detracts from, the general amenity of the neighbourhood; or
- b) permit or allow the land or premises to be used for the storage of unconstrained rubbish or other waste materials; or

- c) permit or allow the land or premises to be used for the purpose of storing any goods, materials or chattels which are detrimental to, or detracts from, the general amenity of the neighbourhood; or
- d) permit or allow the land or premises to be used for the storage of any unregistered vehicle, derelict vehicle, plant or other equipment which are detrimental to, or detract from, the general amenity of the neighbourhood; or

Penalty: 20 Penalty Units

35. Use of a motorised vehicle on private property

A person must not use any motorised vehicle so as to cause a nuisance by way of noise, dust or exhaust fumes, or pose a danger to the health and safety of any other person, on any land in a residential area or rural residential area.

Penalty: 10 Penalty Units

36. Camping on private property

- 1) A person must not, without a permit, camp, place, cause, or permit to be placed on any land, a caravan, mobile home, motor home or tent for the purpose of camping, temporary or permanent accommodation.

Penalty: 10 Penalty Units

- 2) An owner or occupier of private land must not, without a permit, allow or permit another person to camp on that private land.

Penalty: 20 Penalty Units

- 3) Clause 36(1) does not apply:
 - a) to the placing of caravans for sale or hire on any property, subject to the relevant permissions under the Loddon Planning Scheme; or
 - b) to a caravan park registered in accordance with the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020*; or
 - c) to private land that is designated, authorised or licenced by the Council as a camping area; or
 - d) where no approved permanent residence exists on the land, 1 caravan, mobile home, motor home or tent may be placed on private land, to be used by the owner, or by another person if the owner has obtained a permit and has provided their consent, and:
 - i) that the camping does not exceed a total aggregate of 60 days in any calendar year; and
 - ii) does not exceed 14 consecutive days within the total aggregate of 60 days in any calendar year; and
 - iii) no rent, fee, licence, charge or other payment (whether in money or in kind) is paid in respect to the camping; and
 - iv) the camping is not offensive and does not cause a nuisance in the opinion of an Authorised Officer, particularly in relation to, but not limited to noise, effluent or waste; and
 - v) that no annexe or similar temporary structure of rigid material is constructed on the property; and
 - vi) any caravan, mobile home, motor home, tent, temporary annexe, shade sail or other structures associated with the camping does not remain on the property

- for more than 14 consecutive days within a total aggregate of 60 days in any calendar year; and
 - vii) that a written diary, log book or calendar is maintained to document use of the private property for camping purposes and that such diary, log book or calendar is made available for inspection immediately upon request by an Authorised Officer; and
 - viii) there are adequate sanitary and waste disposal facilities for the camping and that those facilities are maintained to the satisfaction of an Authorised Officer; and
 - ix) the camping is not associated with an event or festival; and
 - x) that the caravan, mobile home, motor home or tent is not sited within a distance of 20 metres from the front, side or rear boundaries of the land.
- 4) Clause 36(2) does not apply:
- a) to a caravan park registered in accordance with the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020*; or
 - b) where a planning permit has been obtained for the purpose of camping, however only in respect to the extent to which the planning permit applies; or
 - c) where an approved permanent residence exists on the land, the owner or occupier may place 1 caravan, mobile home, motor home or tent on their land for occupation by immediate family or temporary visitors, for a total period not exceeding 60 days in any 12 month period, provided:
 - i) that no rent, fee, licence, charge or other payment (whether in money or in kind) is paid in respect to the camping; and
 - ii) the occupants of such temporary accommodation have access to proper sanitation, bathing and drainage facilities to the satisfaction of Council; and
 - iii) that no annexe constructed of rigid material shall be attached to a caravan or mobile home; and
 - iv) that a written diary, log book or calendar is maintained to document use of the private property for camping purposes and that such diary, log book or calendar is made available for inspection immediately upon request by an Authorised Officer; and
 - v) that the caravan, mobile home, motor home or tent is not sited within a distance of 6 metres from the frontage of the land; and
 - vi) that the caravan, mobile home, motor home or tent is not sited within a distance of 1 metre from the side or rear boundaries of the land; and
 - vii) the camping is not offensive and does not cause a nuisance in the opinion of an Authorised Officer.

37. Chimneys

An owner or occupier of land must not cause or allow any chimney to discharge dust, grit, ash or smoke to such an extent that it is a nuisance.

Penalty: 10 Penalty Units

38. Fires in the open air

- 1) The owner or occupier of any land must not cause or allow a fire to be lit or to remain alight in the open air (including in an incinerator) on the land.

