Local Law No. 1
Neighbourhood Amenity 2012
This document is a re-structure of previous General Local Law No.1 2005.
The new structure can be seen in the Table below.

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* It should be noted that this structure is for convenience of use only. Laws affecting a specific situation may not be limited to any one section.
PREAMBLE

Bass Coast Shire Council’s Local Law is designed to secure community safety, protect public assets and enhance neighbourhood amenity. The Local Law embraces best practice local law making by embodying the principles of accessibility, accountability, compliance, consistency, currency, efficiency, enforceability, necessity and transparency. The Local Law is also consistent with the principles of justice and fairness. Extensive community consultation has been undertaken in the preparation of this Local Law.
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PART 1 – PRELIMINARY, OBJECTIVES AND DEFINITIONS

1. TITLE

This Local Law is the BASS COAST SHIRE COUNCIL Local Law No. 1 Neighbourhood Amenity 2012 and is referred to below as 'this Local Law'.

2. OBJECTIVES OF THIS LOCAL LAW

The objectives of this Local Law are to:

(1) secure community safety;
(2) protect public assets;
(3) enhance neighbourhood amenity;
(4) embrace best practice local law making principles of accessibility, accountability, compliance, consistency, currency, efficiency, enforceability, necessity and transparency;
(5) be consistent with the Council’s overall objectives and strategies, in particular:
   (a) use a strong voice and accurate information to advocate for the best quality lifestyle for our communities, by
      (i) demonstrating strong leadership and effectively use our resources to achieve the best possible outcomes that improve the health and wellbeing of our community
   (b) ensure the natural assets of Bass Coast are promoted and managed in a sustainable manner, by
      (i) conserving, protecting and enhancing the natural environment
      (ii) identifying and protecting areas of environmental significance on private land
   (c) create an economic environment that increases wellbeing and prosperity, by
      (i) developing a business climate that helps to expand existing businesses and attract new investment
      (ii) increasing tourism opportunities
   (d) manage our resources effectively, by
      (i) managing our assets and risks well
      (ii) fulfilling our legislative obligations
      (iii) making decisions in the best interest of the whole community
   (e) Making fair and equitable decisions, based on sound information
(f) plan for the diverse and sometimes competing needs of our communities, by
   (i) facilitating balanced and integrated support services necessary for the health, safety and well-being of the community
   (ii) managing development and growth in line with community needs and statutory regulations
(6) provide for the administration of the Council’s powers and functions; and

3. AUTHORISING PROVISIONS

The Council’s authority to make this Local Law is contained in section 111(1) of the Local Government Act 1989 and section 42 of the Domestic Animals Act 1994.

4. COMMENCEMENT

This Local Law operates from the day following its making.

5. DATE THIS LOCAL LAW CEASES OPERATION

Unless this Local Law is revoked sooner, its operation will cease on the tenth anniversary of its making.

6. REVOCATION OF OTHER LOCAL LAWS

The following Local Laws of the Council are revoked:

7. SCOPE OF THIS LOCAL LAW

(1) This Local Law applies to the whole of the Municipal District, except where it is apparent from its wording that a Clause or Schedule applies to a specific area.
(2) Where this Local Law applies to a Road, it applies to all parts of the Road.
(3) The provisions of this Local Law apply to the extent that they are not inconsistent with any Act or Regulation applicable to the Council or its Municipal District.
(4) 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 an express permission in the Planning Scheme.
(5) 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. **HOW TO READ THIS LOCAL LAW, GUIDELINES AND INCORPORATED DOCUMENTS**

Parts 1 to 10 of this Local Law set out the provisions for meeting the objectives of this Local Law. Part 11 (Schedule 1) sets out the Discretion Guidelines to which the Council and its staff must have regard to in exercising discretions under this Local Law. Part 12 (Schedule 2) sets out Council Policies and other documents incorporated into this Local Law. Part 13 (Schedule 3) sets out Permit Conditions applicable to Permits issued under this Local Law. Part 14 (Schedule 4) sets out Council’s standard forms included in this Local Law. Part 15 (Schedule 5) sets out a summary of maximum penalties and Infringement Notice penalties.

Reference is also made throughout this Local Law to the following Acts, Regulations, Rules and other documents, as amended from time to time:

1. [Australian Standard 4970-2009: Protection of Trees on Development Sites](#);
2. [Australian Standard AS NZS 4819-2011 Geographic Information – Rural and Urban Addressing](#);
3. [Building Act 1993](#);
4. [Catchment and Land Protection Act 1994](#);
5. [Catchment and Land Protection Regulations 2002](#);
6. [Country Fire Authority Act 1958](#);
7. [Crown Land (Reserves) Act 1978](#);
8. [Disability Discrimination Act 1992 (Cth)](#);
9. [Domestic Animals Act 1994](#);
10. [Environment Protection Act 1970](#);
11. [Firearms Act 1996](#);
12. [Food Act 1984](#);
13. [Gambling Regulation Act 2003](#);
14. [Geographic Place Names Act 1998](#);
15. [Impounding of Livestock Act 1994](#);
16. [Infringements Act 2006](#);
17. [Land Act 1958](#);
18. [Liquor Control Reform Act 1998](#);
19. [Local Government Act 1989](#);
20. [Livestock Disease Control Act 1994](#);
21. [Monetary Units Act 2004](#);
22. [Planning and Environment Act 1987](#);
23. [Prevention of Cruelty to Animals Act 1986](#);
(24) Public Health and Wellbeing Act 2008;
(25) Road Management Act 2004;
(26) Road Safety Act 1986;
(27) Road Safety Road Rules 2009;
(28) Sentencing Act 1991;
(29) Summary Offences Act 1966;
(30) Tobacco Act 1987;
(31) VicRoads Code of Practice for Placement of Waste Bins on Roadsides (VicRoads Publication No. 00623) 2001;
(32) Victorian Codes of Practice for Animal Welfare, Department of Primary Industries;
(33) Victorian Government Gazette.

If a provision of any document incorporated by, or referred to, in this Local Law is inconsistent with any provision in this Local Law (excluding State and Commonwealth Legislation and the Regulations made under that Legislation and any relevant Planning Scheme), the provision in this Local Law prevails.

9. DEFINITIONS

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

<table>
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<tr>
<th>WORDS AND PHRASES</th>
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<tr>
<td>Advertising Sign</td>
<td>Means any board, notice, structure, banner, flag or other similar device, with or without words, symbols or recognisable graphics, used for the purpose of soliciting sales or notifying people of the presence of an adjacent property or other address, whether real, internet-based or otherwise electronic, where goods and/or services may be obtained.</td>
</tr>
<tr>
<td>Abandoned Vehicle</td>
<td>Means a Vehicle left on Council Land that has, in the opinion of an Authorised Officer or Delegated Officer, been abandoned.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>Alcohol Free Area</td>
<td>Means an area of, or in, any Municipal Place, which has been declared by the Council as an “alcohol free” area and has appropriate signage erected and maintained.</td>
</tr>
<tr>
<td>Animal</td>
<td>Excludes a Person but includes, although is not limited to, any of the species or groups listed in the first column of the Table in the Guidelines for Clause 38 Keeping Animals and includes Livestock.</td>
</tr>
<tr>
<td>Appeals Officer</td>
<td>Means an officer of the Council that is appointed to the role of Appeals Officer by the Chief Executive Officer.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Means a Person who applies for a Permit under this Local Law.</td>
</tr>
<tr>
<td>Appropriate Fee</td>
<td>Means the fee determined by the Council in accordance with Clause 22.</td>
</tr>
<tr>
<td>Asset Protection Permit</td>
<td>Means a Permit referred to in Clause 66 and Clause 67.</td>
</tr>
<tr>
<td>Authorised Officer</td>
<td>Means an Authorised Officer appointed under section 224 of the Act.</td>
</tr>
<tr>
<td>Barbeque</td>
<td>Means a device used for the cooking of food outdoors whether constructed or manufactured and whether powered by gas, electricity, liquid or solid fuel, or any combination of them and includes a device for spit roasting when used outdoors.</td>
</tr>
<tr>
<td>Building Works</td>
<td>Means works for or in connection with the construction, alteration, demolition or removal of a building in respect of which a building permit is required under the Building Act 1993.</td>
</tr>
<tr>
<td>Built Up Area</td>
<td>Means, in relation to a length of Road, an area in which either or both of the following are present for a distance of at least 500 metres or, if the length of Road is shorter than 500 metres, for the whole of the Road: (a) buildings, not over 100 metres apart, on land next to the Road; or (b) street lights not over 100 metres apart. (As in the Road Safety Road Rules 2009).</td>
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</tbody>
</table>
**Bulk Rubbish Container**

Means a bin, container, skip, mobile storage unit or other structure designed or used for holding a substantial quantity of rubbish or storage and which is unlikely to be lifted without mechanical assistance but excludes a container used in connection with the Council’s kerbside waste collection services.

**Busk, Busking**

Means to perform to the public, whether by acting, juggling, singing, playing a musical instrument or otherwise entertaining passers-by, with or without collecting money.

**Campervan**

Means any Campervan, mobile home or similar vehicle, which includes sleeping and/or living facilities, whether manufactured to luxury standard or privately converted from a standard vehicle and includes a caravan, camper trailer and other similar towed living/sleeping trailer facility.

**Camping, (to Camp)**

Means the occupation or use of a tent, makeshift structure, caravan, campervan, mobile home or any other vehicle (including under the vehicle) for sleeping all or part of a night or as temporary accommodation. Does not include brief ‘power napping’ in a vehicle beside a highway.

**Camping Area**

Means any land within the Municipal District that has been declared by the Council or other public authority to be a ‘Camping Area’ for the purposes of this Local Law.

**Chief Executive Officer**

Means the person appointed by the Council to be its Chief Executive Officer or any person acting in that position (as in the Act).

**Clause**

Means a Clause of this Local Law and Sub-clause has a corresponding meaning.

**Council**

Means the Bass Coast Shire Council.

**Council Land**

Means any land owned, or vested in, or under the control or management of the Council including, but not limited to, a Road, Municipal Reserve or other reservation, watercourse, foreshore or boat ramp.
<table>
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<tr>
<th>Term</th>
<th>Definition</th>
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<tr>
<td>Delegated Officer</td>
<td>Means a staff member of the Council delegated by the Council to perform a duty or function or to exercise a power conferred by this Local Law, whether by direct delegation from the Council or by delegation from the Chief Executive Officer.</td>
</tr>
<tr>
<td>Domestic Bird</td>
<td>Means a small bird such as a canary, finch, budgerigar or the like that is kept in a cage or aviary but excludes a Large and/or Noisy Bird capable of causing disturbance and discomfort to neighbours.</td>
</tr>
<tr>
<td>Droving of Livestock</td>
<td>Means a single driving of Livestock in or through the Municipal District, or from one location to another for the purpose of changing the grazing area, or for the purposes of sale or relocation after sale, but does not include the Movement of Livestock or the Grazing of Livestock.</td>
</tr>
<tr>
<td>Dwelling</td>
<td>Means a building used as a self-contained residence which normally includes a kitchen sink, food preparation facilities, a bath or shower and a closet pan and wash basin, and includes out-buildings and works normal to a Dwelling.</td>
</tr>
<tr>
<td>Event</td>
<td>Means an organised gathering of people involving material community impact, or materially increased risk to public safety or Council assets, but excludes any informal social gathering of 30 persons or less.</td>
</tr>
<tr>
<td>Fence</td>
<td>Means any enclosure by design or intent that is used for the confinement of an Animal, for security, privacy, amenity or boundary marking and may include (but is not limited to) a gate, grid or similar structure.</td>
</tr>
<tr>
<td>Filming</td>
<td>Means the recording of a single image or series of images for any commercial purpose and/or television broadcasting purpose by a camera or other device equipped with one or more light sensitive lenses, capable of capturing and/or transmitting those images to any form of recording media and/or to any commercial and/or television broadcasting equipment, including any form of digital storage media in any location, but excludes news media and any private non-commercial community and/or social media purposes.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>Fire Ban or Code Red (Catastrophic)</td>
<td>Means a day declared as either a partial or total fire ban day in accordance with the <em>Country Fire Authority Act 1958</em> and/or a declared Code Red (Catastrophic) Fire Danger Rating Day (declared by the Bureau of Meteorology in consultation with the Country Fire Authority, the Metropolitan Fire Brigade and the relevant Victorian Government department).</td>
</tr>
<tr>
<td>Fire Danger Rating Day</td>
<td>Means a day declared as either a partial or total fire ban day in accordance with the <em>Country Fire Authority Act 1958</em> and/or a declared Code Red (Catastrophic) Fire Danger Rating Day (declared by the Bureau of Meteorology in consultation with the Country Fire Authority, the Metropolitan Fire Brigade and the relevant Victorian Government department).</td>
</tr>
<tr>
<td>Footpath</td>
<td>Means a pathway or other area constructed or developed by a public authority for use by pedestrians.</td>
</tr>
<tr>
<td>Footpath Trading Permit</td>
<td>Means a Permit issued under Clauses 59(1), 60(1), 62(1) or 63(1).</td>
</tr>
<tr>
<td>Foreshore Reserve</td>
<td>Means any land, whether or not owned, or vested in, or under the control and management of the Council, adjacent to the waters of Westernport or Bass Strait or any inland lake, river, stream, creek or other waterway, but does not include a Road.</td>
</tr>
<tr>
<td>Graffiti</td>
<td>Means any defacement of property whether written, drawn, sprayed, scratched or otherwise marked on a wall or other surface, which is not readily removable by wiping with a dry cloth, is detrimental to the visual amenity of the neighbourhood and is not part of any approved artistic exhibition.</td>
</tr>
<tr>
<td>Grazing of Livestock</td>
<td>Means the use of a Road for the purposes of grazing Livestock, which includes supplementary feeding, but does not include the Droving of Livestock or the Movement of Livestock.</td>
</tr>
<tr>
<td>GVM</td>
<td>Means the Gross Vehicle Mass of a Vehicle which means the maximum loaded mass of the Vehicle:</td>
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<td>(a) as specified by the Vehicle’s manufacturer; or</td>
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<td>(b) as specified by VicRoads if –</td>
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<td>(i) the manufacturer has not specified a maximum loaded mass; or</td>
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<td></td>
<td>(ii) the manufacturer cannot be identified; or</td>
</tr>
<tr>
<td></td>
<td>(iii) the Vehicle has been modified to the extent that the manufacturer’s specification is no longer appropriate (<em>as in the Road Safety Act 1986</em>).</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>Heavy Vehicle</td>
<td>Means a motor vehicle or trailer that has a GVM greater than 4.5 tonnes, and includes: (a) any other Vehicle that is physically connected to the heavy vehicle (even if that other Vehicle is not a heavy vehicle); and (b) a bus that is used, or intended to be used to carry passengers for reward or in the course of a business (<em>as in the Road Safety Act 1986</em>).</td>
</tr>
<tr>
<td>Incinerator</td>
<td>Means a structure, device or contraption (not enclosed in a building) which is: (a) used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance; (b) not licensed or otherwise subject to control under the provisions of any legislation; and (c) not a Barbeque or a manufactured fireplace for the purpose of outdoor heating.</td>
</tr>
<tr>
<td>Infringement Notice</td>
<td>Means an Infringement Notice issued by the Council or by an Authorised Officer or Delegated Officer under this Local Law.</td>
</tr>
<tr>
<td>Large and/or Noisy Bird (including a Rooster)</td>
<td>Means, in relation to the keeping of an Animal, any Large and/or Noisy Bird capable of causing a disturbance or discomfort to neighbours particularly by noise, such as a cockatoo, macaw, peacock, large parrot, pheasant, rooster, turkey, goose or other similar sized bird or any other noisy bird regardless of size, but does not include Poultry, a Domestic Bird, a pigeon or other small non-noisy bird.</td>
</tr>
<tr>
<td>Licensed Premises</td>
<td>Means premises licensed under the <em>Liquor Control Reform Act 1998</em> to sell or serve alcohol and includes premises which have been granted a BYO permit under the <em>Liquor Control Reform Act 1998</em>.</td>
</tr>
<tr>
<td>Liquor</td>
<td>Means a beverage or other prescribed substance, intended for human consumption with an alcoholic content greater than 0.5 per cent by volume at a temperature of 20° Celsius (<em>as in the Liquor Control Reform Act 1998</em>).</td>
</tr>
</tbody>
</table>
Litter Has the meaning ascribed to it in section 4 of the *Environment Protection Act 1970* as amended from time to time:

any solid or liquid domestic or commercial waste, refuse, debris or rubbish and, without limiting the generality of the above, includes any waste glass, metal, plastic, paper, fabric, wood, food, soil, sand, concrete or rocks, abandoned vehicles, abandoned vehicle parts and garden remnants and clippings, but does not include any gases, dust or smoke or any waste that is produced or emitted during, or as a result of, any of the normal operations of the mining, building or manufacturing industry or of any primary industry.

Litter Device Means, in relation to the excrement of an Animal, an apparatus designed for the purpose of removing the excrement of the Animal and includes a paper or plastic bag.

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 (*as in the Impounding of Livestock Act 1994*).

Long Vehicle Means a Vehicle that, together with any load or projection is 7.5 metres long or longer.

Manager Means a Person appointed by the Council to manage any Municipal Building, Municipal Reserve or other Municipal Place, or any other relevant Authorised Officer or Delegated Officer of the Council.
| **Motor Bike or other Motorised Recreational Vehicle** | Means a motor vehicle, whether registered or unregistered, used for recreational purposes on any land (excluding a Road) and includes, but is not limited to, the following motor vehicles:

(a) a motor vehicle with two (2) wheels with or without a sidecar attached that is supported by a third wheel;

(b) a motor vehicle with three (3) wheels that is ridden in the same way as a motor vehicle with two (2) wheels; and

(c) any other motorised, recreational vehicle including, but not limited to, trail bikes, motorised scooters, motorised go-carts and quad bikes,

but excludes:

(a) a motorised wheelchair or other aid used by a Person with a disability; and

(b) a motorised farm vehicle that is being used for farming purposes. |

| **Movement of Livestock** | Means all of:

(a) individual or regular movements of Livestock;

(b) as part of normal farm management operations of one farming enterprise but not for the purposes of grazing;

(c) from one property to another within the Municipal District or from or to one property in the Municipal District to or from another property within an adjacent municipal district;

(d) at the rate of not less than one kilometre per hour in the direction of the movement between the two properties;

(e) where the properties concerned are occupied by the one farming enterprise; and

(f) the movement is completed on the day of commencement. |

| **Municipal Building** | Means any building (and its grounds) owned, occupied, controlled or managed by the Council, which has some or all areas designated for public or community access but may also have some or all areas designated for employee or staff only access. |
### Municipal District
Means the district under the local government of the Council (*as in the Act*).

### Municipal Environmental Health Officer
Means any Municipal Environmental Health Officer appointed by the Council from time to time.

### Municipal Fire Prevention Officer
Means any Municipal Fire Prevention Officer appointed by the Council from time to time.

### Municipal Place
Means any place within the Municipal District that is owned or occupied by the Council and/or controlled or managed by the Council, which the public may or may not have access to (whether an admittance fee is required or not) but also includes a Municipal Reserve, Foreshore Reserve, library, Municipal Building, Footpath and Road.