Penalty: 20 Penalty Units

- 2) Clause 38(1) does not apply to:
- a) a purpose-built barbeque for the purpose of cooking food; or
 - b) a campfire used in compliance with the *Country Fire Authority Act 1958*; or
 - c) a fire in the open air for which a permit has been issued under any government Act, regulation or this Local Law; or
 - d) in the case of land that is 2,000m² or less in size, a fire that meets each of the following requirements:
 - i) the fire is only lit on any Wednesday or Sunday; and
 - ii) the fire is not lit on a fire ban day; and
 - iii) the owner or occupier has notified Triple Zero Victoria, the Emergency Services Telecommunications Authority (ESTA) on 1800 668511 before lighting the fire or by emailing a burn-off notification form to burnoffs@esta.vic.gov.au at least 2 hours before lighting the fire; or
 - e) in the case of land that exceeds 2,000m², a fire that meets each of the following requirements:
 - i) the fire is not lit on a fire ban day; and
 - ii) the owner or occupier has notified Triple Zero Victoria, the Emergency Services Telecommunications Authority (ESTA) on 1800 668511 before lighting the fire or by emailing a burn-off notification form to burnoffs@esta.vic.gov.au at least 2 hours before lighting the fire; or
 - f) a fire lit by an Aboriginal person if the fire is lit for the purpose of conducting or engaging in an Aboriginal tradition.
- 3) Notwithstanding clause 38(2), it is prohibited to burn any of the following:
- a) green or wet material; or
 - b) non timber based building material; or
 - c) rubber or plastic, including plastic mulch, plant pots, plastic wrap and packaging materials; or
 - d) furnishings, a mattress or carpet; or
 - e) manufactured chemicals; petroleum or oil products; paint and painted products, including any container in which paint is kept; or other offensive, noxious or toxic matter; or
 - f) food or animal waste; or
 - g) carcasses of dead animals unless prescribed by the relevant state government department as the only means of disposal.

39. Temporary use of shipping containers

- 1) The owner or occupier of any land must not, without a permit, allow, cause or suffer a shipping container to be placed on the land unless permitted by the Loddon Planning Scheme and/or the *Building Act 1993*.

Penalty: 20 Penalty Units

- 2) In deciding whether to grant a permit under this Local Law, the Authorised Officer must be satisfied that placement of the shipping container will be of a short term or temporary nature, use or purpose.

40. Bird scaring devices (scare guns)

A person must not use, or allow others to use, a scare gun on their property, or any Council land, unless all of the following requirements are satisfied:

- a) all conditions of the *Environment Protection Authority Noise Control Guidelines* for the control of noise from scare guns are satisfied; and
- b) the scare gun is only used for the bona fide purpose of scaring birds from crops during a recognised crop growing period; and
- c) the scare gun is positioned in a farming area; and
- d) a sign is displayed in a conspicuous position at the main entrance to the property at all times that a scare gun is in use, containing the following details:
 - i) that a scare gun/s is in use on the land, and
 - ii) the contact telephone number of the owner or occupier of the land.

Penalty: 10 Penalty Units

PART 4 – ANIMALS AND PETS

41. Number of animals and pets

- 1) An owner or occupier of land must not, without a permit:
 - a) keep or allow to be kept more than four (4) different kinds of animals on any one property at any time; or
 - b) keep or allow to be kept any more than the total number of each kind of animal as set out in Table 1.

Table 1: Permitted number of animals per property without a permit being required

Type of animal	Maximum number allowed		
	Residential area or land that is equal to or less than 2,000m ² in any other area*.	Rural residential area or land greater than 2,000m ² but less than 4ha in any other area.	Farming area where land is equal to or greater than 4ha.
dogs	2	2	5
cats	2	2	5
pigeons	12	30	No limit. No permit required
poultry (excl. roosters)	12	20	No limit. No permit required
poultry (roosters)	None. Permit required for any	1	No limit. No permit required
small birds	50	100	No limit. No permit required
ducks	None. Permit required for any	10	No limit. No permit required
large birds	None. Permit required for any	10	No limit. No permit required
domestic mice	10	10	No limit. No permit required
guinea pigs	10	10	No limit. No permit required
ferrets	2	4	No limit. No permit required
domestic rabbits	6	6	No limit. No permit required
horses/donkeys	None. Permit required for any	4	No limit. No permit required
cattle	None. Permit required for any	4	No limit. No permit required
sheep	None. Permit required for any	10	No limit. No permit required
goats	None. Permit required for any	10	No limit. No permit required
pigs	None. Permit required for any	None. Permit required for any	No limit. No permit required
other farm animals	None. Permit required for any	None. Permit required for any	No limit. No permit required

Penalty: 10 Penalty Units

*Note: on rural living and farming zoned land under the Loddon Planning Scheme, that is equal to or less than 2,000m² in size, the requirements of Table 1 as specified for residential area shall apply.

- 2) Table 1 in clause 41(1) does not apply to farm working dogs registered in accordance with the *Domestic Animals Act 1994* that are kept in a farming area where the land is equal to or greater than 4ha.
- 3) Table 1 in clause 41(1) does not apply where a planning permit has been obtained for land used for the purposes of animal keeping, animal boarding, training, breeding or agriculture, however only in respect to the keeping of the type of animal to which the planning permit applies.
- 4) For the purpose of calculating the maximum number of animals specified in Table 1 in clause 41(1), the progeny of any animal kept on the land will not be counted for a period of 12 weeks after birth.
- 5) In determining whether to issue a permit under clause 41(1), the Authorised Officer must have regard to any other requirements of this Local Law.

42. Animal housing

- 1) An owner or occupier of any land on which animals are kept must provide housing which considers :
 - a) the type of animals to be kept; and
 - b) the height of the housing; and
 - c) the number of animals to be kept; and
 - d) the capacity to maintain the housing in a sanitary and inoffensive condition; and
 - e) the location of the housing with respect to the distance from the nearest residential dwelling; and
 - f) the capacity to protect neighbours from noise from animals on the land; and
 - g) the nature of the materials used in the housing and the ability of such material to be readily cleansed; and
 - h) any relevant Council policy, Code of Practice or guidelines; and
 - i) the Loddon Planning Scheme; and
 - j) any relevant Act, regulation or policy; and
 - k) any other matters considered to be relevant.

Penalty: 10 Penalty Units

- 2) Clause 42(1) will be taken into consideration by an Authorised Officer when assessing the suitability of poultry housing pursuant to clause 43.

- 3) All animal housing must be constructed and maintained so that:
- a) it meets the satisfaction of an Authorised Officer; and
 - b) it prevents, as far as practicable, the wandering or escape of the housed animal(s) beyond the boundary of the premises; and
 - c) it meets the welfare needs of the animal(s); and
 - d) all manure and other waste is removed and/or treated as often as necessary so that it does not cause a nuisance or offensive odours; and
 - e) all manure and other waste is stored in a fly and vermin proof receptacle until removed from the premises or otherwise disposed of to the satisfaction of the Authorised Officer; and
 - f) the housing and surrounding ground is well drained; and
 - g) the area of land within 3 metres of the area or housing in which the animal is kept must be maintained free of long grass, weeds, refuse, rubbish or other material capable of harbouring vermin or which poses a fire hazard; and
 - h) all food, grain or chaff is kept in vermin proof receptacles; and
 - i) the area and housing where animals are kept must be thoroughly cleaned and maintained at all times to the satisfaction of the Authorised Officer; and
 - j) wastewater is prevented from entering the storm water system or discharging onto an adjoining premises, and does not pool or pond on the land.

Penalty: 10 Penalty Units

- 4) An owner or occupier of land on which any animal is kept must not cause, allow or suffer excrement or manure to escape from the land.

Penalty: 10 Penalty Units

- 5) A person who keeps any animal must keep the animal in a manner that does not cause a nuisance to any person.

Penalty: 10 Penalty Units

- 6) For the purposes of clause 42(5), circumstances in which the keeping of an animal constitutes a nuisance may include any of the following:
- a) when the animal makes noises or odours that unreasonably affect the peace, comfort or convenience of any person on any other premises; or
 - b) when the animal produces an unreasonable accumulation of excrement, whether on the animal keeper's premises or on any other premises.

Penalty: 10 Penalty Units

43. Positioning of poultry houses

Other than in accordance with a permit, a person must not construct, reconstruct or allow to remain on any land in a residential area, or on any land less than 2,000m² in size, a poultry house which is:

- a) within 12 metres of the property frontage; or
- b) within 6 metres of any abutting road (other than the property frontage), unless screened by a solid boundary fence of minimum 1.8 metres in height; or
- c) within 1.5 metres of any other common property boundary, unless screened by a solid boundary fence of minimum 1.8 metres in height; or
- d) within 10 metres of any dwelling whether on the same or any adjoining land.

Penalty: 10 Penalty Units

44. Pest animals

A person must not, without a permit, feed or encourage the presence of feral animals, stray animals or foxes, nor allow any such animals access to food.