### Municipal Reserve
Means any land, or waterway or water course either owned or vested in, or under the control and management of the Council, and used or set aside as a reserve but excludes a Road and any areas leased to other parties.

### Notice to Comply
Means a Notice to Comply issued by the Council or by an Authorised Officer or Delegated Officer under this Local Law.

### Noxious Weed
Has the meaning ascribed to it by section 3 of the *Catchment and Land Protection Act 1994* as amended from time to time:

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

and are listed, as determined from time to time, in the schedule to *the Catchment and Land Protection Regulations 2002* and incorporated in Schedule 2 to this Local Law.

### Outdoor Eating Facility
Means any tables and/or chairs that are used for commercial purposes and are located outside of doors at which food or drinks are served and may be consumed.
Penalty Unit  Means a Penalty Unit set out in section 110(2) of the Sentencing Act 1991 that is currently fixed at $100 for each one (1) Penalty Unit and includes any amendments to that amount as determined from time to time.

Permit  Means a Permit issued by the Council under this Local Law.

Permit Holder  Means a Person to whom a Permit has been issued under this Local Law.

Person  Has the meaning ascribed to it in section 3 of the Act, except that it also includes any other legal entity, whether a corporation, incorporated association or otherwise.

Planning Scheme  Means a planning scheme approved under the Planning and Environment Act 1987 that operates within the Municipal District.

Poultry  Means any bird such as a fowl, bantam or duck that is kept for the production of eggs, or meat for human consumption, or exhibition, but does not include a rooster, goose or turkey. [See ‘Large and/or Noisy Bird (including a Rooster)’]

Procession  Means an organised group of people progressing along a Road or gathering for a ceremony or function and includes a fun run and/or bicycle event.

Recyclable Material  Means any Recyclable Material or hard waste in respect of which a separate Council or Council authorised or approved collection service applies.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road</td>
<td>Has the meaning ascribed to it in section 3 of the Act, as amended from time to time and includes a public highway <em>(as in the Act)</em>:</td>
</tr>
<tr>
<td></td>
<td>(a) a street; and</td>
</tr>
<tr>
<td></td>
<td>(b) a right of way; and</td>
</tr>
<tr>
<td></td>
<td>(c) any land reserved or proclaimed as a street or road under the <em>Crown Land (Reserves) Act 1978</em> or the <em>Land Act 1958</em>; and</td>
</tr>
<tr>
<td></td>
<td>(ca) a public road under the <em>Road Management Act 2004</em>; and</td>
</tr>
<tr>
<td></td>
<td>(d) a passage; and</td>
</tr>
<tr>
<td></td>
<td>(e) a cul de sac; and</td>
</tr>
<tr>
<td></td>
<td>(f) a by-pass; and</td>
</tr>
<tr>
<td></td>
<td>(g) a bridge or ford; and</td>
</tr>
<tr>
<td></td>
<td>(h) a footpath, bicycle path or nature strip; and</td>
</tr>
<tr>
<td></td>
<td>(i) any culvert or kerbing or other land or works forming part of the road.</td>
</tr>
<tr>
<td>Schedule</td>
<td>Means a Schedule to this Local Law.</td>
</tr>
<tr>
<td>Senior Officer</td>
<td>Has the meaning ascribed to it in section 3 of the Act, as amended from time to time and includes the Chief Executive Officer.</td>
</tr>
<tr>
<td>Service Authority</td>
<td>Means an entity (whether publicly or privately owned) which provides, or intends to provide, water, sewerage, drainage, gas, electricity, telephone, telecommunications or like services under the authority of an Act of Victoria or the Commonwealth.</td>
</tr>
<tr>
<td>Smog Alert Day</td>
<td>Means a day declared by the Environment Protection Authority as a Smog Alert Day, which applies to the Municipal District.</td>
</tr>
<tr>
<td>Smoke Free Area</td>
<td>Means an area of, or in, any Municipal Place, which has been declared by the Council as a “smoke free” or “non-smoking” area and has Smoke Free Area signage erected and maintained.</td>
</tr>
<tr>
<td>Street Festival</td>
<td>Means an organised recreational, cultural, commercial or social gathering of people that is held in full or in part on a Road.</td>
</tr>
<tr>
<td>Street Party</td>
<td>Means an organised social gathering of people from one or several adjacent Roads that is held in full or in part on a Road.</td>
</tr>
</tbody>
</table>
Tree

Means any perennial plant, having one or more permanent, woody, self-supporting trunks, with branches forming a crown and includes all parts of the plant whether above or below ground.

Traffic

Means the movement of people by foot, or in, or on, a Vehicle along, across or within a Road.

Traffic Control Device

Means a Traffic Control Device, within the meaning of the Road Safety Road Rules 2009 as amended from time to time:

*a traffic sign, road marking, traffic signals, or other device, to direct or warn traffic on, entering or leaving a road.*

Unlawful Game

Has the meaning ascribed to it in section 2.3.1 of the Gambling Regulation Act 2003 as amended from time to time:

(1) Each of the following games is declared to be an unlawful game—

(a) the Chinese game of fan-tan or any similar game;

(b) the game known as two-up or any similar game;

(c) the game known as hazard or any similar game;

(d) the game known as baccarat or any similar game;

(e) the game known as dinah-minah or minah-dinah or any similar game;

(f) the game known as faro or any similar game;

(g) the game known as roulette or any similar game;

(h) the game known as skill-ball or any similar game;

(i) any game in which the chances are not equally favourable to all the players, including among the players the banker or other person by whom the game is managed or against whom the other players stake play or bet;

(j) any game with cards or other instruments of gaming wherefrom any person derives a percentage or share of the amount or amounts wagered;

(k) the using or conducting of a totalisator.

(2) A game referred to in subsection (1) is not an unlawful game to the extent that it is authorised by a Gaming Act or any other Act.
Vehicle Means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn and includes –
- a motor vehicle, trailer or tram;
- a bicycle; and
- an air-cushion vehicle,
but does not include a train.

However, a reference in this Local Law to a Vehicle –
(a) also includes a reference to –
   (i) an Animal that is being ridden or is drawing a Vehicle; and
   (ii) a group of vehicles consisting of a motor vehicle connected to one or more vehicles; and
   (iii) a Motor Bike or other Motorised Recreational Vehicle;
(b) but does not include a reference to –
   (i) a wheelchair other than a motorised wheelchair capable of a speed of 10 kilometres per hour or more;
   (ii) a Wheeled Non-Motorised Recreational Device; or
   (iii) a Wheeled Child’s Toy.

Vehicle Crossing Means the constructed surface between the road pavement to the property boundary for vehicle access, including any footpath section, crossing culverts, kerb and channel or layback.
Waste

Has the meaning ascribed to it in section 4 of the Environment Protection Act 1970 as amended from time to time:

(a) any matter whether solid, liquid, gaseous or radio-active which is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment;

(b) any discarded, rejected, unwanted, surplus or abandoned matter;

(c) any otherwise discarded, rejected, abandoned, unwanted or surplus matter intended for —

(i) recycling, reprocessing, recovery or purification by a separate operation from that which produced the matter; or

(ii) sale; and

(d) any matter prescribed to be waste.

Wheeled Non-Motorised Recreational Device

Means a wheeled device, built to transport a Person that is propelled by human power or gravity and ordinarily used for recreation or play and —

(a) includes in-line wheeled skates, roller-skates, skateboards, and similar wheeled devices; but

(b) excludes a golf buggy, pram, stroller, trolley, bicycle, wheelchair or Wheeled Child’s Toy.

Wheeled Child’s Toy

Means a child’s pedal car, scooter or tricycle or other similar toy, but only when it is being used solely by a child who is under 12 years old.
PART 2 - ADMINISTRATION OF THIS LOCAL LAW

10. EXERCISE OF DISCRETIONS

(1) In exercising any discretion contained in this Local Law, the Council or an Authorised Officer or a Delegated Officer must have regard to:

(a) the objectives of this Local Law;
(b) the Guidelines, as appropriate, as determined from time to time and incorporated in this Local Law in Schedule 1;
(c) the Council Policies, as determined from time to time and incorporated in this Local Law in Schedule 2;
(d) the Permit Conditions, as determined from time to time and incorporated in this Local Law in Schedule 3; and
(e) any other policies adopted by the Council from time to time, provided that such policies are not inconsistent with this Local Law.

(2) The Council may, from time to time, prepare policies for use by the Council, Council staff and other persons for the purposes of this Local Law.

(3) Any policies that are adopted by the Council must not be inconsistent with the objectives of this Local Law, the Guidelines or any other documents as determined from time to time and incorporated in this Local Law in Schedule 1, 2 and 3.

(4) The Council may, from time to time, by resolution, amend any item in Schedule 1, 2 or 3 to this Local Law but any such change shall have no force or effect until formal notification has been given through the Victoria Government Gazette. To this extent, such schedules do not form part of this Local Law.

(5) In preparing any Guidelines, the Council must have regard to the objectives of this Local Law.

11. REGISTER OF DETERMINATIONS

(1) Any determinations resolved by the Council for the purposes of this Local Law and any policies or amendments to schedules adopted by the Council (as in Sub-clause 10(4) ) must be maintained by the Council in a register kept for that purpose.

(2) The register kept for the purposes of this Clause must be made available for inspection at the office of the Council during normal office hours.
12. **POWER OF AUTHORISED OFFICER OR DELEGATED OFFICER TO DIRECT – NOTICE TO COMPLY**

An Authorised Officer or Delegated Officer may, by serving a Notice to Comply, direct any owner, occupier or other relevant Person to remedy any situation that constitutes a breach of this Local Law.

*Guidelines for the issuing of a Notice to Comply, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.*

*The form of a Notice to Comply is included in Schedule 4 to this Local Law.*

13. **FAILURE TO ADHERE TO A NOTICE TO COMPLY**

A Person who fails to remedy a situation in accordance with a Notice to Comply served on that Person under this Local Law is guilty of an offence.

Penalty: 20 Penalty Units

14. **POWER OF AUTHORISED OFFICER OR DELEGATED OFFICER TO ACT IN URGENT CIRCUMSTANCES**

In urgent circumstances arising as a result of a failure to comply with this Local Law, an Authorised Officer or a Delegated Officer may take action to remove, remedy or rectify the failure without the necessity to serve a written warning, Notice to Comply, or take other action, provided the Authorised Officer or the Delegated Officer has regard to the Guidelines for Urgent Circumstances.

*Guidelines for the exercise of the power to act in urgent circumstances, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.*
15. **POWER OF AUTHORISED OFFICER OR DELEGATED OFFICER TO IMPOUND**

(1) If an Authorised Officer or Delegated Officer detects an Animal, item or other thing in breach of, or being used contrary to, the provisions of this Local Law and, in the opinion of that Authorised Officer or Delegated Officer, the continuation of that breach or use presents a potential hazard or risk to any Person or property, the Authorised Officer or Delegated Officer may impound that Animal, item or other thing.

(2) If an Authorised Officer or Delegated Officer has impounded an Animal, item or other thing 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.

*Guidelines for the exercise of the power to impound, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.*

*The form of a Notice of Impounding is included in Schedule 4 to this Local Law.*

16. **APPEALS**

(1) Any Person who is aggrieved by any matter under this Local Law may make a written submission for consideration by the Council within twenty-eight (28) days of the date of the matter concerned but the making of any submission will not in any way remove that Person’s obligation to act in accordance with any obligations, directions or notices which are applicable under this Local Law.

(2) Sub-clause (1) does not confer a right for a Person to make a submission under section 223 of the Act.

(3) Details regarding submissions and appeal processes relating to an Infringement Notice issued under this Local Law are found in Part 10 of this Local Law.

(4) Any submission or appeal under this Local Law will be determined by an Appeals Officer separate and independent from any Authorised Officer or Delegated Officer who may have issued an Infringement Notice or other notice or exercised any other power under this Local Law.

(5) On any submission on any matter under this Local Law (other than an appeal from an Infringement Notice) the decision of the Council is final, excepting only review on legal grounds to the Supreme Court of Victoria.
PART 3 - PERMITS

17. PERMITS

(1) The form for an application for a Permit is set out in Schedule 4.

(2) Despite Sub-clause (1), a written application contrary to the form in Schedule 4 may be accepted by the Council or an Authorised Officer or Delegated Officer if it is considered that the appropriate information has been supplied.

(3) In addition to any other conditions applied to any specific type of Permit, Standard Permit Conditions applicable to all Permits under this Local Law, as determined by the Council from time to time, are incorporated in Schedule 3.

(4) When receiving and processing applications for a Permit and when imposing conditions, making corrections or considering cancellations of a Permit, the Council or an Authorised Officer or Delegated Officer must have regard to the Guidelines relating to Permits, as determined by the Council from time to time and incorporated in Schedule 1 and the Standard Permit Conditions, as determined by the Council from time to time and incorporated in Schedule 3.

18. POWER TO OBTAIN NECESSARY AND ADDITIONAL INFORMATION

The Council or an Authorised Officer or Delegated Officer may require any Applicant to provide additional information before dealing with an application for a Permit or an exemption and for the purposes of administering and enforcing the provisions of this Local Law.

19. RECORD OF PERMITS

(1) A record of any Permits issued by the Council for the purposes of this Local Law must be maintained by the Council.

(2) Any cancellations or corrections of Permits which have been issued under this Local Law are also to be recorded.
20. **EXEMPTION FROM PERMIT OR PERMIT FEE**

   (1) The Council may, by written notice exempt any Person or class of Person from the need to obtain a Permit and such exemption may be conditional, may be altered and may be cancelled.

   (2) The Council may, by written notice exempt any Person or class of Person from the need to pay any Permit fee.

   (3) An exemption from the requirement to pay a Permit fee may be cancelled or corrected in the same way as a Permit.

   (4) A Service Authority or a Person employed by, or acting on behalf of, a Service Authority is exempt from this Local Law and is not required to obtain a Permit in respect of activity to be undertaken for the purposes of the Service Authority but must notify the Council of the activity prior to its commencement.

   Guidelines for determining whether to recommend or grant a permit exemption or permit fee waiver, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

21. **OFFENCE TO FALSIFY APPLICATION**

   A Person who makes any false representation or declaration (whether oral or in writing) in, or who omits any relevant information from, an application for a Permit or exemption is guilty of an offence.

   Penalty: 20 Penalty Units
22. **SETTING FEES AND CHARGES**

(1) The Council may, from time to time, by resolution determine the fees and charges to apply under this Local Law and may include an administration or processing fee or charge. The Council must give public notice of its resolution to set or alter fees and charges.

(2) Where a Permit is issued part way through the financial year and is to operate for the balance of that financial year, the Council may vary the normal annual fee or charge by applying a fee or charge which is proportionate to the period for which the Permit will apply corrected to the next higher quarter of that year.

23. **DIFFERENTIAL OR STRUCTURED FEES AND CHARGES**

In determining any fees and charges, the Council may establish a system or structure of fees and charges, including minimum or maximum or pro-rata fees or charges, if it considers it is appropriate to do so.

24. **WAIVER OR ALTERATION TO FEES AND CHARGES**

The Council may waive, reduce or alter any fee or charge with or without conditions upon receipt of a written submission from the applicant stating reasons why any such fee or charge should be reconsidered.

*Guidelines for determining whether to recommend or grant a permit exemption or permit fee waiver, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.*

*The Council’s fees and charges are determined annually by the Council in its budgeting process and are available from the Council’s website or by enquiry direct to the Council.*
PART 5 – YOUR PROPERTY, TREES AND ANIMALS

YOUR PROPERTY

25. COUNCIL TO APPROVE ROAD NAMES

(1) A person must not apply a name to a road, locality or geographic feature within the Shire without the consent of Council.

Penalty: 10 Penalty Units

(2) When considering the allocation of a name for a road, locality or other geographic feature, Council will comply with the Geographic Place Names Act 1998, any Guidelines made under that act and the Australian Standard AS NZS 4819-2011 Geographic Information – Rural and Urban Addressing.

(3) Nothing in sub-clause (1) applies to VicRoads in relation to any Road which is a State road within the meaning of the Road Management Act 2004.

26. ADDRESS NUMBERS

(1) The Council or an Authorised Officer or Delegated Officer may allocate an address number to each property in the Municipal District and, from time to time, may make changes to address numbers.

(2) For each property that has been allocated an address number under this Clause, the owner of the property must mark the property with the number allocated and that number must be of sufficient size, in such a position, made of such material and kept in such state of repair as to be clearly readable from the nearest Road under all normal lighting conditions.

Penalty: 10 Penalty Units

Guidelines for determining the sufficiency of size, location and visibility of address numbers, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law
27. **UNSIGHTLY LAND**

An owner or occupier of any land must not cause or allow the land to be kept in a manner which is unsightly or detrimental to the general amenity of the neighbourhood in which it is located.

Penalty: 15 Penalty Units

*Guidelines for determining whether land is unsightly, as determined by the Council from time to time are incorporated in Schedule 1 to this Local Law.*

28. **GRAFFITI**

(1) An owner or occupier of any land without a permanent Dwelling within its boundaries, must not allow any graffiti to remain on any building, wall, Fence, post or other structure or object erected on that land.

Penalty: 10 Penalty Units

(2) No offence will be committed under Sub-clause (1) unless and until a Notice to Comply has been issued and the owner or occupier has failed to comply with the Notice to Comply within the required time, which time shall be reasonable in the circumstances.

29. **DANGEROUS LAND**

An owner or occupier of any land must not cause or allow the land to be kept in a manner which is dangerous or likely to cause danger to a Person, life or property, including but not limited to land which is:

(1) a haven for vermin or any Noxious Weed;

(2) used without a Permit for the storage of any substance which is dangerous or is likely to cause danger to a Person, life or property; or

(3) occupied by an unsecured hole or excavation;

Penalty: 20 Penalty Units
30. DOMESTIC WASTE, RECYCLABLE AND HARD WASTE COLLECTION

The occupier of every Dwelling or other land to which the Council provides a waste collection service (including recyclable and hard waste collections) must comply with the Guidelines for domestic waste, recyclable and hard waste collection services incorporated in Schedule 1.

Penalty: 10 Penalty Units

Guidelines for domestic waste, recyclable and hard waste collection services, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

31. REMOVING RECYCLABLE MATERIAL AND HARD WASTE

(1) A Person must not remove or interfere with any Recyclable Material or hard waste left on a Road, or at any other collection point, for collection in accordance with any instructions determined by the Council and published on the Council’s website and available at Council’s Customer Service Centres.

Penalty: 10 Penalty Units

(2) Sub-clause (1) does not apply to a Person authorised by the Council to remove such Recyclable Material or hard waste or any employee of such a Person in the course of his or her employment, the Person placing the Recyclable Material or hard waste for collection or an Authorised Officer in the course of his or her employment.

32. BURNING OF MATERIALS

Clean air is a part of the amenity of our neighbourhoods and all persons need to avoid creating unreasonably offensive emissions of smoke and odour that may invade neighbouring properties from burning materials in the open.