Penalty: 5 Penalty Units

45. Dog and horse excrement

A person in charge of a dog or horse on a road or in a public place or Council reserve must:

- a) not allow the excrement of the dog or horse (as the case may be) to remain on that road or in that public place or Council reserve; and
- b) carry a device suitable for the removal of any excrement that may be deposited by the dog or horse (as the case may be); and
- c) produce the device on demand by an Authorised Officer.

Penalty: 5 Penalty Units

46. Control of noisy animals

The owner or occupier of any premises where an animal is kept must not allow the animal to make noises or sounds which may adversely impact the amenity of the local area.

Penalty: 5 Penalty Units

47. European wasps' and bees' nests to be removed

- 1) An owner or occupier of any land who keeps or allows bees to be kept on that premises must do so in accordance with the Apiary Code of Practice.

Penalty: 10 Penalty Units

- 2) An owner or occupier of any land must not allow or suffer English wasps or European wasps to nest on the land, and upon becoming aware of the existence of a Wasp nest, must take reasonable steps to cause the nest to be destroyed.

Penalty: 10 Penalty Units

- 3) An owner or occupier of any land must not allow or suffer any feral European honey bees on the land to cause, or be likely to cause, a nuisance to any person.

Penalty: 10 Penalty Units

- 4) For the purposes of clause 47(3), circumstances in which feral European honey bees on the land are causing, or likely to cause, a nuisance include when the feral European honey bees are:
 - a) swarming; or
 - b) likely to swarm.
- 5) If an Authorised Officer serves a Notice to Comply in relation to a contravention of clause 47(2), the works required to correct the contravention may include the destruction of the English wasps or European wasps.

- 6) If an Authorised Officer serves a Notice to Comply in relation to a contravention of clause 47(3) the works required to correct the contravention may include:
 - a) removal of the feral European honey bees from the land; or
 - b) destruction of the feral European honey bees.
- 7) This clause does not apply to hives forming part of an apiary being operated in accordance with the Apiary Code of Practice.

48. Movement of livestock within the municipal district

- 1) A person must not move livestock along a Council road in the municipal district.

Penalty: 20 Penalty Units

- 2) Clause 48(1) does not apply for the purpose of moving the livestock from one farm or part of a farm to another in the municipal district provided that the following requirements are complied with:
 - a) the livestock are moved on a road only between sunrise and sunset on a single day and in weather conditions for the duration of each movement where the visibility for road users is at least 300 metres; and
 - b) there is a person in charge of the livestock at all times who is competent in handling the livestock being moved and who supervises the livestock for the duration of the movement; and
 - c) there are adequate alerts to motorists, including the presence of an amber flashing light and signs which are placed ahead and behind the livestock while they are being moved and which remain in place until the livestock are confined on the destination property; and
 - d) the signs referred to in clause 48(2)(c) must comply with the requirements of the *Road Safety Road Rules 2017* and must be removed at completion of the movement between farming properties.

49. Keeping or grazing animals on a road or Council land

- 1) A person must not, without a permit, keep or graze any animal on a road or Council land.

Penalty: 10 Penalty Units

- 2) Council must not issue a permit for the grazing of livestock on a road unless:
 - a) the applicant for the permit provides evidence to the satisfaction of an Authorised Officer:
 - i) that the proposed area can be grazed in accordance with Council's *Roadside Management Plan* in a way that protects biodiversity and heritage assets;
 - ii) That the livestock will be adequately supervised and effectively controlled; and
 - iii) that there will be compliance with all conditions of a permit; and
 - iv) of the health and fitness of the livestock; and
 - v) of an ability to adequately feed and water the livestock on the roads proposed; and
 - vi) that the road(s), or part thereof are, at the time proposed, suitable for grazing by livestock which can be undertaken without damage to surface, vegetation or road infrastructure.

- 3) A person who is in charge of livestock which are being grazed on a road must ensure that:
- a) the livestock are supervised and under effective control at all times by a person who is competent in the management of livestock; and
 - b) the carcass of any livestock under that person's charge which dies on a road is properly disposed of; and
 - c) livestock are grazed only during daylight hours; and
 - d) displayed signs must comply with the requirements of the *Road Safety Road Rules 2017*; and
 - e) appropriate precautions are taken to ensure that no damage occurs to road surfaces, furniture, drains, culverts, bridges and private entrance ways or to trees and shrubs growing within the road reserve and that erosion is not caused by excessive grazing; and
 - f) in the event that livestock are causing damage including where overgrazing occurs, they are removed from the road reserve; and
 - g) the livestock are enclosed by an appropriate form of fencing or other control to the satisfaction of an Authorised Officer; and
 - h) the person has a current public liability policy on which the Council's interest is noted, and that proof of such notation is produced to the Council prior to commencement of grazing.