(1) A Person must not burn, or cause, or allow to be burnt, in the open in any part of the Municipal District:

(a) any offensive materials; or

(b) any materials that may cause offensive emissions of smoke and odour to enter any neighbouring property.

Penalty: 15 Penalty Units
(2) A Person must not on any land in a built up area, burn, or cause, or allow to be burnt outside any materials, whether in the open air or in any built or manufactured Incinerator or similar device.

Penalty: 15 Penalty Units

(3) A Person must not on any land not included in sub-clause (2), burn, or cause or allow to be burnt outside any materials, whether in the open air or in any built or manufactured Incinerator or similar device, contrary to Council’s Burning Off Guidelines incorporated in Schedule 2.

Penalty: 15 Penalty Units

(4) The following exemptions apply in respect of this Clause:

(a) Council staff members and any Person contracted or authorised by the Council for the purpose may, without a Permit, undertake controlled burning-off as a part of normal parks maintenance on any Council Land;

(b) Fire Agencies carrying out training or fire hazard reduction activities;

(c) An Authorised Officer or Delegated Officer may grant exemptions to any part of this Clause in special or unusual circumstances, such as in emergencies, urgent circumstances or natural disasters.

(d) In respect of sub-clauses (2) and (3) only, a permanent or portable Barbeque or a manufactured fireplace for the purpose of outdoor heating is not included.

Guidelines for determining whether an offence has been committed or for determining whether to issue a permit in relation to the burning of materials, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

Council’s Burning Off Guidelines, as determined by the Council from time to time, is incorporated in Schedule 2 to this Local Law.
33. **FIREWORKS**

Fireworks can be spectacular entertainment. However, the noise of fireworks is particularly terrifying to dogs and cattle, which can be driven to escape onto public roads. Firework remnants may land long distances from their origins and can easily start fires, especially in the summer. To protect the safety of the public and community amenity, Council controls the use of fireworks within the municipal district.

A Person must not, without a Permit, light or cause or allow to be lit any fireworks on any land in the Municipal District.

Penalty: 20 Penalty Units

*Guidelines for determining whether to issue a fireworks permit, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.*

34. **CAMPING ON ANY LAND OTHER THAN COUNCIL LAND**

(1) A Person, must not, without a Permit, camp on any land other than Council Land unless such Person is within a licensed caravan park, Camping Area or other area determined to be available for camping purposes by the Council.

Penalty: 15 Penalty Units

(2) Sub-clause (1) does not apply to camping on any land other than Council Land for a period of up to twenty-eight (28) days in any year, with the owner or occupier’s consent, provided that sanitation and laundry facilities of a Dwelling located on the land are available to all persons camping.

(3) In determining whether to grant, re-issue, extend, vary or cancel a Permit, the Council or an Authorised Officer or a Delegated Officer must have regard to the Guidelines as determined by the Council from time to time and incorporated in Schedule 1.

*Guidelines for camping on land other than Council land, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.*

*Permit conditions for camping on any land other than Council Land as determined by the Council from time to time are incorporated in Schedule 3 to this Local Law.*
35. **SHIPPING CONTAINERS**

A Person must not:

(1) keep, store, repair or in any other manner use any shipping container upon any Council Land; and

(2) keep, store, repair or in any other manner use any shipping container upon any land other than Council Land, except in accordance with a Permit.

Penalty: 15 Penalty Units

(3) Sub-Clause (1) does not apply to Council or any person employed, contracted or authorised by Council for the purpose;

(4) a shipping container on any land which exceeds 2 hectares, other than Council Land, is exempt under sub-clause (2) provided it does not adversely impact the visual amenity of the neighbourhood from outside the property boundary;

*Guidelines for shipping containers on land other than Council land, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.*

*Permit conditions for shipping containers on land other than Council land, as determined by the Council from time to time, are incorporated in Schedule 3 to this Local Law.*
YOUR TREES

Note: Some native trees require a higher level of protection under the Bass Coast Shire Council’s Planning Scheme – Vegetation Protection Overlay than under this Local Law. An existing planning permit may also provide protection to any tree.

(Trees on Council Land are also protected elsewhere in this Local Law. See Part 9 – Municipal Places, Reserves and Foreshore and Council Buildings: Municipal Places – Clause 76: Damaging / Defacing a Municipal Place).

36. TREES AND PLANTS NOT TO OBSTRUCT OR OBSCURE

A Person must not allow any Tree or plant in, or growing on, any land owned or occupied by him or her, to obstruct or interfere with the passage of Traffic by:

(1) overhanging any Footpath at a height lower than 2.4 metres; or

(2) extending, obstructing or obscuring in any other way described in the Guidelines for Trees and Plants Not to Obstruct or Obscure, as determined by the Council from time to time and incorporated in Schedule 1.

Penalty: 10 Penalty Units

Guidelines for the removal of overhanging tree obstructions, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

37. TREES AND PLANTS CAUSING DAMAGE TO A MUNICIPAL PLACE

(1) A Person must not allow any Tree or plant on any land owned or occupied by him or her to cause damage to, or interference with, any fixture or other erection in a Municipal Place or Foreshore Reserve or any drain that is vested in, or under the control of the Council.

Penalty: 15 Penalty Units

(2) No offence will be committed under Sub-clause (1) until a Notice to Comply has been issued and the Person has failed to comply with the Notice to Comply within the required time, which time shall be reasonable in the circumstances.
YOUR ANIMALS

38. KEEPING ANIMALS

(1) An owner or occupier of any land must not, without a Permit, keep or allow to be kept more than 6 different types of any Animal on any one parcel of land of less than 2 hectares at any time, and must not keep or allow to be kept any more in number, for each type of Animal, than is set out in the table in the Guidelines for Clause 38 Keeping Animals as determined by the Council from time to time and incorporated in Schedule 1.

Penalty: 10 Penalty Units

(2) Unless contrary to other State or Commonwealth legislation, a Permit is also required to keep or allow to be kept any exotic, wild, dangerous, or large Animal not listed in Sub-clause (1).

(3) For the purpose of calculating the numbers of any Animal kept under Sub-clause (1), the progeny of any dog or cat lawfully kept will be counted from 12 weeks after its birth.

Guidelines for the keeping of animals, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

39. ANIMAL ACCOMMODATION

The owner or occupier of any land on which an Animal is kept must provide accommodation in accordance with the guidelines in Schedule 1.

Penalty: 10 Penalty Units

Guidelines for animal accommodation, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

40. ANIMAL EXCREMENT

(1) A Person in charge of any Animal must not allow any part of the excrement of the Animal to remain on any Council Land.

Penalty: 10 Penalty Units

(2) A Person in charge of any Animal on any Council Land must carry a Litter Device suitable to clean up any excrement left by his or her Animal and must produce such Litter Device upon request of any Authorised Officer.

Penalty: 10 Penalty Units
(3) Exemption: Livestock outside a built up area is exempt from sub-clauses (1) and (2), except that, in the case of livestock road crossings, sub-clause (1) will apply if the animal excrement left on a road is sufficient to cause a genuine risk to public road safety, including but not limited to, being a contributory factor in any road accident.

41. ADEQUATE FENCING

Keeping animals including livestock is one of the pleasures of a rural lifestyle. However, the escape of any animal can easily result in a serious accident or life-threatening tragedy. Consequently, owners and occupiers of land have an important responsibility to ensure the safety of the community, of road users and of all the animals they keep by containing all of their animals including livestock on their property with adequate fencing.

(1) Where any Animal, including any Livestock, is kept on any land, the owner or the occupier of the land must ensure that the land is fenced in a way that will prevent the type of Animal being kept on the land from escaping from the land.

Penalty for first offence: 10 Penalty Units

Penalty for second and subsequent offence: 20 Penalty Units

(2) Where the Animal that is kept on any land are sheep, cattle, horses or other large animals, the owner or occupier of the land must ensure by adequate fencing that no Animal escapes onto, or remains unattended, on a public Road.

Penalty: 20 Penalty Units

(3) No offence is committed under Sub-clause (2) where it can be shown that extreme or unusual circumstances beyond the control of the owner or the occupier, such as wildfire, flood or dog attack directly resulted in the escape of the Animal through otherwise adequate fencing.

See also Part 6 – Roads, Stock Movements and Vehicles – Clauses 44 and 45: Livestock on Roads and related guidelines incorporated in Schedule 1 to this Local Law.

See also Part 6 – Roads, Stock Movements and Vehicles – Clause 43: Damaging Roads and Fodder on Roads and related guidelines incorporated in Schedule 1 to this Local Law.
42. **EUROPEAN WASP NEST(S)**

An owner or occupier of any land must, within 7 days of becoming aware of the existence of a European wasp nest or nests on the land, take steps to cause that nest or those nests to be removed.

Penalty: 10 Penalty Units
PART 6 – ROADS, STOCK MOVEMENTS AND VEHICLES

43. DAMAGING ROADS AND FODDER ON ROADS

(1) A Person must not, without a Permit, behave in a way or undertake any activity that may cause damage to, or is detrimental to, any part of a Road.

Penalty: 20 Penalty Units

(2) A Person must not, without a Permit place, keep, store or authorise another Person to place, keep or store fodder or any other materials on any part of a Road.

Penalty: 10 Penalty Units

(3) If the Council considers that any activity or use on any land owned or occupied by a Person has resulted in damage to a Road and that Person has not obtained a Permit for that activity or use, the Council or an Authorised Officer or a Delegated Officer may serve a notice on the Person requiring that Person to repair the damage within 28 days of receiving the notice.

Guidelines for determining whether to issue a permit for activities that may, or are likely to cause damage to a road are the same guidelines for the issuing of a permit to use or open a road / drainage tapping, as determined by the Council from time to time and are incorporated in Schedule 1 to this Local Law.

44. LIVESTOCK ON ROADS – REGULAR MOVEMENT

Farmers frequently have the need to move livestock, which may involve short regular movements on public roads. While this is essential for the operation of many farms, it creates a considerable risk for the public, for the animals and for Council’s assets. To help minimise these risks, Council imposes strict requirements on persons undertaking the movements of livestock.

A Person must not undertake the regular Movement of Livestock on a public Road contrary to Council’s Guidelines as incorporated in Schedule 1.

Penalty: 10 Penalty Units

Guidelines for the regular movement of livestock on a public road, as determined by the Council from time to time are incorporated in Schedule 1 to this Local Law.
45. **LIVESTOCK ON ROADS – GRAZING AND DROVING PERMITS**

The presence of livestock on public roads for the purposes of grazing or droving is a long tradition in rural areas. However, it creates high risk for the public, for the animals, for Council’s assets and potentially other farm livestock. To help minimise these risks, a permit is required to use public roads for the grazing or droving of livestock.

(1) A Person must not, without a Permit, undertake the Grazing of Livestock or the Droving of Livestock on a public Road.

Penalty: 20 Penalty Units

(2) A Person must not, undertake the Grazing of Livestock or the Droving of Livestock, or allow or permit any other Person to undertake the Grazing of Livestock or the Droving of Livestock on a public Road contrary to the conditions of a Permit.

Penalty: 20 Penalty Units

Guidelines for the issuing of a permit for the grazing or droving of livestock on a public road, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

46. **TRANSPORTATION OF ANIMAL WASTE OR OFFENSIVE WASTE**

(1) Any Person that is transporting waste in the Municipal District in a Vehicle in the form of manure, a dead Animal or the remains of an Animal, offal, bones, hides, skins refuse, rubbish or other offensive matter must cover the Vehicle so that the possibility of escape of offensive odours or any other materials is reduced.

Penalty: 10 Penalty Units

(2) Any material or waste that has been dropped on a Road from the transporting of Animal waste or other offensive waste in Sub-clause (1) and is likely to be a danger to road users or offensive to pedestrians or adjacent residents must be removed from the Road as soon as practical by the person transporting the waste material.

Penalty: 15 Penalty Units
47. STREET LITTER BINS AND RECYCLING BINS

Both community and visitors prefer clean, attractive and vibrant public spaces. Proper use of street litter bins and recycling bins prevents litter, increases recycling and enhances the pleasure we all enjoy from our environment.

(1) A Person must not deposit any waste or recyclable material in a street litter bin or recycling bin (including a clothing recycling bin) contrary to any sign, notice or label detailing the type of waste that will be received in the street litter bin or recycling bin.

Penalty: 10 Penalty Units

(2) A person must not deposit, or authorise the deposit of any household waste, or any waste or recyclable material that has originated from a commercial activity in to a street litter bin or recycling bin (including a clothing recycling bin).

Penalty: 10 penalty units

(3) A Person must not, without a Permit, place any recycling bin (including a clothing recycling bin) on any Council Land, including any Road or part of a Road, excluding only approved allocated bins which are part of Council’s approved household kerbside services.

Penalty: 10 Penalty Units

48. PLACING BULK RUBBISH CONTAINERS

(1) A Person must not, without a Permit, place or cause or allow another Person to place a Bulk Rubbish Container on a Road.

Penalty: 10 Penalty Units

(2) Any Bulk Rubbish Container placed on any part of a Road contrary to this Clause or in contravention of any conditions of a Permit may be removed by an Authorised Officer or Delegated Officer and impounded.

(3) Where a Bulk Rubbish Container has been impounded, there must be compliance with the provisions of Clause 15.
Guidelines for bulk rubbish containers, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

See also Part 7 – Business and Builders – Clause 65: Trade Waste Bins (Including all Trade Recycling Bins).


49. MOTOR BIKES AND MOTORISED RECREATIONAL VEHICLES

(1) A Person must not, without a Permit, use a Motor Bike or other Motorised Recreational Vehicle on any part of any Council Land other than a Road, unless the part of the Council Land has been designated for that purpose.

Penalty: 10 Penalty Units

(2) A Person must not, without a Permit, use a Motor Bike or other Motorised Recreational Vehicle on any land other than Council land other than for the purpose of directly accessing or leaving that land.

Penalty: 10 Penalty Units

(3) In determining whether to grant a Permit, the Council or an Authorised Officer or Delegated Officer must have regard to any Guidelines in Schedule 1.

(4) A Person must not use any Motor Bike or other Motorised Recreational Vehicle on any Council Land other than a Road on any declared Smog Alert Day or Fire Ban Day or Code Red (Catastrophic) Fire Danger Rating Day.

Penalty: 10 Penalty Units

Guidelines for motor bikes and other motorised recreational vehicles, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

Note also Clause 9 Definitions ‘Motor Bikes and Motorised Recreational Vehicles’ where a motorised farm vehicle that is being used for farming purposes is exempt.

50. REPAIR OF VEHICLES ON ROADS

A Person must not dismantle, paint, carry out maintenance on or repair a Vehicle on a Road, or allow or authorise another Person to do so, except for the purpose of removing it.

Penalty: 10 Penalty Units
51. **DERELICT AND ABANDONED VEHICLES**

(1) A Person must not, without a Permit, leave any derelict, abandoned or unregistered Vehicle on any Road, Council Land or Municipal Place, whether temporarily or permanently.

Penalty: 20 Penalty Units

(2) Any Vehicle found on any Road, Council Land or Municipal Place and considered by an Authorised Officer to be derelict, abandoned or unregistered may be dealt with under the provisions of Schedule 11 to the Act.

*Clause 3 of Schedule 11 to the Local Government Act 1989 as amended from time to time (relating to the power to remove unregistered or abandoned vehicles) is incorporated in Schedule 2 to this Local Law.*

52. **HEAVY AND LONG VEHICLES – PARKING ON A ROAD**

(1) A Person must not, without a Permit, park or authorise the parking of any Heavy Vehicle or Long Vehicle on any Road or any part of a Road for which the Council is the Responsible Road Authority for the purposes of the *Road Management Act 2004*, for more than one hour in a Built Up Area, unless otherwise indicated by approved Road signage or unless the Person or another Person on his or her behalf is actively engaged in loading or unloading.

Penalty: 10 Penalty Units

(2) In determining whether to grant a Permit for the purposes of Sub-clause (1), the Council or an Authorised Officer or a Delegated Officer must have regard to any Guidelines in Schedule 1.

*Guidelines for parking heavy or long vehicles, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.*

53. **HEAVY AND LONG VEHICLES – STORING**

(1) A Person must not, without a Permit, keep or store any Heavy Vehicle or Long Vehicle

(a) upon any Road or part of a Road for which the Council is the Responsible Road Authority for the purposes of the *Road Management Act 2004*; and

(b) on any other land less than 0.5 hectares in a built up area.

Penalty: 10 Penalty Units
(2) In determining whether to grant a Permit, the Council or an Authorised Officer or a Delegated Officer must have regard to any Guidelines set out in Schedule 1.

Guidelines and permit conditions for storing heavy or long vehicles, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

54. HEAVY VEHICLES – PERMITS FOR USE ON RESTRICTED USE ROADS

(1) If the Council is of the opinion that a Road or part of a Road is likely to be damaged by a particular class of Vehicle and it resolves to prohibit owners and drivers of such class of Vehicle to use, or cause to be used, the Vehicle on the Road or any part of the Road, the Council must erect appropriate signage at the entry to the Road or part of the Road advising of the prohibition.

(2) A Person must not, without a Permit, use a Road or any part of a Road contrary to any sign erected with reference to it under Sub-clause (1).

Penalty: 15 Penalty Units

(3) In determining whether to grant a Permit, the Council may have regard to any Guidelines set out in Schedule 1.

Guidelines for heavy vehicles on restricted use roads, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

55. STREET PARTIES AND STREET FESTIVALS

(1) A Person must not, without a Permit, hold a Street Party, Street Festival or Procession on a Road.

Penalty: 20 Penalty Units

(2) Political or industrial marches are exempt under this Clause, provided Victoria Police are informed prior to the march.

Guidelines for a street party, street festival, procession or other event on a road, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.
PART 7- BUSINESS AND BUILDERS

BUSINESS

56. ROADSIDE TRADING OR PERFORMING

(1) A Person must not, without a Permit, erect or place on any Road or Council Land a Vehicle, caravan, trailer, table, stall or other similar structure for the purposes of selling or offering for sale any goods or services including any Vehicle.

Penalty: 15 Penalty Units

(2) A person must not, without a Permit, Busk on any Road or Municipal Place or use any sound amplification equipment for the purpose of public entertainment or performance.

Penalty: 10 Penalty Units

(3) Sub-clauses (1) and (2) do not include short-term outdoor community events on Council Land although such events may be subject to a Permit under Clause 80.

(4) Sub-clause (2) does not apply to any sounds within a motor vehicle which cannot be heard outside that motor vehicle or any sound or noise conveyed through any headphones which sound or noise is not audible to a Person other than the wearer of the headphones.

Guidelines for roadside trading or performing (busking), as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

57. TRADING SITE REGULATION

(1) If the Council has entered into an agreement (by way of permit, lease, licence or otherwise) in relation to trading from a particular site, a second Person other than the Person with whom the Council has the agreement must not trade from that site, whether or not that second Person has a Permit for another site or no particular site.

Penalty: 20 Penalty Units

(2) In addition to any other power which it has, the Council may, by resolution, determine a fee, charge, fare or rent in relation to the selling or offering for sale any goods or services from any land adjacent to a Road or to any Person who is on that Road or adjacent land.