Penalty: 10 Penalty Units

PART 5 – WASTE AND RECYCLING

50. Council supplied waste receptacles

Other than when it is placed out for collection, a person must not remove an approved waste receptacle from the property to which it was supplied and allocated. The approved receptacle remains the property of Council at all times.

Penalty: 10 Penalty Units

51. Interference with collection

- 1) A person must not, without Council permission, remove or interfere with any domestic rubbish, recyclables or hard waste placed out for collection in accordance with this Local Law.

Penalty: 10 Penalty Units

- 2) Clause 51(1) does not apply to a person authorised by Council to remove such materials or an employee of such person acting in the course of employment, the person placing the materials for collection or an officer of Council acting in the course of their duties.

52. Domestic waste and recyclables

A person that is the owner or occupier of a property where the Council provides a kerbside collection service must ensure that:

- a) all household refuse and recyclable material is either placed in the appropriate bin(s) provided, ready for collection on the days specified in accordance with Council requirements, or taken to an approved municipal waste management facility in a timely manner; and
- b) household waste receptacles and recyclable materials receptacles used are of a type approved and supplied by the Council; and
- c) the net weight of waste and recyclables presented for collection does not exceed the design specifications of the approved receptacle; and
- d) household waste receptacles and recyclable materials receptacles are placed on the verge of the vehicle crossing or road abutting the land no earlier than the night before the scheduled collection, with handles facing away from the road; and
- e) any waste or recyclable materials which have spilled onto the road, nature strip or surrounding area, other than in circumstances directly associated with Council effecting the kerbside collection pickup, are removed as soon as practicable; and
- f) household waste receptacles and recyclable materials receptacles are returned to the allocated property as soon as practicable after it has been emptied and does not remain on any road for a period exceeding 24 hours from when it was placed there; and
- g) household waste receptacles and recyclable materials receptacles are maintained in a clean, inoffensive and sanitary condition; and
- h) the following items are not placed, caused, or allowed to be placed in any approved receptacle:
 - i) hot ashes, slops or liquid waste or offensive material; or
 - ii) dirt, dust including any matter from a vacuum cleaner, hair or other like substance, unless the same has been securely wrapped in paper or placed in an impermeable covering or container so that its escape is prevented; or

- iii) glass, wire or other jagged or rough edged material or object unless securely wrapped so as to prevent injury to any person emptying the approved receptacle; or
 - iv) syringes or other sharp objects which may be contaminated with infectious waste including blood; or
 - v) oil, paint, solvents, flammable liquid or similar substances; or
 - vi) matter or substance deemed by an Authorised Officer to be unsuitable for collection; or
 - vii) household rubbish or recyclable waste exceeding the design specifications of any approved receptacle; or
 - viii) the carcass of a dead animal; or
 - ix) industrial or trade waste; or
 - x) nightsoil, sewerage or manure; or
 - xi) disposable nappies unless they have been securely wrapped in impervious material; or
 - xii) any object or matter which is or may be injurious to health or which may damage the household waste receptacle or recyclable materials receptacle or reduce its strength or effectiveness.
- i) only approved recyclable materials are deposited, as specified and published by Council, within the recyclable materials receptacle; and
 - j) any Council approved and supplied waste or recycling receptacle is only used for the purpose for which it has been provided.

Penalty: 10 Penalty Units

Notes:

In addition to the prescribed penalty, placement of non-recyclable materials or general waste within the recycling receptacle may also result in the receptacle not being collected, until such time that all non-conforming materials have been removed.

Clause 52(1)(a) does not apply to material which is recycled on the land, in a manner which causes no nuisance to neighbours, or is kept on the land for recycling in accordance with a Council sponsored recycling program.

Notwithstanding anything contained in clause 52(1)(h)(iv), a person must ensure that infectious waste is placed in a container specifically designed to receive such waste and such container is disposed in accordance with the *Environment Protection Act 2017* and any regulations made under that Act.

Nothing in clause 52(1)(h)(iv) applies to any person who is authorised or licensed to transport, or dispose of, such prescribed waste by the Environment Protection Authority pursuant to the *Environment Protection Act 2017* and any regulations made under that Act.

53. Presenting, removing or interfering with recyclable materials or hard waste

- 1) A person must not remove or interfere with recyclable materials or hard waste, presented on the roadside or at any other collection point, as part of a coordinated collection program.
- 2) A person that is the owner or occupier of a property where the Council provides a kerbside hard waste collection program must comply with, and present items for collection in accordance with Council's instructions.

Penalty: 10 Penalty Units

54. Commercial waste

A person must not place, cause or allow to be placed or deposited any refuse, rubbish or waste from commercial, industrial or trade premises in a bin in a public place or a household refuse receptacle or recyclable materials receptacle.

Penalty: 10 Penalty Units

55. Trade waste, waste hoppers or commercial (non-Council) waste and recycling services

- 1) An owner or occupier of a property, who arranges for the collection of commercial waste or building refuse, or for the placement of a commercially supplied waste hopper or recycling skip, must ensure that all requirements of this clause are complied with.

Penalty: 10 Penalty Units

- 2) Waste hoppers, skips, cages or bins used for the collection and storage of trade or commercial waste and recyclables must:
 - a) be constructed of impervious material to the satisfaction of an Authorised Officer to prevent leakage, absorption or accumulation of any refuse or rubbish that may be deposited in it; and
 - b) in the case of receiving putrescible waste, be water-tight, fly and vermin proof; and
 - c) contain a removable drainage plug, or other mechanism for the purpose of cleaning.
- 3) Waste hoppers, cages, skips or bins must be emptied at regular intervals, or as requested by an Authorised Officer, so as to avoid the contents becoming offensive or impacting upon local amenity.
- 4) The owner or occupier of a property where a commercially supplied waste or recycling hopper, bin or skip is provided, must ensure that:
 - a) the hopper, skip, cage or bin is stored and maintained in a clean, sanitary and inoffensive condition; and
 - b) any material from the hopper, cage, skip or bin, which impacts upon the adjacent footpath, pavement or ground around the container, is removed and that the immediate surrounds are maintained in a manner satisfactory to an Authorised Officer; and
 - c) the surface upon which the container is stored is impervious, graded and drained to the sewer or an approved outlet with such silt traps or other treatment devices as required by an Authorised Officer; and
 - d) the storage site is supplied with a tap connection and hose of a size approved by an Authorised Officer; and
 - e) in the case of long term placement, the container is screened to the satisfaction of an Authorised Officer, in such a way and with such material so as to minimise its visual impact; and
 - f) the container is adequately fenced or enclosed in such a way so as to deny access to the public; and
 - g) the receptacle is cleaned thoroughly after each emptying.

Penalty: 10 Penalty Units

56. Use of waste management facilities by residents and ratepayers

- 1) Any active municipal waste management facility is available to residents and ratepayers of the municipal district for the disposal of waste generated from within the municipal district, subject to any fees, charges, terms and conditions as determined by Council.
- 2) A resident or ratepayer using a municipal waste management facility must comply with such conditions as are determined by Council and shall be liable for any applicable fees and charges.
- 3) The Council may refuse entry to a person who fails to pay the required fee or charge, or who fails to comply with the conditions of use of the municipal waste management facility.
- 4) Unless otherwise authorised, access to any of Councils waste management facilities may only occur during nominated operating hours.

Penalty: 10 Penalty Units

57. Use of waste management facilities by non-residents and non-ratepayers

- 1) If the Council considers that it is reasonably practicable to allow non-residents and non-ratepayers to use the municipal waste management facility, having regard to traffic conditions, available space, facility suitability and level of demand from residents and ratepayers, it may allow persons other than residents and ratepayers to use the facility.
- 2) A person who is permitted to use the municipal waste management facility under this provision must pay any relevant fees and charges, and comply with the conditions determined by the Council for use of the facility by such persons.
- 3) The Council may refuse entry to a person who fails to pay the required fee or charge, or who fails to comply with the conditions of use of the municipal waste management facility.
- 4) Unless otherwise authorised, access to any municipal waste management facility may only occur during nominated operating hours.

Penalty: 10 Penalty Units

58. Depositing waste as directed

A person who uses a municipal waste management facility must deposit waste and recyclables in accordance with the directions of any signs erected at the facility and any directions given by an employee of the Council or other person authorised to do so.

Penalty: 10 Penalty Units

59. Dumping of ice chests, trunks or similar containers

A person must not place or leave a disused refrigerator, ice chest, ice box, trunk, chest or any other similar article having a compartment which has a capacity of 0.3 cubic metres or more on any land without first:

- a) removing every door and lid; or
- b) removing every lock, catch and hinge attached to a door or lid; or
- c) otherwise rendering every door and lid incapable of being fastened.

Penalty: 10 Penalty Units

60. Scavenging at a municipal waste management facility

- 1) A person must not, without a permit, remove material of any kind which has been deposited at a municipal waste management facility.