(Note also Clause 7(4) where activities expressly permitted under the municipal Planning Scheme are exempt.)
58. TRADING SITES IMPOUNDING OF GOODS AND EQUIPMENT

(1) Where a person continues to use a trading site contrary to Clause 56 or Clause 57 after direction to desist or move by an Authorised officer or Delegated Officer including a reasonable time to comply with that direction, any goods and associated equipment used by that Person may be removed from the site by an Authorised Officer or a Delegated Officer and impounded.

(2) Where any goods and equipment have been impounded, there must be compliance with the provisions of Clause 15.

59. DISPLAYING GOODS FOR SALE

(1) A Person must not, without a Permit, place or display any goods for sale or cause or allow another Person under his or her control to do so on any part of a Road or Council Land.

Penalty: 20 Penalty Units

(2) In determining whether to grant a Permit, an Authorised Officer or a Delegated Officer must have regard to the Guidelines as determined by the Council from time to time and incorporated in Schedule 1.

(3) Any goods left or displayed on any part of a Road or Council Land contrary to this Clause or displayed in contravention of any conditions of a Permit may be removed by an Authorised Officer or a Delegated Officer and impounded.

(4) Where any goods have been impounded, there must be compliance with the provisions of Clause 15.

Guidelines for determining whether to grant a permit for the display of goods for sale, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

60. USE OF COUNCIL LAND FOR OUTDOOR EATING FACILITIES

(1) A Person must not, without a Permit, use a Footpath or any part of a Road or any other Council Land for the purposes of an Outdoor Eating Facility.

Penalty: 20 Penalty Units

(2) Any tables, chairs, umbrellas or other equipment in an Outdoor Eating Facility used in contravention of this Clause or of any conditions of a Permit may be removed by an Authorised Officer or a Delegated Officer and impounded.
(3) Where any tables, chairs, umbrellas or other equipment have been impounded, there must be compliance with the provisions of Clause 15.

*Guidelines for determining whether to grant a permit for the use of Council land for outdoor eating facilities, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.*

61. **REMOVING THE OUTDOOR EATING FACILITY**

A Permit Holder must move or remove the Outdoor Eating Facility to which the Permit relates when requested to do so for the purposes of public safety by an Authorised Officer or a Delegated Officer or a member of the Victoria Police or an emergency service.

Penalty: 20 Penalty Units

62. **SALE AND CONSUMPTION OF LIQUOR ON ROADS ADJOINING LICENSED PREMISES**

(1) A Person must not, without a Permit, use a Footpath or other part of a Road or any other Council Land adjoining a Licensed Premises, to sell or consume liquor.

Penalty: 20 Penalty Units

(2) In determining whether to grant a Permit, the Council or an Authorised Officer must have regard to the Guidelines set out in Schedule 1.

63. **ERECTING OR PLACING OF ADVERTISING SIGNS**

(1) A Person must not, except in accordance with a Permit, erect or place an Advertising Sign on or over any part of a Road or other Council Land, or cause or in any way authorise another Person to do so.

Penalty: 20 Penalty Units

(2) An Advertising Sign under this Clause excludes signage within a Municipal Reserve, which may be subject to a Permit under Clause 80.

(3) An advertising sign under this clause includes advertising signage on a vehicle or towed trailer which is significantly larger and more visible than normal business vehicle branding and the vehicle or trailer is left parked by the roadside for the purpose of advertising a business on more than 1 day.
(4) Where any Advertising Sign is erected or placed in any location contrary to this Clause or in contravention of any Permit condition, and the owner of the sign is unwilling or is not immediately available to remove the sign, the Advertising Sign may be removed by an Authorised Officer and impounded and notices served as soon as possible on the owner after the impoundment.

(5) Where an Advertising Sign has been impounded, there must be compliance with the provisions of Clause 15.

Guidelines for determining whether to grant a permit for an advertising sign placed on a road or other Council land, as determined by the Council from time to time are incorporated in Schedule 1 to this Local Law.

64. COLLECTIONS

Community hospitality and generosity to charitable organisations are a valued quality of our community, but this must be balanced against the right of every person not to be excessively imposed upon in their homes, streets or vehicles by charitable collectors, commercial traders or other organisations.

(1) A Person must not, without a Permit, from house to house:
   (a) solicit or collect any gifts of money, subscriptions or waste materials;
   (b) distribute any handbills, information brochures or books;
   (c) sell or offer goods or services for sale,
   or cause or authorise another Person to do so.

Penalty: 15 Penalty Units

(2) A Person must not, without a Permit, from a Road or any Council Land:
   (a) solicit or collect any gifts of money, subscriptions or waste materials;
   or
   (b) distribute any handbills, information brochures or books,
   or cause or authorise another Person to do.

Penalty: 10 Penalty Units
(3) The following exemptions apply in respect of this Clause:

(a) Sub-clause (1) does not apply to:

(i) the hand delivering to street-side letterboxes of any printed matter, except only where a 'no junk mail' sign is on the letterbox;

(ii) the home delivery of newspapers, magazines or goods purchased at another location; and

(iii) goods delivered at the request of the occupier of the house.

(b) Sub-clauses (1) and (2) do not apply to:

(i) any solicitation or distribution of printed electoral material;

(ii) the collection of signatures for a petition;

(iii) the sale of fundraising products by persons duly authorised by an educational, cultural or recreational facility or organisation located within the Municipal District for 2 years or more; and

(iv) any person authorised, employed or contracted by Council for the purpose.

(4) In determining whether to grant a Permit, an Authorised Officer or a Delegated Officer must have regard to the Guidelines incorporated in Schedule 1.

Guidelines for house to house collections and house to house trading, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

Note: Permits to trade goods from a road or other Council land are found under Part 7 – Business and Builders: Clause 56 – Roadside Trading or Performing and Clause 59 – Displaying Goods for Sale.

65. TRADE WASTE BINS (INCLUDING ALL TRADE RECYCLING BINS)

(1) An occupier of any land may arrange for the collection of trade waste from, or for the placement of a trade waste bin or trade recycling bin on, the occupied land and in doing so, must comply with the Guidelines incorporated in Schedule 1.

Penalty: 10 Penalty Units

(2) A Person must not place any waste or recyclable material in a trade waste bin or trade recycling bin contrary to any notice, sign or label on the trade waste bin or trade recycling bin.

Penalty: 10 Penalty Units
(3) A Person must place all waste or recyclable material in a trade waste bin or trade recycling bin in accordance with the Guidelines incorporated in Schedule 1.

Penalty: 10 Penalty Units

(4) All trade waste bins and trade recycling bins must be kept on the land of the Person on which the waste is generated except for the period from 12 hours before the collection to 4 hours following the collection.

Penalty: 10 Penalty Units

Guidelines for the requirements of Council in relation to trade waste, trade waste bins and trade recycling bins, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

See also Part 6 – Roads, Stock Movements and Vehicles – Clause 48: Placing Bulk Rubbish Containers (and the Guidelines incorporated in Schedule 1 to this Local Law).

BUILDERS

(While the following Clauses 66-70 may particularly apply to building and development works, owners, builders and contractors are recommended to refer also to other clauses protecting Council assets, including but not limited to, Part 6 – Roads, Stock Movements and Vehicles and Part 9 - Municipal Places, Reserves and Foreshore and Council Buildings).

66. ASSET PROTECTION – OCCUPYING OR OPENING A ROAD / DRAINAGE TAPPING

(1) A Person must not, without a Permit, occupy or open any Road or other Council Land anywhere in the Municipal District.

Penalty: 20 Penalty Units

(2) A Person must not, without a Permit, for any purpose, tap into or interfere with any drain, including the opening of any Road or other Council Land, where any part of the drain or the Road is under the control of the Council.

Penalty: 20 Penalty Units

(3) For the purposes of occupying or opening a Road or other Council Land, a Permit is required for, but is not limited to, the following activities:

(a) fencing off part of a Road or other Council Land;
(b) blocking any Road with a Vehicle or any other machinery or temporary structure;
(c) removing or planting vegetation or a tree on the road reserve other than grass;
(d) erecting a hoarding, scaffolding or overhead protective awning;
(e) using a mobile crane or travel tower to carry out Building Works;
(f) tapping into any drain in any Road or other Council Land;
(g) service connections including stormwater, water, sewer, power, telecommunications, gas connections and any other service;
(h) making a hole or excavation in any Road or other Council Land;
(i) reinstating a hole or excavation in any Road or other Council Land;
(j) ploughing or cultivating for firebreaks or cropping on any part of a Road or other Council Land; and
(k) any other activity involving the occupying or opening of a Road or other Council Land or the tapping into of a Council drain on any Council Land.

(4) An exemption from this Clause applies to a Person that is employed by the Council and who is acting in the course of his or her duty or a Person that is contracted to Council for the purpose.
(5) If an Authorised Officer or a Delegated Officer is of the reasonable opinion that there is an unacceptable level of risk of damage to the Road, the Council Land or any Council assets in the vicinity of the proposed works, including any works related to Vehicle Crossings, the Authorised Officer or the Delegated Officer may issue a written notice to the managing contractor, the authorising owner or occupier or their authorised building agent requiring the delivery to the Council of a guarantee or bond that is satisfactory to the Authorised Officer or the Delegated Officer and no works may commence until payment of that bond has been made.

(6) An Authorised or Delegated Officer may require a traffic management plan and or a waste management plan be provided to the Council adequately addressing any parking or traffic or waste management issues.

Guidelines and permit conditions for an asset protection permit in relation to the occupying or opening of a road or other Council land, or in relation to drainage tapping, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

Guidelines for the written notice and the circumstances in which all or part of the guarantee or bond may be used by the Council and/or refunded, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

Permit conditions for an asset protection permit in relation to the occupying or opening of a road or other Council land, or in relation to drainage tapping, as determined by the Council from time to time, are incorporated in Schedule 3 to this Local Law.

67. ASSET PROTECTION – BUILDING WORKS

In relation to any building works on any land, the Council’s objectives are to secure community safety, protect public assets, enhance neighbourhood amenity and simultaneously provide support for appropriate private building development.

(1) A Person must not cause or allow any Building Works to commence or continue on any land without:

(a) giving written advice to the Council of the general nature of the works to be undertaken;

(b) paying an inspection fee to the Council not less than 5 normal working days prior to the commencement of the Building Works;

(c) giving an opportunity for an Authorised Officer or a Delegated Officer to inspect any Road, Council Land and Council assets in the vicinity of the land; and

(d) obtaining and complying with an Asset Protection Permit from the Council.
(2) If an Authorised Officer or a Delegated Officer is of the reasonable opinion that there is an unacceptable level of risk of damage to any Road, Council Land or Council assets in the vicinity of the land on which the Building Works are proposed, including any works related to Vehicle Crossings, the Authorised Officer or the Delegated Officer may issue a written notice to the owner or occupier of the land or their authorised building agent requiring the delivery to the Council of a guarantee or bond satisfactory to the Authorised Officer or the Delegated Officer and no Building Works may commence until payment of that bond has been made.

(3) Whether a condition of an Asset Protection Permit or not, a Person must not cause or permit any Building Works to commence or continue on any land without ensuring that:

(a) the land or works are properly fenced, whether permanent or temporary and remains so for the duration of the Building Works;

(b) a protective barrier is installed around any Tree which is:

(i) located on a Road or other Council Land within 4 metres of the building site unless reasonable grounds for its exclusion are determined by an Authorised Officer or a Delegated Officer; and

(ii) any additional Tree nominated by an Authorised Officer or a Delegated Officer as requiring a protective barrier.

(c) building clean-up, wash-down, slurry or other wastes do not enter the Council's stormwater drainage system;

(d) the land is provided with proper site identification;

(e) any vehicle crossings to be temporarily or permanently installed, altered or removed are identified and included in the conditions of the permit and the calculation of any bond; and

(f) upon being requested by an Authorised Officer or a Delegated Officer to do so, a traffic management plan and or a waste management plan is provided to the Council adequately addressing any parking, traffic, waste management or other issues referable to the Building Works which have been identified by the Authorised Officer or the Delegated Officer.

(4) A failure to comply with this Clause or of any condition of any Asset Protection Permit for any Building Works on any land is an offence.

Penalty: 20 Penalty Units

*Guidelines for determining whether to grant an asset protection permit, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.*
Guidelines for the written notice and the circumstances in which all or part of the guarantee or bond may be used by the Council and/or refunded, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

Guidelines for proper fencing, protective tree barriers, site identification, vehicle crossings, traffic management and waste management plans, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

68. VEHICLE CROSSINGS

(1) The owner of any land must ensure that each point of vehicle access from a Road to the land has a properly constructed Vehicle Crossing between the Road and the boundary of such land abutting the Road.

   Penalty: 20 Penalty Units

(2) Any such Vehicle Crossing must be properly constructed at the cost of the property owner and in accordance with the Council’s specifications.

(3) For the purposes of this Clause, a Vehicle Crossing is properly constructed if:

   (a) it was constructed by, or in accordance with, the terms of an approval by the Council; or

   (b) the Council has approved in writing the method of construction of the particular Vehicle Crossing.

(4) The owner of the land must, at his or her own cost, ensure that the Vehicle Crossing between the Road and the boundary of such land is maintained.

   Penalty: 20 Penalty Units

69. CONSTRUCTING A VEHICLE CROSSING

(1) A Person must not, without a Permit, construct, install, remove or alter a Vehicle Crossing, whether temporarily or permanently.

   Penalty: 20 Penalty Units

(2) A Person must not, without a Permit, remove, prune or damage any street Tree as a result of the construction, installation, removal or alteration of a Vehicle Crossing.

   Penalty: 15 Penalty Units

Guidelines for the granting of a permit under this clause are the same guidelines as for determining whether to grant an asset protection permit under Clause 67: Asset Protection – Building Works.
70. TEMPORARY VEHICLE CROSSINGS

(1) Where Building Works on any land involve vehicles leaving the Road or entering a property which abuts a Road, the owner of the property or the Person responsible for the Building Works must obtain a Permit for the construction of a temporary Vehicle Crossing, pay any inspection fee and protect all of the existing Road including any kerb, drain, street Tree, Footpath, nature strip and any other part of the Road.

Penalty: 20 Penalty Units

(2) Where, in the opinion of an Authorised Officer, an existing Vehicle Crossing, Footpath, kerb, street Tree, drain, nature strip or other part of a Road has been damaged as a result of, or arising out of, the Building Works, or the construction or use of any temporary Vehicle Crossing, the owner of the property on which the Building Works have been carried out must repair the damage or, when requested to do so by the Council, reimburse the Council for the cost and expense of the repair of such damage.

Penalty: 20 Penalty Units

(3) The amount of reimbursement for such repairs under Sub-clause (2) must be proportionate to the cost of repairing any damage having regard to the pre-existing condition of the existing Vehicle Crossing, Footpath, kerb, street Tree, drain, nature strip or other part of a Road.
PART 8 - SMOKING AND ALCOHOL

71. POSSESSION AND CONSUMPTION OF LIQUOR ON ROADS

A Person must not, without a permit, at any time on a Road:

(1) consume any Liquor; or

(2) have in his or her possession or control any Liquor other than Liquor in a container with an unbroken seal.

Penalty: 20 Penalty Units

72. POSSESSION AND CONSUMPTION OF LIQUOR IN MUNICIPAL PLACES

A Person must not, without a Permit, between sunset and sunrise, in any Municipal Place excluding a Road or in any motor vehicle within a Municipal Place excluding a Road:

(1) consume any Liquor; or

(2) have in his or her possession or control any Liquor other than Liquor in a container with an unbroken seal.

Penalty: 15 Penalty Units

Guidelines for the possession and consumption of liquor in municipal places, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

73. ALCOHOL FREE AREAS

(1) The Council may, by resolution, declare in part or whole, any Municipal Place, Road, Foreshore Reserve or other Council Land within the Municipal District to be an Alcohol Free Area, whether that declaration is unconditional or limited to certain times of the day, certain days of the year, defined public holiday periods, special events or particular places.

(2) Council must erect and maintain, or cause to be erected and maintained, in those parts of the Municipal District that are declared an Alcohol Free Area, appropriate signage, which indicate the boundaries, days and times of the Alcohol Free Area.

(3) A Person must not, without a Permit, consume Liquor or have in his or her possession or control any Liquor other than Liquor in a container with an unbroken seal in any area of the Municipal District that is declared an Alcohol Free Area by the Council.

Penalty: 20 Penalty Units
(4) Where a Permit to consume or have in one’s possession Liquor in an Alcohol Free Area has been granted by the Council and includes a condition that no glass containers shall be provided, used or brought into the Alcohol Free Area for the purposes of the Permit, no Person may provide, use or bring into the Alcohol Free Area any glass container.

Penalty: 10 Penalty Units

Areas that are declared alcohol free areas by resolution of the Council, as determined by the Council from time to time, are incorporated in Schedule 2 to this Local Law.

74. **SMOKE FREE AREAS IN MUNICIPAL PLACES**

(1) The Council may declare a Municipal Place or part of a Municipal Place to be a Smoke Free Area in accordance with the Guidelines incorporated in Schedule 1.

(2) The Council must erect and maintain, or cause to be erected and maintained, appropriate signage in any Municipal Place or part of a Municipal Place, which has been declared a Smoke Free Area.

(3) A Person must not smoke in, or on, any Municipal Place, or part of a Municipal Place, that has been declared to be a Smoke Free Area and has appropriate Smoke Free Area signage erected and maintained.

Penalty: 10 Penalty Units

Guidelines in relation to the declaration of smoke free areas, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.
PART 9 MUNICIPAL PLACES, RESERVES AND FORESHORE AND COUNCIL BUILDINGS

MUNICIPAL PLACES

75. BEHAVIOUR IN MUNICIPAL PLACES – PROHIBITIONS

Council’s municipal places refer to all of those areas controlled and managed by the Council, but includes reserves, foreshore reserves, buildings, Roads and other places. These places are public assets and exist for the provision of services to the public, to enhance the environment, as places of work for employees of the Council and for the enjoyment, comfort and amenity of the community generally.

A Person must not, while in a Municipal Place, behave in a manner that endangers others or unreasonably interferes with the quiet enjoyment of the Municipal Place by any other Person.

Penalty: 10 Penalty Units

Guidelines for determining whether behaviour in a municipal place is in breach of this Local Law, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

76. DAMAGING OR DEFACING A MUNICIPAL PLACE

(1) A Person must not, unless employed, authorised or contracted by the Council for the purpose, do the following in, or on, a Municipal Place:

(a) destroy, damage or interfere with a Municipal Place;
(b) destroy, damage, remove, plant or interfere with any Tree or plant in, or on, a Municipal Place, other than for the purposes of maintaining grass or other permitted plantings on a nature strip;
(c) destroy, damage or interfere with any other property or assets in, or on, a Municipal Place that are owned or managed by the Council;
(d) remove anything belonging to the Council from any Municipal Place unless authorised by the Council to do so, whether under this Local Law or otherwise;
(e) cause any damage to any Council assets in, or on, a Municipal Place as a result of a failure as an owner or occupier of any land to adequately maintain, or to rectify any faults within a reasonable time, in drainage systems, utility supply systems or any other matter for which the owner or occupier of the land is responsible for maintaining; or
(f) build on, erect a fence, otherwise occupy or place any thing on a Municipal Place.