Penalty: 10 Penalty Units

- 2) In deciding whether to grant a permit the Council must take into consideration:
 - a) the nature of the material to be scavenged; and
 - b) the recyclable value of the materials to the Council; and
 - c) the number of other current permits issued for the same purpose; and
 - d) any other matter relevant to the circumstances associated with the application.

PART 6 – ADMINISTRATION AND ENFORCEMENT

Division 1 – Permits and fees

61. Applying for a permit

- 1) A person who wishes to apply for a permit may do so by:
 - a) lodging with the Council an application on a form approved by the Council or an Authorised Officer; and
 - b) paying to the Council the appropriate application fee.
- 2) The Council or an Authorised Officer may require an applicant to provide additional information before approving an application for a permit or for an exemption.
- 3) The Council or an Authorised Officer may require a person making an application for a permit to give public notice of the application, which will entitle any person to make a submission in respect of the proposed activity.

62. Fees and charges

- 1) The Council may, from time to time, by resolution determine fees and charges payable pursuant to this Local Law.
- 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, if it considers it is appropriate to do so.
- 3) The Council may waive, reduce or alter a non-mandatory fee or charge at its discretion.

63. Issue of permits

- 1) The Council or an Authorised Officer may:
 - a) issue a permit, with or without conditions; or
 - b) refuse to issue a permit.
- 2) A permit issued pursuant to this Local Law shall be on a form approved by the Council or an Authorised Officer.

64. Duration of permits

- 1) A permit is in force until the expiry date indicated on the permit, unless it is cancelled before the expiry date.
- 2) If no expiry date is indicated on the permit, the permit shall expire 12 months from the date of issue.

65. Conditional permits

- 1) A permit may be subject to conditions which the Council or an Authorised Officer considers to be appropriate in the circumstances, including but not limited to:
 - a) the payment of a fee or charge; and
 - b) a time limit to be applied either specifying the duration, commencement or completion date; and
 - c) the happening of an event; and
 - d) the rectification, remedy or restoration of a situation or circumstance; and
 - e) where the applicant is not the owner of the subject property, the consent of the owner; and
 - f) the granting of some other permit or authorisation.
- 2) The conditions of a permit must be set out in the permit.
- 3) The Council or an Authorised Officer may, subject to agreement with the permit holder, alter the conditions of a permit if it considers it to be appropriate to do so.
- 4) A person who undertakes an activity for which the Council or an Authorised Officer has issued a permit must comply with the conditions of the permit.

Penalty: 20 Penalty Units

66. Cancellation of a permit

- 1) The Council or an Authorised Officer may cancel a permit if it considers that:
 - a) there has been a serious or ongoing breach of the conditions of the permit; or
 - b) a Notice to Comply has been issued, but not complied with within 7 days after the time specified in the notice for compliance; or
 - c) there was a significant error or misrepresentation in the application for the permit; or
 - d) other circumstances, events, omissions or actions exist, requiring cancellation of the permit.
- 2) Before it cancels a permit, the Council or an Authorised Officer must provide to the permit holder an opportunity to make comment on the proposed cancellation.
- 3) If a permit holder is not the owner of the land and the owner's consent was required, the owner must be notified of the cancellation of a permit.

67. Correction of permits

- 1) The Council or an Authorised Officer may at any time correct a permit in relation to:
 - a) an unintentional error or an omission; or
 - b) an evident material miscalculation or mistake in describing a person, thing or property.
- 2) The Council or an Authorised Officer must notify a permit holder in writing of any correction.
- 3) If the permit holder is not the owner of the land and the owner's consent was required, the owner must be notified of any correction to a permit.

68. Registers

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

69. Utilities

- 1) A utility provider or their agent shall not be required to obtain a permit under this Local Law in respect of any activities associated with the purposes of their service delivery.
- 2) A person who would, but for this clause, be required to obtain a permit under this Local Law in respect of any activity must notify the Council of the activity prior to its commencement.

70. Exemptions

- 1) The Council or an Authorised Officer may by written notice exempt any person or class of persons from the requirement to have a permit, either generally or at specified times.
- 2) An exemption may be granted subject to conditions.
- 3) A person must comply with the conditions of an exemption.

Penalty: 10 Penalty Units

- 4) An exemption may be cancelled or corrected as if it were a permit.

71. Offences

A person who makes a false representation or declaration (whether oral or in writing), or who intentionally omits relevant information in an application for a permit or exemption is guilty of an offence.