Penalty: 20 Penalty Units
(2) An Authorised or Delegated officer may remove and impound any thing that is in or on a Municipal Place in contravention of this Clause. Where any thing is impounded, there must be compliance with the provisions of Clause 15.

77. INTERFERENCE WITH A WATER COURSE ETC

A Person must not, without a Permit, unless employed or contracted by the Council for the purpose, destroy, damage or interfere with a water course, ditch, creek, gutter, drain, tunnel, bridge, levee, culvert or any directly adjoining Fence on any Council Land or Foreshore Reserve.

Penalty: 20 Penalty Units

Guidelines for granting a permit under this clause are the same guidelines for determining whether to grant an asset protection permit under Part 7 – Business and Builders: Clauses 66 and 67 – Asset Protection.

78. OBSTRUCTIONS ON COUNCIL LAND

Where an Authorised Officer or a Delegated Officer reasonably believes a rubbish container, clothing recycling bin, movable structure, device, sign, material or other object on a Road or other Council Land or on any Foreshore Reserve is:

(1) causing an obstruction;
(2) a danger to any Person; or
(3) in the way of, or likely to obstruct, traffic,

the rubbish container, clothing recycling bin, movable structure, device, sign, material or other object will be dealt with in accordance with Schedule 11 to the Act, and the owner, occupier or other Person responsible for the placement and location of the object is guilty of an offence under this Local Law.

Penalty: 20 Penalty Units

Clause 5 of Schedule 11 to the Local Government Act 1989 as amended from time to time (relating to the power to move obstructions) is incorporated in Schedule 2 to this Local Law.

See also Part 6 – Roads, Stock Movements and Vehicles – Clause 48: Placing Bulk Rubbish Containers (and the Guidelines incorporated in Schedule 1 to this Local Law).

See also Part 7 – Business and Builders – Clause 65: Trade Waste Bins (Including all Trade Recycling Bins) (and the Guidelines incorporated in Schedule 1 to this Local Law).
RESERVES AND FORESHORE

(Note: Part 9 – Municipal Places, Reserves and Foreshore and Council Buildings – Municipal Places: Clauses 75 – 78 also apply to municipal reserves and foreshore reserves).

79. BEHAVIOUR IN MUNICIPAL RESERVES – PROHIBITIONS

Council reserves, including open space, flora, fauna and the built and natural environment are for the enjoyment of the community, the enhancement of public assets and the protection of the environment.

A Person must not, while in a Municipal Reserve or a Foreshore Reserve, behave in a manner that endangers others or unreasonably interferes with the quiet enjoyment of the Municipal Reserve or the Foreshore Reserve by any other Person.

Penalty: 10 Penalty Units

Guidelines for determining whether behaviour in a municipal reserve or a foreshore reserve is in breach of this Local Law, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

80. USE OF MUNICIPAL RESERVES – PERMITS

Municipal reserves and foreshore reserves, including open space, flora, fauna and the built and natural environment are for the enjoyment of the community, the enhancement of public assets and the protection of the environment.

Any activity that goes beyond the quiet enjoyment of a municipal reserve or a foreshore reserve requires a permit to ensure the fair sharing of limited public open space and the maximum enjoyment of the community.

Any Person who is required by this Local Law to obtain a Permit in order to use a Municipal Reserve or a Foreshore Reserve in a specified way must not use the Municipal Reserve or the Foreshore Reserve in this way without a Permit.

Penalty: 15 Penalty Units

Guidelines for uses requiring a permit, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.
81. ACCESS TO MUNICIPAL RESERVES

(1) Except as otherwise determined by the Council or an Authorised Officer or a Delegated Officer, any Municipal Reserve or Foreshore Reserve is open to the public from sunrise to sunset free of charge on any day.

(2) The Council or an Authorised Officer or a Delegated Officer may, in the case of any Municipal Reserve or Foreshore Reserve, set aside days and times upon which charges or entrance fees may be made for the use of the Municipal Reserve or the Foreshore Reserve.

(3) The Council or an Authorised Officer or a Delegated Officer may restrict access to any part of a Municipal Reserve or a Foreshore Reserve, whether for temporary works, for short-term or long-term lease use or for any other purpose and public access to such restricted areas may be non-existent, limited by condition or subject to a fee or donation.

(4) A Person must not enter any Municipal Reserve or Foreshore Reserve, whether open to the public or subject to restricted access, other than via designated access points (where applicable) during the hours of opening and subject to any conditions, fee or donation imposed, unless directed otherwise by a member of Council staff or an authorised contractor in the course of his or her employment.

Penalty: 10 Penalty Units

82. EVENTS

Council supports events within the Shire as they make a positive contribution to our communities, our businesses and tourism. However, an event can be more complex than we might anticipate. There may be many issues to deal with, including venues, parking, traffic control, food service, fencing, music stages, electricity, signage, waste management, recycling and so on. Council’s event permit brings these requirements together to help event organisers build successful events.

(1) A Person must not, without a Permit, hold or organise any Event on any Council Land or Foreshore Reserve within the Municipal District.

Penalty: 20 Penalty Units

(2) A Person must not, without a Permit, hold or organise any Event on any land other than Council Land if that Event may reasonably be expected to have a material impact on the neighbouring community or a materially increased risk to public safety or to Council assets.

Penalty: 20 Penalty Units
(3) The following exemptions apply in respect of this Clause:

(a) an informal social gathering of thirty persons or less on any Council Land or a Foreshore Reserve is exempt from the requirement of a Permit under Sub-clause (1), (although certain activities may require a Permit under Clause 80 – Use of Municipal Reserves);

(b) an Authorised Officer or a Delegated Officer may assess an application and may decide that, based on the circumstances of the matter, a Permit under Sub-clause (1) or Sub-clause (2) is not required; and

(c) an event that is subject to a planning permit is exempt from the requirement of a Permit under Sub-clause (1) or Sub-clause (2).

Guidelines for determining whether an event requires a permit and any conditions that may apply to any permit issued, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

Council's Events Policy, as determined by the Council from time to time, is incorporated in Schedule 2 to this Local Law.

83. **CAMPING ON COUNCIL LAND**

A Person must not, without a Permit, camp on any Council Land or Foreshore Reserve unless such Person is within a licensed caravan park or an area determined to be available for camping purposes by the Council.

Penalty: 15 Penalty Units.

Guidelines for camping on Council Land, as determined by the Council from time to time are incorporated in Schedule 1.

(Camping on land other than Council Land may be permitted and is subject to a permit. See Part 5 – Your Property, Trees and Animals: Your Property – Clause 34: Camping on Land other than Council Land.)

84. **LIGHTING FIRES ON COUNCIL LAND**

(1) A Person must not, without a Permit, light or cause or allow to be lit any fire in, or on, any Municipal Place, Municipal Reserve or Foreshore Reserve.

Penalty: 20 Penalty Units

(2) A Person must not, without a Permit, use or congregate around a fire which has been lit in, or on, any Municipal Place, Municipal Reserve or Foreshore Reserve.

Penalty: 20 Penalty Units
(3) A Person who has lit, or caused, or allowed to be lit any fire, or a Person who assisted in, or has been a party to, the preparation for the lighting of a fire by another, in or on any Municipal Place, Municipal Reserve or Foreshore Reserve must not allow that fire to remain alight.

Penalty: 20 Penalty Units

(4) A member of Council staff or a Person contracted or authorised by the Council for the purpose may, without a Permit, undertake controlled burning-off as a part of normal scheduled parks maintenance on any Council Land.

Guidelines for the granting of permits for lighting fires on municipal reserves or foreshore reserves under this clause are the same guidelines used for determining whether to grant a permit for the use of a municipal reserve under Clause 80 – Use of Municipal Reserves.

85. FILMING ON COUNCIL LAND

(1) A Person must not, without a Permit, undertake any Filming on any Council Land where the Filming is for any commercial purpose or television broadcasting purpose.

Penalty: 20 Penalty Units

(2) In addition to the requirement to obtain a Permit for Filming on any Council Land, a Permit Holder must comply with any policy or protocol adopted by the Council and relevant to that activity.

Permit Conditions for Use of a Municipal Reserve – Casual Use and Filming as determined by Council from time to time, are incorporated in Schedule 3 to this Local Law.

86. PARKING ON MUNICIPAL RESERVES

(1) A Person must not, without a Permit, park any motor car, motor cycle or other motor vehicle on any part of any Municipal Reserve or Foreshore Reserve other than in a parking area that is set aside for that purpose by the Council or agreed to by the Council or an Authorised Officer or a Delegated Officer.

Penalty: 5 Penalty Units

(2) Sub-clause (1) does not apply to any employee or contractor of the Council acting in the course of his or her duties.

Guidelines for the granting of permits under this clause are the same guidelines used for determining whether to grant a permit for the use of a municipal reserve under Clause 80 – Use of Municipal Reserves.
87. **BOAT RAMPS**

A Person must not use a boat ramp, or a launch-and-retrieval pontoon, or a jetty, to moor or tie up any boat, jet ski or other water craft, or dive, swim or fish contrary to any sign at, on, or adjacent to, that boat ramp, launch-and-retrieval pontoon or jetty.

Penalty: 15 Penalty Units

88. **RIDING ANIMALS ON MUNICIPAL RESERVES AND FORESHORE RESERVES**

(1) A Person must not, without a Permit, ride or lead a horse, camel or any other mountable Animal or cause or authorise another Person to do so, in any Municipal Reserve or Foreshore Reserve, except where:

   (a) the Person is a member of the Victoria Police acting in the course of his or her duties;

   (b) the Person is riding a horse in an area approved by Council for safe off-road horse riding, such as the Bass Coast Rail Trail.

Penalty: 10 Penalty Units

(2) An Authorised Officer or a Delegated Officer may issue a Permit, or in urgent circumstances, may give direction for a horse or other mountable Animal to be ridden or led in any Municipal Reserve or Foreshore Reserve, where it is reasonably necessary for this to take place and there is no reasonable and safe alternative.

(3) A Permit issued by the Authorised Officer or the Delegated Officer may include any conditions that the Authorised Officer or the Delegated Officer considers necessary.

*Guidelines for the granting of permits under this clause are the same guidelines used for determining whether to grant a permit for the use of a municipal reserve under Clause 80 – Use of Municipal Reserves.*
89. **USE OF WHEELED NON-MOTORISED RECREATIONAL DEVICES AND WHEELED CHILD’S TOYS**

(1) The Council may designate any area to be an area in which a Wheeled Non-Motorised Recreational Device and/or a Wheeled Child’s Toy must not be used.

(2) If the Council designates an area in which a Wheeled Non-Motorised Recreational Device and/or a Wheeled Child’s Toy must not be used, it must erect and maintain, or cause to be erected and maintained, signage in, or on, that designated area, clearly identifying the location and extent of the area in which the Wheeled Non-Motorised Recreational Device and/or the Wheeled Child’s Toy must not be used.

(3) A Person must not use a Wheeled Non-Motorised Recreational Device and/or a Wheeled Child’s Toy in an area that has been designated by the Council to be an area in which the use of such device or toy is prohibited.

   Penalty: 10 Penalty Units

(4) Where the Council fails to erect and maintain, or cause to be erected and maintained, appropriate signage as required under Sub-clause (2), no Person may be issued with an Infringement Notice or prosecuted for an offence under Sub-clause (3).

(5) Any Person who uses a Wheeled Non-Motorised Recreational Device and/or a Wheeled Child’s Toy, or allows or permits another Person in their care or control to use a Wheeled Non-Motorised Recreational Device and/or a Wheeled Child’s Toy on a Footpath or other part of a Road, must ensure that the use does not inconvenience, obstruct, hinder, endanger, alarm or prevent the free passage of any pedestrian or other user of the Road, whether in, or on, another Vehicle or not.

   Penalty: 10 Penalty Units.

90. **IMPOUNDING OF WHEELED NON-MOTORISED RECREATIONAL DEVICES AND WHEELED CHILD’S TOYS**

(1) Where any Person continues to use a Wheeled Non-Motorised Recreational Device and/or a Wheeled Child’s Toy in contravention of Clause 89 and after an Authorised Officer has issued a warning to the user of the device or the toy, the Wheeled Non-Motorised Recreational Device or the Wheeled Child’s Toy may be removed by an Authorised Officer and impounded.

(2) Where a Wheeled Non-Motorised Recreational Device or a Wheeled Child’s Toy has been impounded, there must be compliance with the provisions of Clause 15.
91. BEHAVIOUR IN MUNICIPAL BUILDINGS – PROHIBITIONS

Council’s municipal buildings exist for the provision of services to the public, as places of work for employees and contractors of the Council, as meeting places for elected Councillors and the community and for the enjoyment, comfort and amenity of the community generally.

A Person must not, while in a Municipal Building, behave in a manner that endangers others or unreasonably interferes with the quiet enjoyment of the Municipal Building by any other Person.

Penalty: 10 Penalty Units

Guidelines for determining whether behaviour in a municipal building is in breach of this Local Law, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.

92. AVAILABILITY AND HIRE

(1) A Person must not organise or undertake any event, public meeting, performance or commercial purpose within a Municipal Building without the consent of the Council.

Penalty: 10 Penalty Units

(2) During any period for which a Municipal Building or any part of it has been hired out, the Manager may refuse admission to the Municipal Building or any part of it to any Person who is not connected with the hiring purpose.
PART 10 - ENFORCEMENT AND PENALTIES

93. OFFENCES

(1) Where any provision in this Local Law prohibits any act or thing, any Person who contravenes such provision is guilty of an offence.

(2) Where any provision in this Local Law prohibits any act or thing between specified hours of the day or night, or during specified months of the year, or on certain days, or in, or at, specified locations or specified parts of those locations, any Person who contravenes such provision is guilty of an offence.

(3) Where any provision in this Local Law requires that a Person obtain a Permit before engaging in a particular activity, that Person is guilty of an offence if that Person engages in that activity without a Permit authorising that activity (unless the Council in its discretion has granted an exemption from, or waived the requirement for a Permit).

Penalty: 20 Penalty Units

(4) Where any Permit, or exemption from a Permit, issued under this Local Law contains any conditions, any Person who contravenes or fails to comply with such a condition is guilty of an offence.

Penalty: 20 Penalty Units

(5) Where any provision in this Local Law requires any act or thing to be done, any Person who is required to do the act or thing but does not do it contravenes such provision and is guilty of an offence.

(6) Any Person who is guilty of an offence against this Local Law is liable to the penalty indicated in respect of that offence, or if no such penalty is indicated, a penalty of:

(a) 5 Penalty Units for a first offence; and

(b) 10 Penalty Units for any second or subsequent offence.

94. PENALTIES

Schedule 5 to this Local Law sets out penalties for Infringement Notice purposes, which may be issued as an alternative to prosecution in respect of non-compliance with this Local Law, where the Council or an Authorised Officer or a Delegated Officer determines to proceed by way of Infringement Notice.
95. **INFRINGEMENT NOTICES AND APPEALS UNDER LOCAL LAWS**

(1) An Authorised Officer or a Delegated Officer may serve an Infringement Notice or any other notice under this Local Law on a Person who has committed an offence requiring the Person:

(a) in the case of an Infringement Notice, to pay the penalty (or comply with other conditions) for that offence within no less than 28 days of the issue of an Infringement Notice; or

(b) in the case of any other notice, to comply with the other conditions within any other nominated period.

(2) If the Infringement Notice or any other notice is not withdrawn and the Person either pays to the Council the amount referred to in the Infringement Notice within the period of 28 days or such further period as the Council or an Authorised Officer may allow, or complies with the conditions of any other Notice, no conviction will be recorded against that Person for the alleged offence.

(3) If a Person issued with an Infringement Notice (or any other notice under this Local Law) makes a written representation within 28 days of the issue of an Infringement Notice or other notice to the Council, the Chief Executive Officer, a Senior Officer or to any other member of Council’s staff, the representation must be brought to the attention of an Authorised Officer or a Delegated Officer that is an Appeals Officer.

(4) An Authorised Officer or a Delegated Officer that is an Appeals Officer, who is separate from the officer who has issued the Infringement Notice or other notice, must consider any written representations and any other relevant information and must consider and decide upon any such material within 28 days of the representations concerning the issue of the Infringement Notice or other notice being received by the Council.

(5) Subject to Sub-clause (11), the decision of the Authorised Officer or the Delegated Officer that is an Appeals Officer (whichever has the matter referred to him or her on any representations received), will be final.

(6) The Council or an Authorised Officer or a Delegated Officer may at any time withdraw an Infringement Notice or other notice either as a result of consideration of any representations made or with a view to prosecuting for an offence.

(7) Where an Infringement Notice is withdrawn, the Person upon whom it was served is entitled to a refund of any payment that has already been made by that Person on the Infringement Notice.

(8) If the penalty referred to in an Infringement Notice has been paid within 28 days of its issue and no representation has been received by the Council or its officers or staff, no decision may be made to withdraw the Infringement Notice and prosecute the offence after the expiry of 28 days from the issue of the Infringement Notice.
(9) Any withdrawal of an Infringement Notice or any other notice under this Local Law may be served in accordance with section 234 of the Act.

(10) If the Person fails to comply with required conditions contained in any notice other than an Infringement Notice, an Authorised Officer or a Delegated Officer may issue an Infringement Notice for the failure to so comply and also, if the circumstances warrant, for the original offence. All sub-clauses in this clause applying to an Infringement Notice then apply to those Infringement Notices.

(11) In the event of the failure of a Person served with an Infringement Notice to pay the amount specified within 28 days of the issue of the Infringement Notice, or such further time as the Council or an Authorised Officer or a Delegated Officer may permit, the Council or the Authorised Officer or the Delegated Officer may pursue the matter by prosecuting for an offence.

(12) Any Person served with an Infringement Notice is entitled to disregard the Infringement Notice and defend the prosecution in Court.

(13) All Infringement Notices, whether issued under the Local Government Act 1989 or some other empowering legislation are subject to the processes and procedures of the Infringements Act 2006, except that an Infringement Notice issued under any Local Law made pursuant to powers derived under the Local Government Act 1989, may not be lodged with the Infringements Court. This means the penalties imposed by such Infringement Notices are enforced directly by prosecution in the Magistrates’ Court.

(14) Any Person served with an Infringement Notice should be notified on that Infringement Notice whether the power exercised to issue the Infringement Notice is derived from the Council’s Local Laws (and thereby the Local Government Act 1989) or from some other empowering legislation, in which latter case, Council has the additional avenue to enforce penalties by lodgement of the Infringement Notice with the Infringements Court.

(15) The provisions of this Clause are to be read subject to the Infringements Act 2006.
96. **DELEGATION**

In accordance with section 114 of the Act, the Council:

(1) delegates to the Chief Executive Officer, each Senior Officer and to any Person for the time being acting for such persons all of the powers, discretions, authorities and considerations of the Council under this Local Law including, but not limited to, the powers, discretions and authorities subject to any Guidelines and Council Policies incorporated in this Local Law, to issue or refuse any permit, fix conditions and durations relevant to such Permit, cancel any Permit, require additional information, apply Guidelines and Policies of the Council, consider any appeals and waive the need for any Permit, or waive, or fix, or reduce, any fee or charge, or to do any act, matter or thing necessary, or incidental to, the performance or exercise of any function or power by the Council;

(2) delegates to the Municipal Environmental Health Officer and any Authorised Officer or Delegated Officer and to any Person for the time being acting for such persons the power, subject to any Guidelines and Council Policies incorporated in this Local Law, to issue or refuse any Permit and to apply conditions to any Permit, to exercise discretions, require additional information and apply Guidelines and Policies of the Council in respect of any Permit applications, exemptions and waivers; and

(3) delegates to each Authorised Officer the powers, discretions and authorities to act on behalf of the Council in exercising any discretion of the Council in accordance with the Guidelines incorporated in this Local Law, the issue of an Infringement Notice and the undertaking of prosecutions.
### PART 11 - SCHEDULE 1 – DISCRETION GUIDELINES

Local Law No.1 Neighbourhood Amenity 2012

**SCHEDULE 1 - DISCRETION GUIDELINES**

Note that the guidelines in this schedule have the same numbers (and titles) as their equivalent clauses in the Local Law. As a result, the guidelines are numbered in ascending order, but have gaps in their sequential numbering equivalent to the local laws that have no guidelines.

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12. POWER OF AUTHORISED OFFICER OR DELEGATED OFFICER TO DIRECT – NOTICE TO COMPLY

These guidelines as determined by the Council from time to time are incorporated in the Local Law for a Notice to Comply.

When considering whether to issue a Notice to Comply, an authorised officer or a delegated officer must have regard to the following guidelines:

(1) A Notice to Comply must state:

(a) the offence which is being committed;
(b) the time within which the breach (to which the Notice to Comply relates) must be remedied;
(c) any consequence or penalty that may apply if the person served with a Notice to Comply fails to remedy a situation in accordance with the Notice to Comply;
(d) the following procedural matters:
   (i) whether the power exercised to issue the Notice to Comply is derived from Council’s Local Law (and thereby the Local Government Act 1989), in which case, the decision of the Council is final on any appeal about any matter or penalty related to that Notice to Comply, or;
   (ii) whether the power is derived from some other empowering legislation, in which case, there is a right of judicial review of any appeal decision made by the Council on any matter or penalty related to that Notice to Comply.

(2) The time specified in a Notice to Comply must be reasonable in the circumstances, and what will be reasonable will vary depending on the matters to be remedied but should take into account, if applicable:

(a) the amount of work to be performed in order to observe the notice;
(b) the degree of difficulty;
(c) the availability of necessary materials or other necessary items;
(d) climatic conditions;
(e) the degree of risk or potential risk; and
(f) any other relevant factor that the authorised officer or delegated officer reasonably believes is relevant in the circumstances.

Appeal processes that apply to an Infringement Notice issued under the Local Law also apply to a Notice to Comply. See Part 10 – Enforcement and Penalties: Clause 95 – Infringement Notices and Appeals Under Local Laws.
14. POWER OF AUTHORISED OFFICER OR DELEGATED OFFICER TO ACT IN URGENT CIRCUMSTANCES

These guidelines as determined by the Council from time to time are incorporated in the Local Law for urgent circumstances.

When considering whether action to remedy urgent circumstances exists, an authorised officer or delegated officer will apply the following guidelines:

What is regarded as urgent circumstances and whether action should be taken will depend on the circumstances of each situation. Factors to be taken into consideration may include:

(1) Where:
   (a) the person by whose default, permission or sufferance the situation has arisen; or
   (b) the owner or the occupier of the premises or property affected, is not known or cannot be found.

(2) The right of directly concerned persons to be heard, whether owner or occupier or some other person, provided in the reasonable belief of the authorised officer or delegated officer that this will not cause unacceptable delay in rectifying or reducing an urgent risk.

(3) Where, in the opinion of the authorised officer or delegated officer, there exists an urgent risk or threat to:
   (a) public health;
   (b) public safety;
   (c) the environment; or
   (d) animal welfare.

(4) Whether the need to take action is sufficiently urgent, and that the time involved or difficulties associated with the serving of a written warning or Notice to Comply may place a person, or any animal, property or thing at risk or in danger.

(5) Wherever practicable, a senior officer is given prior notice of the proposed action.

(6) Details of the failure and remediing action are, as soon as possible, forwarded to the person on whose behalf the action was taken.

(7) The urgent action taken by an authorised officer or delegated officer must not extend beyond what is necessary to cause the immediate abatement of, or to minimise the risk or danger involved.

(8) An authorised officer or delegated officer who takes urgent action must ensure that, as soon as practicable, a report of the action taken is submitted to the Chief Executive Officer.
15. POWER OF AUTHORISED OFFICER OR DELEGATED OFFICER TO IMPOUND

These guidelines as determined by the Council from time to time are incorporated in the Local Law for the exercise of the power to impound.

When considering and/or exercising the power to impound (and dispose of), an authorised officer or delegated officer must have regard to the following guidelines:

(1) As soon as possible after the impounding and where it is practicable to do so, the authorised officer or delegated officer will serve a Notice of Impounding, in a form as amended from time to time and incorporated in Schedule 4, on the owner or persons responsible for the animal or thing which has been impounded, setting out the fees and charges payable and the time by which the animal or thing must be retrieved.

(2) If an impounded animal or thing is not retrieved within the time specified in the Notice of Impounding or Notice of Seizure, an authorised officer or delegated officer may take action to dispose of the impounded animal or thing.

(3) If the identity or whereabouts of the owner or person responsible for the impounded animal or thing is unknown, the authorised officer or delegated 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 guideline 15(4) once he or she is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded animal or thing.

(4) In disposing of an impounded animal or thing an authorised officer or delegated officer will have regard to the following:

Council’s policy for the disposal of unrecovered impounded items is as follows:

(a) where the item is declared by the authorised officer or delegated officer to have a saleable value of $300 or less, it may be disposed of in the most economical way, as determined by the authorised officer or delegated officer;

(b) where the item is declared by the authorised officer or delegated officer to have a saleable value in excess of $300, the item may be disposed of by tender, public auction or private sale, or failing sale, may be given away or disposed of at the discretion of the authorised officer or delegated officer;

(c) when choosing which method of disposal by sale, the authorised officer or delegated officer will consider the following matters:

(i) if the total estimated value of the impounded animal or thing is unknown, expert advice should be sought to obtain an estimate of its value;

(ii) if the estimated value exceeds $2,000, disposal should be by way of tender or public auction first, and only by way of private sale if the animal or thing fails to sell by tender or public auction; and
(iii) sale of impounded animals or things by any means and of any value must be fully documented and reported to a Senior Officer by the authorised officer or delegated officer.

(5) Any proceeds from the disposal of an impounded animal or thing under the Local Law will be paid to the owner or the person who, in the opinion of the Council, appears to be authorised to receive the money less the reasonable costs and expenses incurred by the Council in the administration of this clause in the Local Law.

(6) In the event that the person described in guideline 15(5) cannot be identified or located within 6 months of serving the Notice of Impounding, any proceeds described in that guideline cease to be payable and may be retained for municipal purposes.

Appeal processes that apply to an Infringement Notice issued under the Local Law also apply to a Notice to Impound. See Part 10 – Enforcement and Penalties: Clause 95 – Infringement Notices and Appeals Under Local Laws.

17. PERMITS - GENERAL GUIDELINES

These guidelines as determined by the Council from time to time are incorporated in the Local Law for permits.

(1) In relation to the exercise of the discretion under the Local Law for the processing of permit applications and the issuing of permits, an authorised officer or delegated officer shall take into account all of the following factors, considerations and circumstances as well as any other matters in any other guidelines specific to the type of permit being sought:

(a) whether additional information is required before dealing with an application;

(b) whether the appropriate fee or charge has been paid or made subject to an approved payment system, which must occur before the application can be processed;

(c) whether or not public notice, or written notice to specified adjoining landholders or other parties of the permit application inviting submissions, has been made or will be made;

(d) whether the applicant is a service authority or a person employed by, or acting on behalf of, a service authority that is not required to obtain a permit in respect of activities for the purposes of the service authority, although is nevertheless required to notify the Council of any activity prior to its commencement;

(e) whether the applicant has been exempted by Council from the requirement to obtain a permit, although this exemption may be subject to certain conditions being met and maintained during the term of an exemption and the exemption may be modified or cancelled in the same way as a permit;
(f) whether the rectification, remedying or restoration of a situation or circumstance is required prior to the issuing of a permit or as a condition of any permit;

(g) before issuing a correction to a permit, whether the value, importance and impact of any correction warrants that correction when compared with those works already undertaken, or expenses already incurred, under the existing permit that might be adversely impacted in time lost and/or new expense to the permit holder by the issue of the correction to the permit;

(h) whether the consent of the owner has been obtained where the applicant is not the owner of the property for which the permit is sought;

(i) whether this application is or should be conditional upon the granting of some other permit, which may be required by the Council whether under the Local Law or otherwise;

(j) whether the permit should be subject to the happening of an event;

(k) in what way a time limit should be applied by specifying the duration, commencement or completion date; and

(l) any other matter which the Council officer reasonably believes in the circumstances is relevant to the exercise of this discretion.

Standard permit conditions apply to all permits used by the Council and are in addition to specific permit conditions applicable to any specific type of permit and, as amended from time to time are incorporated in Schedule 3 to the Local Law.

20. EXEMPTION FROM PERMIT OR PERMIT FEE

These guidelines as determined by the Council from time to time are incorporated in the Local Law for permit exemptions and permit fee waivers.

Council’s permit system and associated fee structure is designed to ensure sound fair and accountable management of Council’s assets and responsibilities. Council’s fee structure already make allowance for community users. Standard Permit Conditions inform permit holders of their rights of appeal.

Therefore, in the serious matter of considering whether to recommend a permit exemption or fee waiver, an authorised officer or delegated officer must have regard to the following guidelines:

(1) Only a Senior Officer, the Chief Executive Officer or Council itself may authorise an exemption from a permit or a fee waiver; therefore any recommendation for such an exemption or fee waiver must be made in writing to the responsible Senior Officer, Chief Executive Officer or as a Report to the Council.

(2) Each request for an exemption from a permit or fee waiver must be treated on its individual merits considering the factors set out below, but in the absence of clear or strong justification, should not be recommended.
(3) All of the following matters are to be taken into consideration:

(a) why does the normal permit and its relevant fee structure not work in this case and can these matters be resolved?

(b) is the proposed activity or other behaviour of such a kind as to not be contemplated by, or capable of, being encompassed within the standard relevant permit or permit fee structure?

(c) is this matter better dealt with under clause 14 of the Local Law – ‘Power of Authorised Officer or Delegated Officer to Act in Urgent Circumstances’ or under clause 12 of the Local Law – ‘Notice to Comply’?

(d) would an exemption from a permit or waiver of a permit fee seriously increase public risk or Council liability from the proposed activity or behaviour?

(e) what overriding Council policy or public good is involved to recommend a permit exemption and/or permit fee waiver, which will be seriously inhibited or prevented by the required permit or relevant fee?

(f) how will the community of Bass Coast benefit directly or indirectly from the planned activity, which will be seriously inhibited or prevented by the required permit or relevant fee?

(g) are there overriding special circumstances related to an individual’s or a group’s personal disadvantage that would consequently be unfairly or unjustly impacted by the normal required permit or relevant fee?

(h) would issuing this permit exemption and or permit fee waiver set a public policy precedent for similar applications, in which case, should any recommendation be subject to Council approval?

(i) what are the appropriate conditions, limitations (including time limitations and public liability insurance) which should be included in any letter of exemption from a permit or waiver of permit fee?

(j) has the applicant party been warned that permit exemptions and permit fee waivers may be subject to conditions and may be cancelled or varied at any time if those conditions are broken?
YOUR PROPERTY, TREES and ANIMALS

YOUR PROPERTY

26. ADDRESS NUMBERS

These guidelines as determined by the Council from time to time are incorporated in the Local Law to determine the sufficiency of size, location and visibility of address numbers.

In determining whether an address number meets the requirements of Address numbers under sub-clause (2), the Council or an authorised officer or a delegated officer must take into account the following guidelines:

1. the size of the address number, which should be 100 mm or larger;
2. the accuracy and completeness of the address number;
3. the state of repair of the address number having regard to its visibility;
4. the colour of the address number;
5. the position of the address number which should normally be no more than 2 metres above ground level and located at the front of the premises on a fence or gate or on the most forward part of the house;
6. it is essential that the address number be legible from within a vehicle on the road immediately adjoining the front boundary of the property;
7. legibility is established by having regard to all of:
   a. its size, accuracy and completeness;
   b. its state of repair;
   c. its colour;
   d. its distinction from its background; and
   e. its freedom from obstruction;
8. address numbers painted on kerbs are additional and are not sufficient to satisfy the requirements of Clause 26 of the Local Law; and
9. any other matter the authorised officer or the delegated officer reasonably believes is relevant.

27. UNSIGHTLY LAND

These guidelines as determined by the Council from time to time are incorporated in the Local Law to determine whether an owner or occupier is maintaining unsightly land.

In determining whether the owner or occupier of any land is maintaining unsightly land contrary to the Local Law, an authorised officer or a delegated officer must consider whether one or more of the following factors exist. These are whether the land:

1. is neglected or inadequately maintained, especially land in a built up area, or is to the detriment of the general amenity of the immediate neighbourhood;
is used to store or collect or contains in an unnecessarily untidy or visible manner, unsightly waste or scrap materials, unsightly excavation materials, second hand goods, vehicle bodies or unsafe dilapidated buildings that are clearly detrimental to the general amenity of the area;

(3) harbours unconstrained rubbish, waste material or vermin;

(4) harbours Noxious Weeds (the list, as determined from time to time by the Victorian Government, is incorporated in Schedule 2);

(5) has weeds or uncut grass exceeding 300 mm on land in a built up area; and

(6) any other matter, which in the reasonable opinion of the authorised officer or delegated officer is relevant to the offence.

30. DOMESTIC WASTE, RECYCLABLE AND HARD WASTE COLLECTION

These guidelines as determined by the Council from time to time are incorporated in the Local Law to determine whether the occupier of a dwelling or other land where the Council provides a waste collection service is complying with Council’s Local Law in relation to domestic waste, recyclable and hard waste collection services.

In determining whether an occupier of a property that is provided with a domestic waste collection service by Council is complying with Council’s requirements in relation to that collection service, an authorised officer or a delegated officer must follow these guidelines.

(1) Use of Domestic Waste, Recycling and Green Waste bins:

All domestic waste and recyclable materials must be placed in the appropriate waste bin or recycling bin ready for collection. Any waste bins that are awaiting collection must not be placed on the nature strip or any other place of collection outside the property boundary more than 24 hours prior to the collection day specified by the Council from time to time.

Recyclable material must be deposited in to a recycling bin

Non-recyclable material must not be deposited in to a recycling bin

(2) Storage of bins:

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

(3) Construction of bins:

The bins used should be in accordance with the Council’s policy and procedures as determined by the Council from time to time.

(4) Prohibited waste:

The following material is prohibited from being placed in waste bins for collection by the Council:

(a) slops, liquid waste, harmful or offensive material;

(b) dirt, dust, or other matter from any vacuum cleaner, hair or other similar matter or moist refuse, unless it has been securely wrapped in paper or some other impermeable cover or container to prevent its escape;
(c) ashes or other like matter unless they have been mixed with water to form a consistency of a stiff paste before being wrapped and placed in the bin;

(d) glass or other sharp objects unless they are properly contained or wrapped in such a way as to render them harmless and inoffensive;

(e) oil, paint, solvents, acids or similar substance or any other substance that may damage the bin or reduce its strength or effectiveness;

(f) trade or commercial wastes of any kind;

(g) any garden refuse, grass clippings or tree cuttings unless in a green waste bin where a kerbside green waste collection service is provided;

(h) needles and syringes; and

(i) any other matter identified by the Council by notice to occupiers of a property.

(5) Hard waste collection:

(a) where the Council provides an on-demand hard waste collection, the hard waste to be collected must be left for collection in accordance with the Council’s instructions;

(b) any materials placed on the nature strip or road for hard waste collection in accordance with any instruction determined by the Council must not be placed there earlier than 48 hours prior to the nominated collection date; and

(c) any materials placed on the nature strip or road for hard waste collection in accordance with any instruction determined by the Council but not collected, regardless of the reason, must be removed no later than 48 hours after the nominated collection date.

(6) Removal of bins and any spillage:

Once the waste has been collected by the Council, the emptied bins must be returned to the property by the owner or occupier and any solid items of litter or liquid waste that has been spilled on to the road, nature strip or any surrounding area must be removed by the owner or occupier responsible for the bin within 24 hours of collection.

(7) Cleanliness:

Bins must be maintained in a clean and tidy manner so as not to cause any health risk or be offensive to any person.

32. BURNING OF MATERIALS

These guidelines as determined by the Council from time to time are incorporated in the Local Law to determine whether to issue a permit or whether an offence has been committed in relation to the burning of materials in the open.

(1) When determining whether an offence has occurred in relation to the burning of offensive materials in the open, Council or an authorised officer or a delegated officer must apply the following guidelines:
(a) offensive materials that may not be burnt at any time include, but are not limited to, any substance containing any:

(i) manufactured chemical;

(ii) rubber or plastic;

(iii) electronic equipment and recyclable materials (excluding timber);

(iv) petroleum, oil or petroleum-based product;

(v) paint or receptacle which contains or which contained paint;

(vi) manufactured chemicals or pressurised cans;

(vii) food waste, fish or other offensive or noxious matter; or

(viii) any other material an authorised officer or a delegated officer reasonably believes is an offensive material.

(b) offensive emissions of smoke and odour from outdoor burning do not include:

(i) normal odours of food cooking on a permanent or portable barbeque; or

(ii) any emission of offensive smoke or odour from burning materials that the person responsible immediately extinguishes or otherwise prevents from continuing to enter any neighbouring property and which does not recur within 14 days.

(2) When determining whether to grant a permit for burning materials in the open, the Council or an authorised officer or a delegated officer must have regard to the additional guidelines set out below:

(a) that the land on which the burning is proposed in a built up area;

(b) Council’s Burning Off Guidelines incorporated in Schedule 2 to the Local Law;

(c) the location of the proposed outdoor burning in proximity to adjoining land;

(d) the land-use and size of the applicant’s land and that of adjoining allotments where the burning is to take place;

(e) any alternative means of recycling, reprocessing or disposal;

(f) any adequate means of supervising the burning;

(g) any adequate means of controlling and extinguishing the spread of fire;

(h) the degree to which the material to be burnt is clean and dry or may produce offensive, toxic or unpleasant smells or smoke;

(i) the purpose stated for the burning;

(j) any relevant policies of the Environment Protection Authority; and

(k) any other matter that an authorised officer or a delegated officer reasonably believes to be relevant to the circumstances of the application.
33. **FIREWORKS**

These guidelines as determined by the Council from time to time are incorporated in the Local Law to determine whether to grant a permit for fireworks.