Penalty: 20 Penalty Units

Division 2 – Enforcement

72. Power of authorised officer to issue a notice to comply

- 1) An Authorised Officer, by a written notice given to a person who appears to be in breach of this Local Law, including any permit or other approval issued under this Local Law, may direct that person to remedy any situation which constitutes a breach under this Local Law.
- 2) A notice must be a form approved by the Council or an Authorised Officer.

73. Time to comply

- 1) A notice to comply must state the time and date by which the situation must be remedied.
- 2) The time required by a notice to comply must be reasonable in the circumstances, having regard to:
 - a) the amount of work involved; and
 - b) the degree of difficulty involved; and
 - c) the availability of necessary materials or other necessary items; and
 - d) climatic conditions; and
 - e) the degree of risk or potential risk involved; and
 - f) any other relevant factors.
- 3) If a permit holder is not the owner of the land and the owner's consent was required to be given to the application for the permit, the owner must be notified of any notice to comply and of the reason why it has been served.

74. Failure to comply with a notice to comply

A person who fails to comply with a notice to comply served on that person is guilty of an offence.

Penalty: 10 Penalty Units

75. Power of authorised officer to act in urgent circumstances

- 1) In urgent circumstances arising as a result of a failure to comply with this Local Law, an Authorised Officer may take action to remove, remedy or rectify a situation without first serving a notice to comply if:
 - a) the Authorised Officer considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice, may place a person, animal, property or thing at risk or in danger; and
 - b) wherever practicable, a senior officer of the Council is given prior notice of the proposed action.
- 2) In deciding whether circumstances are urgent, an Authorised Officer must give consideration to:
 - a) whether it is practicable to contact:
 - i) the person by whose default the situation has arisen; or
 - ii) the owner or the occupier of the land or building affected.
 - b) whether there is an urgent risk or threat to public health, public safety, the environment or animal welfare.
- 3) The action taken by an Authorised Officer under clause 75(1) must not extend beyond what is necessary to cause the immediate abatement, or minimisation, of the risk or danger.
- 4) An Authorised Officer who takes action under clause 75(1) must ensure that, as soon as practicable:
 - a) details of the circumstances requiring action, and remedial action taken, are forwarded to the owner or occupier of the land or the person in default; and
 - b) a report of the action taken is submitted to the Chief Executive Officer.

76. Power of authorised officer to impound

- 1) An Authorised Officer may seize and impound any item where there has been a contravention of this Local Law.
- 2) If an Authorised Officer has impounded anything in accordance with this Local Law, the Council may refuse to release it until the appropriate fee or charge for its release has been paid to the Council.
- 3) The Council may, by resolution, fix charges (generally or specifically) for the purposes of this clause.
- 4) As soon as possible after the impounding and where practicable to do so, the Authorised Officer must serve a written notice on the owner or person responsible for the item which has been impounded, setting out the fees and charges payable and time by which the item must be retrieved.
- 5) If after the time required in a notice of impounding an impounded item is not retrieved, an Authorised Officer may take action to dispose of the impounded item as follows:
 - a) where the item has no saleable value, it may be disposed of in the most economical way; or
 - b) where the item has some saleable value the item may be disposed of either by tender, public auction or private sale, but failing sale may be disposed of in accordance with clause 76(5)(a).
- 6) When the identity or whereabouts of the owner or person responsible for the impounded item is unknown, the Authorised Officer must take reasonable steps to ascertain the identity or whereabouts of that person and may proceed to dispose of the impounded item in accordance with clause 76(5), once the Authorised Officer is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded item.
- 7) Any proceeds from the disposal of impounded items under this Local Law must be paid to the owner or to the person who, in the opinion of the Council, appears to be authorised to receive the money, except for the reasonable costs incurred by the Council in the administration of this Local Law.
- 8) If a person described in clause 76(7) cannot be identified or located within 6 months after the date of the notice of impounding, any proceeds of the sale cease to be payable to that person, and may be retained by the Council for municipal purposes.

77. Infringement notices

- 1) Any offence against this Local Law is an infringeable offence as defined by the *Infringements Act 2006*, and an Authorised Officer may issue an infringement notice for the offence.
- 2) The penalty fixed for an infringement notice issued under this Local Law is half (50%) of the number of penalty units set out as a penalty under the corresponding clause of this Local Law.

Division 3 – Delegations

78. Delegation to the Chief Executive Officer

- 1) The Council delegates to its Chief Executive Officer all powers of Council specified in this Local Law, except the power of Council in clause 62 to determine fees and charges payable pursuant to this Local Law.
- 2) The Chief Executive Officer may delegate to the holder of an office or position as a member of Council staff any power delegated to the Chief Executive Officer under clause 78(1).