In determining whether to grant a permit for fireworks, the Council or an authorised officer or a delegated officer must take into account the following guidelines:

1. The applicant must show evidence that the person who will supervise and light the fireworks has the relevant WorkSafe permit;
2. The land-use and the size of the applicant’s land and that of adjoining allotments;
3. The proximity of neighbouring animals including any livestock within a 2 kilometre radius;
4. The proximity of flammable materials on any land within 1 kilometre;
5. The season and any existing CFA declared fire restrictions;
6. The proximity to adjoining properties;
7. The likely effects on adjoining owners;
8. The amenity of the area and the impact upon it;
9. Any adequate means of controlling and extinguishing the spread of fire;
10. Whether the fireworks would constitute a danger to vehicles or pedestrians or compromises the safe and convenient use of a road;
11. The promotion of high quality tourism attractions;
12. Whether the surrounding community has been notified or consulted and any comments or submissions received in response;
13. The outcome of any consultations with relevant Government departments and/or the Victoria Police;
14. Any related Council policy;
15. If the authorised officer or the delegated officer reasonably believes the fireworks may create a traffic hazard, obstruction or other risk to the public, the applicant may be required to take out public liability policy of insurance (minimum $10 million) and prior to the issue of the permit, the Council must be provided with a Certificate of Currency of the public liability policy of insurance;
16. Any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.
34. **CAMPING ON LAND OTHER THAN COUNCIL LAND**

These guidelines as determined by the Council from time to time are incorporated in the Local Law to determine whether to grant or cancel a permit for camping on any land other than Council Land.

(1) In determining whether to grant a permit to allow camping in an area which is on any land other than Council land, is not a licensed caravan park and has not been declared by the Council to be a ‘camping area’, the Council or an authorised officer or a delegated officer must take into account the following guidelines:

(a) the location of the land;
(b) the land-use of the applicant’s land and that of adjoining allotments;
(c) the suitability of the land for camping;
(d) the number of tents or other structures to be located on the land;
(e) the length of time the tents and other structures will be erected on the land;
(f) on properties of less than 0.5 hectares, only one caravan or campervan may be placed on the land for camping purposes;
(g) any caravan or campervan placed on any property for camping purposes must be located in such a position that no part of the caravan or campervan is within 6 metres of the frontage of the property or within two metres of any boundary of the property;
(h) the availability of sanitary facilities to the land;
(i) any likely damage to be caused; and
(j) any other matter the authorised officer or delegated officer reasonably believes is relevant to the application.

(2) In determining whether to re-issue, extend, vary or cancel a permit to camp or occupy a campsite on any land other than Council land the Council or an authorised officer or a delegated officer must, where relevant, take into account whether the applicant campers are compliant with the following campsite guidelines:

(a) at all times maintaining the campsite in a clean and tidy condition including but not limited to no unconstrained rubbish which is likely to become litter;
(b) prior to vacating the campsite, removing all litter (including remnant human excreta and toilet paper) and other refuse from the campsite to a Council authorised disposal point;
(c) not camping within 10 metres of any river, stream, spring, creek, dam, bore or water course;
(d) not disposing of any soap, detergent or similar substance less than 30 metres from any river, stream, spring, creek, dam, bore or water course;
(e) providing approved toilet facilities;
(f) disposing of the contents of any chemical toilet only at a Council approved site;
(g) not lighting or maintaining any campfire or campsite barbeque using solid fuel in the open air unless:

(i) it complies with the requirements of Clause 32 Burning of Materials;

(ii) the fire is contained in an approved fireplace or in a trench of at least 30 centimetres deep;

(iii) the ground and airspace are clear of all potentially flammable material within a distance of 3 metres from the outer perimeter and uppermost point of the fire;

(iv) the fire does not occupy an area exceeding one square metre;

(v) the dimensions of any solid fuel used are the minimum necessary for the purpose;

(vi) solid fuel does not exceed 1 metre in length;

(vii) the day is not a declared Total Fire Ban or Code Red Day (i.e. no fires may be lit in anyway in the open on those days).

Permit conditions for camping on any land other than Council Land as determined by the Council from time to time are incorporated in Schedule 3 to this Local Law.

35. SHIPPING CONTAINERS

These guidelines as determined by the Council from time to time are incorporated in the Local Law for the issuing of a permit for the storage, repair and/or use of a shipping container on any land other than Council Land.

In determining whether to grant a permit for a shipping container on any land other than Council Land, an authorised officer or delegated officer must follow these guidelines:

(1) The applicant must pay the entire fee for the permit prior to the processing of the application or the placement of the container.

(2) The permit for a shipping container will be for the number of days or to the date entered on the permit.

(3) If the authorised officer or the delegated officer reasonably believes the shipping container on the land other than Council Land will create a traffic hazard, obstruction or other danger to the public, the applicant may be required to take out a public liability policy of insurance (minimum $10 million) and prior to the issue of the permit or the placement of the container, the Council must be provided with a Certificate of Currency of the public liability policy of insurance for the application.

(4) The shipping container must not be placed on any Council land (including on a road, kerb, footpath or nature strip).
(5) The application or the permit should inform the applicant of the safety requirements for the shipping container – that it is the permit holder’s responsibility to ensure the container does not represent an unacceptable risk to the health and safety of the public, which includes but is not limited to securing the container either open or shut when unattended to prevent accidental imprisonment and/or suffocation. Any concerns that the authorised officer or the delegated officer may have about safety must be satisfactorily resolved prior to the issuing of a permit.

(6) The applicant must not intend to use or actually use the container as a permanent structure. If the applicant indicates an intention to use the container as a permanent shed, the applicant should be informed that an application for a Building Permit is required.

(7) Any damage to any Council property caused by the placement or removal of the shipping container, including the pavement, nature strip and services is to be reinstated by the permit holder. If reinstatement is not completed, works will be undertaken by the Council at the permit holder’s expense.

(8) Whilst the shipping container must not be placed on a road and must be placed on land other than Council Land it must nevertheless not obstruct motorists’ vision or line of sight at intersections while pits, valve covers and hydrants must remain accessible.

(9) If the shipping container on land other than Council Land nevertheless constitutes a traffic hazard or obstruction, the container must be mounted with yellow reflective tape on the corners of the containers or lights which must be illuminated between sunset and sunrise and visible from a distance of 200 metres to prevent the hazard to the public.

Permit conditions for shipping containers on land other than Council Land are incorporated in Schedule 3 to the Local Law.

YOUR TREES

36. TREES AND PLANTS NOT TO OBSTRUCT OR OBSCURE

These guidelines as determined by the Council from time to time are incorporated in the Local Law for trees and plants that are not to obstruct or obscure.

(1) In determining whether there has been an offence relating to an overhanging tree under clause 36 of the Local Law, an authorised officer or a delegated officer must have regard to the following guidelines as to whether the overhanging tree:

(a) has been pruned to comply with the following requirements - Canopies shall be lifted to provide the following clearances:
   • footpath 2.4 m to lowest foliage or limb.

(b) obstructs the view of the drivers of vehicles at an intersection;

(c) obstructs the view of the drivers of vehicles and pedestrians where they come close to each other;
(d) obscures a traffic control device from the driver of an approaching vehicle or a pedestrian;

(e) obscures street lighting;

(f) obstructs vehicular traffic; and

(g) otherwise constitutes a danger to vehicles or pedestrians or compromises the safe and convenient use of a road.

(2) The requirements for a clear view at intersections, pedestrian/vehicle conflict areas and traffic control devices are as follows:

(a) the view between vehicles at intersections:

Plants, fences and other obstructions must, wherever practicable, be kept to a maximum height of 1 metre in the following areas:

(i) at signalised intersections;

(A triangular area between the corner of each property at the intersection and a line drawn between points 3m back from the intersection).

(ii) at major/minor intersections and roundabouts.

(A triangular area in both directions from a minor road or to the right only at a roundabout).

(b) the view between vehicles and pedestrians:

Where pedestrians are likely to cross a road or be in close proximity to a road, plants must be no higher than 600mm above the ground for a distance of 2 metres from the road, except that a tree with a narrow and clean trunk may be planted (subject to any other requirements for safety and visibility) so long as the foliage is no lower than 2.4 metres above the ground.
YOUR ANIMALS

38. KEEPING ANIMALS

These guidelines as determined by the Council from time to time are incorporated in the Local Law to determine what numbers and types of animal may be kept, whether an offence has occurred and whether to issue a permit to keep excess animals.

(1) In determining the type and number of animals that may be kept, whether an offence may have occurred or whether a permit for keeping animals may be required, the Council or an authorised officer or a delegated officer must take into account the Table of Animal Types and Numbers, as determined by the Council, set out below:

<table>
<thead>
<tr>
<th>Type Of Animal</th>
<th>In Flats, Units Or Townhouses</th>
<th>On Land Less Than 0.5 Ha. #</th>
<th>On Land between 0.5 ha and 2 Ha. # * ++</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dogs</td>
<td>2</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Cats</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Poultry (excluding Roosters)</td>
<td>0</td>
<td>12</td>
<td>30</td>
</tr>
<tr>
<td>Large and/or Noisy Birds (including Roosters)</td>
<td>0</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Pigeons</td>
<td>0</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>Domestic Birds (caged, excluding Large and/or Noisy Birds)</td>
<td>6</td>
<td>20</td>
<td>No Limit</td>
</tr>
<tr>
<td>Domestic Rabbits, Guinea Pigs and Mice</td>
<td>2</td>
<td>4</td>
<td>20</td>
</tr>
<tr>
<td>Horses and donkeys</td>
<td>0</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Cattle</td>
<td>0</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Sheep and goats</td>
<td>0</td>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>Pigs</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Any other Livestock</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>

# 0.5 hectares = 1.236 acres  2 hectares = 4.94 acres
* Animal numbers on any private property or land exceeding 2 ha are subject to restrictions applicable under the Planning Scheme.
++ Land between 0.5 and 2 ha in rural areas may be permitted to pursue animal husbandry activities under the Planning Scheme. It is recommended enquiries be made at Council’s Planning Department.
In determining whether to grant a permit for the keeping of animals where the number of animals exceed that determined by the Council in the Table of Animal Types and Numbers, the Council or an authorised officer or a delegated officer must take into account the following guidelines:

(a) whether the application or situation ought to be referred to Council’s Planning Department regarding issues of land use relating to a business or the boarding or breeding of animals;

(b) whether the application or situation ought to be referred to the Municipal Health Officer regarding potential issues of human health, offensive nuisance or animal effluent disposal;

(c) the land-use and size of the applicant’s land and that of adjoining allotments;

(d) the proximity to adjoining properties;

(e) the amenity of the area;

(f) the type and additional numbers of animals to be kept;

(g) whether the applicant has or will obtain and keep the animals in accordance with a relevant Code of Practice available from the Department of Primary Industries’ Bureau of Animal Welfare;

(h) the likely effects on adjoining owners;

(i) the adequacy of animal accommodation; and

(j) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.

39. ANIMAL ACCOMMODATION

These guidelines as determined by the Council from time to time are incorporated in the Local Law for determining reasonable accommodation for kept animals.

In determining what is reasonable accommodation for kept animals and whether such accommodation is adequately maintained, an authorised officer or a delegated officer must consider the following guidelines:

(1) whether the application or situation ought to be referred to Council’s Planning Department regarding issues of land use relating to a business or the boarding or breeding of animals;

(2) whether the application or situation ought to be referred to the Municipal Health Officer regarding potential issues of human health, offensive nuisance or animal effluent disposal;

(3) whether the applicant has obtained and keeps the animals in accordance with a relevant Code of Practice available from the Department of Primary Industries’ Bureau of Animal Welfare;
(4) the type of animals to be kept and whether those animals are adequately secured within the property boundary;

(5) whether a special structure should form all or part of the animal accommodation;

(6) the height of any structure if any that is part of the accommodation;

(7) the location of the accommodation having regard to the amenity of the area;

(8) the size of the accommodation in terms of its adequacy to house the proposed number and type of animals;

(9) the security of the accommodation in terms of the animals to be housed in it;

(10) whether all excreta and other waste are removed and/or treated as often as necessary so that they do not cause a nuisance or offensive condition;

(11) whether all excreta and other waste are stored in a fly and vermin proof receptacle until removed from the premises or otherwise disposed of;

(12) whether the ground surrounding the accommodation is adequately drained;

(13) whether the area of land within 3 metres of the area or any structure in which the animal is kept is free from dry grass, weeds, refuse, waste or other material capable of harbouring vermin;

(14) whether all food, grain or chaff is kept in vermin proof receptacles;

(15) whether the area where the animals are kept is thoroughly cleaned and maintained at all times in a clean and sanitary manner; and

(16) any other matter or issue pertaining to the accommodation that the authorised officer or the delegated officer reasonably believes is relevant.
44. LIVESTOCK ON ROADS – REGULAR MOVEMENT

These guidelines as determined by the Council from time to time are incorporated in the Local Law for the control of regular movements of livestock on roads.

In determining whether an offence has occurred in the regular movement of livestock on roads, an authorised officer or a delegated officer must have regard to the following guidelines:

(1) Movement of livestock – prior compliance

Movement of livestock across or along a road from one property, being part of a single farming enterprise, to another, being part of the same farming enterprise, or from one part of a property to another part of the same property should only occur where:

(a) the movement occurs on approved stock crossings, where these are present;

(b) if there are more than 12 movements of livestock in any 3 month period on any declared VicRoads’ road or any other road specifically determined by Council, there is compliance with the guidelines prepared by VicRoads and referred to in the Regulations relating to signage and lighting;

(c) any other stock crossing requirements of VicRoads or the Council are met;

(d) there is compliance with any appropriate Code of Practice; and

(e) the applicant has a current public liability policy of insurance for the purposes of the movement of livestock on roads and that proof of the policy is produced to the Council on written request.

(2) Requirements of persons undertaking the movement of livestock on roads

A person in charge of livestock being moved across or along a road must ensure that:

(a) the livestock are supervised and under effective control by a person who is competent in the management of livestock;

(b) signs conforming to the Road Safety Rules 2009 or other specified VicRoads’ requirements are in place and are removed or deactivated following completion of the movement;

(c) the livestock are not moved other than in daylight hours, except that where any movement or part of any movement takes place before daylight hours commence or after daylight hours end, suitable warning lights conforming to the guidelines prepared by VicRoads and referred to in the Regulations are in place;

(d) the livestock are moved promptly;

(e) the length of travel is minimised as far as is practicable;

(f) the location of any road crossing is chosen having regard to the safety of all road users;
(g) if, due to the nature of the terrain, volume of traffic or visibility, drivers’ vision may be restricted, additional warning is given to such other road users;

(h) where livestock are to be moved across or along any road in fog or other than in daylight hours, there is compliance with whichever of the livestock crossing guidelines prepared by VicRoads and referred to in the Regulations as is appropriate to the circumstances of the crossing;

(i) any livestock deposits on any road pavement likely to cause danger to other road users must be removed as soon as practicable;

(j) areas of high or medium conservation status are avoided or protected; and

(k) the livestock are healthy and free of disease.

(3) When is a permit for grazing is required

In the event of livestock being moved at the rate of less than 1 kilometre per hour, a grazing permit must be obtained.

45. LIVESTOCK ON ROADS – GRAZING AND DROVING PERMITS

These guidelines as determined by the Council from time to time are incorporated in the Local Law for the issuing of permits for the grazing or droving of livestock on public roads.

When determining whether to issue a permit for the grazing or droving of livestock on a road and the conditions that should apply to any permit issued, an authorised officer or a delegated officer must have regard to the following guidelines:

(1) Requirements for a permit for the grazing of livestock on roads

(a) a permit must not be issued unless any part of the road can be grazed without threat to areas of high conservation status;

(b) a permit may be issued if the road or part of the road proposed to be grazed can be grazed without threat to areas of medium to low conservation value subject to any conditions relating to seasonality, duration and intensity of the grazing;

(c) the applicant for the permit must provide evidence to the satisfaction of the Council:

   (i) that the livestock will be adequately supervised and effectively controlled; and
   
   (ii) that there will be compliance with all of the conditions of a permit; and
   
   (iii) of an ability to adequately feed and water the livestock on the roads proposed.

(d) at the time proposed, the road or any part of the road is suitable for grazing and can be undertaken without damage to surface, plants or adjacent structures;

(e) in respect of any declared VicRoads’ road, the permission of VicRoads has been obtained;
(f) a person who is in charge of livestock which are being grazed on a road must ensure all of the following:

(i) the livestock are supervised and under effective control at all times by a person who is competent in the management of livestock;

(ii) the carcass of any livestock under that person’s charge which dies on a road is properly disposed of;

(iii) the livestock are grazed only during daylight hours;

(iv) signs conforming to the *Road Safety Road Rules 2009* are in place;

(v) 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;

(vi) in the event that livestock are causing damage, including where overgrazing occurs, they are removed from the road reserve;

(vii) the livestock are enclosed by an appropriate form of fencing or other control or removed from the road before daylight hours finish unless an authorised officer agrees to some other level of supervision or overnight arrangement;

(viii) the person has a current public liability policy of insurance covering the grazing of livestock on roads and that proof of such policy is produced to the Council prior to the commencement of the grazing;

(ix) an inspector of livestock administering the *Livestock Disease Control Act 1994* is notified if the person in charge of such livestock becomes aware or suspects that livestock (or any of them) have a disease or has died of a disease listed as a notifiable disease under that Act; and

(x) he or she complies with the provisions of the *Livestock Disease Control Act 1994* and the *Prevention of Cruelty to Animals Act 1986*.

(g) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the circumstances of the application.

(2) Requirements for a permit for the droving livestock on roads

(a) Numbers of livestock: A permit may only be issued if the droving of livestock includes all of the following circumstances:

(i) there are no bulls in the herd;

(ii) there are 1,000 or less sheep;

(iii) there are 150 or less large cattle; or

(iv) there are 100 or less of any other livestock.
Except that a permit may be issued for a number of livestock greater than that listed in guideline sub-paragraphs (2)(a) (ii), (iii) and (iv) if special circumstances can be demonstrated and all other requirements for the droving of livestock on roads will be complied with. Special circumstances may include urgent circumstances or natural disaster conditions, the small number of excess animals concerned, the high skill level and expertise of the drover and/or the acute financial hardship to be imposed by the strict adherence to livestock numbers.

(b) **Distance to be travelled:** An authorised officer or a delegated officer must be satisfied that the livestock subject of the droving permit application are able to travel:

(i) seven kilometres each day (for livestock that are not cattle); or

(ii) nine kilometres each day (for cattle),

in one direction toward their destination.

(c) **Roads to be travelled:** The roads proposed to be travelled must not:

(i) be in use at the time proposed for the purpose of droving of other livestock;

(ii) be carrying such a volume of traffic or in such condition or being used for other purposes at the time proposed for droving that it would be impracticable; or

(iii) contain areas that have been designated by the Council as high or medium conservation status and the applicant cannot or is not prepared to give an undertaking to take all reasonable measures to ensure that such areas are protected to the satisfaction of the authorised officer or the delegated officer.

(d) **Application documentation:** An authorised officer or a delegated officer must be satisfied that the owner, drover or the person in charge of the livestock has:

(i) paid all fees determined by the Council and provide any bond, guarantee or indemnity requested by the Council as security against road or adjacent fence or property damage;

(ii) provided satisfactory evidence to the Council of an ability to adequately water and feed the livestock and to safely contain them overnight;

(iii) provided a declaration of his/her knowledge of the health and fitness of the livestock in a form acceptable to the Council;

(iv) supplied written confirmation of permission to travel into the next municipality if relevant;

(v) in respect of any declared VicRoads’ road, the permission of VicRoads has been obtained; and

(vi) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.
(e) **Permit conditions:** In determining conditions applying to any permit for the droving of livestock, an authorised officer or a delegated officer may impose such conditions as he/she reasonably believes are appropriate in the circumstances, including, but not limited to, guidelines 45(2)(f) and 45(2)(g) and the following:

(i) livestock are not to be camped in any area that is a declared or designated area of high or medium conservation status;

(ii) appropriate reflective signs or flashing lights to be erected in front of, and at the rear of, any livestock camped overnight on a road;

(iii) the number of livestock that may be driven in the municipal district at any one time must not exceed the number specified on the permit;

(iv) the livestock must travel no less than the distances specified by an authorised officer or a delegated officer but this may include a rest day in appropriate circumstances;

(v) the permit holder has a current public liability policy of insurance covering risks relevant to the droving of the livestock and for an amount sufficient to meet any liability of the Council;

(vi) the livestock are healthy and free of disease;

(vii) signs conforming to the *Road Safety Road Rules* 2009 are in place;

(viii) livestock are only to be driven on any road during daylight hours;

(ix) that Council reserves the right to notify any other government department or government agency it believes relevant of the details of the application and/or the permit if issued.

(f) **The permitted route:** The route to be travelled must be determined by an authorised officer or a delegated officer and clearly stated on the permit having regard to the following considerations:

(i) the route requested by the applicant;

(ii) the practicality of that route or alternative routes;

(iii) the respective volume of traffic regularly using roads in the vicinity;

(iv) the proposed commencing and finishing locations;

(v) the sensitivity or status of vegetation on that route;

(vi) the duration and/or frequency of livestock droving proposed;

(vii) the number of livestock involved;

(viii) any permits already granted for droving or grazing or any movement on or adjacent to the proposed area;

(ix) the condition of the road and the prevailing weather conditions at the time of or during the proposed livestock droving;

(x) the availability of alternative routes;

(xi) the distance to be covered each day;

(xii) the health and condition of the livestock;
(xiii) the nature of any weeds or growth along any proposed route and the potential for livestock to spread noxious or environmental weeds;
(xiv) the potential for safely accommodating any livestock overnight;
(xv) the capacity to adequately warn other road users of the presence of livestock on the road;
(xvi) procedures for varying any route in situations of hardship;
(xvii) the availability of water and feed;
(xviii) the outcome of any consultation with relevant Government departments;
(xix) the views of VicRoads concerning any droving on any declared VicRoads’ road; and
(xx) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.

(g) **Permitted droving conditions:** A person who is in charge of livestock which are being driven on a road must ensure that:

(i) the livestock are supervised and under effective control at all times by a person who is competent in the management of such livestock;

(ii) livestock camped overnight are enclosed by a substantial and secure barrier so as to prevent escape or danger to other road users;

(iii) proper disposal takes place of any carcass of any livestock that die on the road and are under that person’s charge;

(iv) the livestock are only driven on any road during daylight hours;

(v) the livestock are not driven on roads which the Council or an authorised officer has notified the person must not be used for the droving of livestock;

(vi) an inspector of livestock administering the *Livestock Disease Control Act 1994* is notified if the person in charge of the livestock becomes aware or suspects that any of the livestock have a disease or has died of a disease listed as a notifiable disease under that Act;

(vii) he or she complies with the provisions of the *Livestock Disease Control Act 1994* and the *Prevention of Cruelty to Animals Act 1986*; and

(viii) any other matter reasonably the authorised officer or the delegated officer believes is relevant in the circumstances.

48. **PLACING BULK RUBBISH CONTAINERS**

These guidelines as determined by the Council from time to time are incorporated in the Local Law for the issuing of a permit for bulk rubbish containers.

In determining whether to grant a permit for the placement of a bulk rubbish container on a road, an authorised officer or a delegated officer must have regard to the following guidelines:
(1) whether the placement will obstruct the passage of vehicles and pedestrians, obscure the view of motorists or present a physical hazard;
(2) whether the placement will contravene any traffic control signs;
(3) protection of any Council assets;
(4) any requirements under the provisions of the Road Management Act 2004 and any requirements or provisions in the Code of Practice for Placement of Waste Bins on Roadsides (VicRoads Publication No. 00623) 2001 as amended from time to time;
(5) the current (and historical) status of the applicant’s trading account with Council;
(6) whether a copy of a valid policy of insurance Certificate of Currency has been provided to the Council;
(7) whether an indemnity or guarantee has been provided to the Council; and
(8) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.

See also Part 7 – Business and Builders – Clause 65: Trade Waste Bins (Including all Trade Recycling Bins).


49. MOTOR BIKES AND MOTORISED RECREATIONAL VEHICLES

These guidelines as determined by the Council from time to time are incorporated in the Local Law for the issuing of a permit for the use of a motor bike or other motorised recreational vehicles.

In determining whether to issue a permit for the use of a motor bike or other motorised recreational vehicle, an authorised officer or a delegated officer must consider the following guidelines:

(1) the location of the land where the vehicle is to be used;
(2) the land-use of the applicant’s land and of adjoining allotments within 500 metres;
(3) the suitability of the land for use by motor bikes or motorised recreational vehicles (as the case may be);
(4) the number of vehicles for which the permit is required;
(5) the days, times and hours that such vehicles are to be used;
(6) the likely effect on the amenity of the area including noise impacts;
(7) whether neighbouring properties should be asked to make comment;
(8) the likely damage which may be caused to the Council land or any Council land;
(9) the nature and extent of any public risk to be created by the activity;
(10) whether any public liability insurance exists or ought to be required; and
(11) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.
52. **HEAVY AND LONG VEHICLES – PARKING ON A ROAD**

These guidelines as determined by the Council from time to time are incorporated in the Local Law for the issuing of a permit for the parking of heavy or long vehicles on a road or on any other land.

In determining whether to grant a permit for the parking or storage of a heavy or long vehicle on any road or on any land for more than 1 hour, the Council or an authorised officer or a delegated officer must take into account the following guidelines:

1. whether the road is a declared arterial road;
2. whether the road carries less than 5,000 vehicles per day;
3. the width of the road and clearance distance for passing traffic;
4. whether the vehicle will obstruct the passage of vehicles and pedestrians, obscure the view of motorists or present a physical hazard;
5. whether the parking will contravene any traffic control devices;
6. protection of any Council assets;
7. any requirements under the provisions of the *Road Management Act 2004*;
8. whether the vehicle would be clearly visible to approaching motorists at a safe distance, given the speed and nature of traffic if left during hours of darkness;
9. whether the requirements of regulations regarding vehicle lighting will be complied with; and
10. any other matter the authorised officer or the delegated officer reasonably believes is relevant to the circumstances of the application.

53. **HEAVY AND LONG VEHICLES – STORING**

These guidelines as determined by the Council from time to time are incorporated in the Local Law for the issuing of a permit for the keeping or storing of heavy and long vehicles.

In determining whether to grant a permit for the storing of heavy or long vehicles, an authorised officer or a delegated officer must consider the following guidelines:

1. the land-use of the applicant’s land and that of adjoining allotments;
2. the proximity to adjoining properties;
3. the likely effect on adjoining owners;
4. the distance from dwellings; and
5. any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.
54. **HEAVY VEHICLES – PERMITS FOR USE ON RESTRICTED USE ROADS**

These guidelines as determined by the Council from time to time are incorporated in the Local Law for the issuing of a permit for the use of heavy vehicles on restricted use roads.

In determining whether to grant a permit to use a road contrary to any sign erected on it, the Council or an authorised officer or a delegated officer must have regard to the following guidelines:

1. the amount of the damage likely to be caused to the road by the vehicle requiring the permit;
2. the type and weight of vehicle;
3. the goods to be transported and the weight of those goods;
4. alternative roads which are available;
5. the necessity to impose speed limits; and
6. any other matter the authorised officer or the delegated officer reasonably believes is relevant to the circumstances of the application.

55. **STREET PARTIES AND STREET FESTIVALS**

These guidelines as determined by the Council from time to time are incorporated in the Local Law for determining whether to grant a permit for street parties and street festivals.

In determining whether to grant a permit for a street party, street festival, procession or other event, the Council or an authorised officer or a delegated officer must have regard to the following guidelines:

1. whether an application to conduct a street party, street festival, procession or other event on any road has been made with adequate notice before the event is to take place;
2. whether the application information includes: the name, address and phone number of a nominated person through whom arrangements can be made; the group of people or the organisation on whose behalf the application is made; the name of the street or streets which are sought to be closed and, if required, a diagram showing the section of that street or sections of those streets proposed to be closed, the date and times for the road closure; and a statement of group or class of persons who are being invited to the event;
3. If the authorised officer or the delegated officer reasonably believes the street party, street festival, procession or other event will create a traffic hazard, obstruction or other danger to the public or the participants, the applicant may be required to take out a public liability policy of insurance (minimum $10 million) and prior to the issue of the permit, the Council must be provided with a Certificate of Currency of the public liability policy of insurance for the application.
(4) whether the street party, street festival, procession or other event is planned for a declared arterial road or any other main thoroughfare under the management and control of VicRoads, requiring prior permission of Victorian Police and VicRoads and whether their requirements have been met including an appropriate traffic detour signing scheme;

(5) whether the road can be closed to vehicular traffic, or partly closed with safe and effective separation of vehicular traffic and street party, street festival or procession patrons and equipment for the duration of the event;

(6) whether all owners or occupiers of all properties with any immediate vehicular access via the section of road to be closed have been advised by letter and given adequate time to comment or object or other arrangements to the Council’s satisfaction have been put in place to alert relevant owners and occupiers of properties;

(7) whether a person on behalf of the applicant has been nominated to erect and remove the barriers which close the road at locations and times specified by the Council or the authorised officer or the delegated officer;

(8) whether the footpath on at least one side of the road can be kept clear of obstructions; and

(9) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.
BUSINESS AND BUILDERS

56. ROADSIDE TRADING OR PERFORMING

These guidelines as determined by the Council from time to time are incorporated in the Local Law to determine whether to grant a permit for roadside trading or performing (busking) on a road or other Council land.

In determining whether to grant a permit to allow trading or performing from a road or to a person on a road or to allow trading or performing on other Council land, an authorised officer or a delegated officer must have regard to:

(1) whether the safety of road users or the passage of any vehicle will be affected by the placement or performance;

(2) and whether:
   (a) permits required under the Public Health and Wellbeing Act 2008 or the Food Act 1984 or any other legislation have been obtained;
   (b) the activity will disturb, annoy or disrupt adjacent property owners or occupiers;
   (c) the activity will be detrimental to the amenity of the area;
   (d) the nature and duration of any performance and whether it should be time limited;
   (e) an alternative performance location can be identified to reduce any annoyance or disruption to property owners or occupiers or other persons lawfully using the area;
   (f) audience attracted by a performance may cause traffic, pedestrian or trader disruption;
   (g) other performers will be unfairly impacted or excluded by the location or duration of any permit;
   (h) appropriate arrangements can be made for:
      (i) waste water disposal;
      (ii) recycling, waste and litter;
      (iii) lighting; and
      (iv) any advertising sign.

(3) whether the consent of VicRoads has been obtained where the road is an arterial road or a VicRoads controlled road;

(4) whether any indemnity/guarantee has been provided to the Council;

(5) whether the authorised officer or the delegated officer reasonably believes the roadside trading or performing on a road or Council Land will create a traffic hazard, obstruction or other danger to the public, in which case the applicant may be required to take out a public liability policy of insurance (minimum $10 million) and prior to the issue of the permit, provide to the Council a Certificate of Currency of the public liability policy of insurance.
(6) whether the activity will be detrimental to local businesses in the vicinity; and
(7) any other matter the authorised officer or the delegated officer reasonably
believes is relevant to the application.

Permit conditions for roadside trading or for a busking permit, as determined by the Council
from time to time, are incorporated in Schedule 3 to the Local Law.

59. DISPLAYING GOODS FOR SALE

These guidelines as determined by the Council from time to time are incorporated in the
Local Law to determine whether, and under what conditions, to grant a footpath trading
permit for the display of goods.

An authorised officer or delegated officer in considering whether to issue a footpath
trading permit for the display of goods and the conditions that will apply, must follow
these guidelines:

(1) General principles

(a) safe pedestrian access is the primary purpose of all footpaths;
(b) other activities such as trading, advertising and street events are a
secondary purpose;
(c) footpath activity must make a positive contribution to the character and
amenity of the area and surrounding residential areas;
(d) Council must fulfil its responsibility for equity of access for all as defined in
the Commonwealth Disability Discrimination Act 1992 ("the DDA"). A
footpath falls within the DDA definition of premises and is intended to
enable access to required community facilities;
(e) Accessways: The key to an effective, accessible pedestrian system
throughout the built environment is the provision and maintenance of
accessways. The accessway should generally extend from the building or
property line to provide a consistent footpath environment that is inclusive
of the needs of all, including older people and people with disabilities.
As a general principle with accessways at the property line, all street
furniture, infrastructure, signs, trader’s activities and displays should be
located towards the kerb side and not along the building or property line.
(f) Footpath ‘Zones’: In order to provide a clear accessway for pedestrians, the
footpath is divided into three zones:

(i) Accessway

An accessway is "an uninterrupted path of travel to or within a
building, providing access to all required faculties. The accessway
extends from the building line or shopfront of premises for a minimum
of 1800-2000 mm. No items may extend into this zone at any time
including items overhead below a height of 2200 mm.
(ii) **Trading Activity Zone**

The trading activity zone is the only area of the footpath where signs, goods, café furniture and ancillary items may be placed and where other permitted street activities may take place. Where premises are adjacent to an intersection, the trading activity zone must not extend past the building line.

(iii) **Kerbside Zone**

The kerbside zone is a buffer from the kerb of a minimum of **700 mm** to allow for access to and from parked vehicles. Where there is a disabled parking bay, the setback from the kerb will be at least 1500 mm. Where there is a loading zone, the setback from the kerb will be 1500 mm.

No items may be placed in either the accessway zone (accessway) or the kerbside zone.

(g) in addition to any matters set out in these guidelines, in considering whether to grant a permit for the display of goods for sale on a road or other Council land, the Council or an authorised officer or a delegated officer will consider:

(i) how the proposal meets the general principles;
(ii) the effect on pedestrian flow and safety;
(iii) the impact on the appearance of the street and its surroundings;
(iv) any impact on trading generally within the area;
(v) the effect on vehicular flows and traffic safety; and
(vi) whether the proposal will be detrimental to the amenity of the area, including residential amenity.

(2) **Displaying goods for sale on a footpath**

(a) in order to provide a consistent accessway zone, goods and displays may only be displayed in the trading activity zone of the footpath;

(b) goods may only be in place during normal or authorised trading hours, and must not be placed on a footpath prior to 7.00AM each trading day and remain on the footpath after 11.00PM on each trading day;

(c) goods (except furniture) must be displayed on stable stands approved by the Council and that are able to withstand adverse weather conditions. Stands must be secured in a manner that ensures that adverse weather conditions will not create a risk for pedestrians, property and passing traffic. Stands and goods must not cause any damage to the footpath;

(d) goods or displays will not be permitted where access to a loading zone or disabled parking bay will be impeded (1500 mm from the kerb);

(e) goods or displays will not be permitted where they will cause difficulty to pedestrians and people exiting or accessing parked vehicles or the footpath;
(f) goods displays will not be allowed to exceed a height of 1500 mm;

(g) a 500 mm exclusion zone applies around items such as litter-bins, bike racks, phone boxes, public seating and the building line of adjoining premises. This means nothing may be placed within 500 mm of these items;

(h) stands and displays should contrast with their background to assist people with vision impairment;

(i) goods displays will not be permitted to overhang either the kerb zone or accessway;

(j) full-length shop awnings to protect goods located in the trading activity zone shall be nominated on any application and shall be securely fixed by an appropriate means to the ground; and

(k) the permit applicant must provide to Council satisfactory evidence of a current public liability policy of insurance and be for an amount of not less than $10,000,000.00 for any single occurrence. Any permit issued will be on the basis that the policy will stay current for the life period of the permit.

60. USE OF COUNCIL LAND FOR OUTDOOR EATING FACILITIES

These guidelines as determined by the Council from time to time are incorporated in the Local Law to determine whether, and under what conditions, to grant a footpath trading permit.

An authorised officer or a delegated officer in considering whether to issue a footpath trading permit and the conditions that will apply, must follow these guidelines:

(1) General principles

(a) safe pedestrian access is the primary purposes of all footpaths;

(b) other activities such as trading, advertising and street events are a secondary purpose;

(c) footpath activity must make a positive contribution to the character and amenity of the area and surrounding residential areas;

(d) Council must fulfil its responsibility for equity of access for all as defined in the Commonwealth Disability Discrimination Act 1992 ("the DDA"). A footpath falls within the DDA definition of premises and is intended to enable access to required community facilities;

(e) Accessways: The key to an effective, accessible pedestrian system throughout the built environment is the provision and maintenance of accessways. The accessway should generally extend from the building or property line to provide a consistent footpath environment inclusive of the needs of all, including older people and people with disabilities.

As a general principle with accessways at the property line, all street furniture, infrastructure, signs, trader’s activities and displays should be located towards the kerb side and not along the building or property line.
(f) Footpath ‘Zones’: In order to provide a clear accessway for pedestrians, the footpath is divided into three zones:

(i) **Accessway**

An accessway is an uninterrupted path of travel to or within a building, providing access to all required faculties. The accessway extends from the building line or shopfront of premises for a minimum of 1800-2000 mm. No items may extend into this zone at any time including items overhead below a height of 2200 mm.

(ii) **Trading Activity Zone**

The trading activity zone is the only area of the footpath where signs, goods, café furniture and ancillary items may be placed and where other permitted street activities may take place. Where premises are adjacent to an intersection, the trading activity zone must not extend past the building line.

(iii) **Kerbside Zone**

The kerbside zone is a buffer from the kerb of a minimum of 700 mm to allow for access to and from parked vehicles. Where there is a disabled parking bay, the setback from the kerb will be at least 1500 mm. Where there is a loading zone, the setback from the kerb will be at least 1500 mm.

No items may be placed in either the accessway zone (accessway) or the kerbside zone.

(g) In addition to any matters set out in these guidelines, in considering whether to grant a permit for an outdoor eating facility on a footpath, road or other Council land, the Council or an authorised officer or a delegated officer will consider:

(i) how the proposal meets the general principles;

(ii) the effect on pedestrian flow and safety;

(iii) the impact on the appearance of the street and its surroundings;

(iv) any impact on trading generally within the area;

(v) the effect on vehicular flows and traffic safety; and

(vi) whether the proposal will be detrimental to the amenity of the area, including residential amenity.

(2) **Outdoor eating facilities on a footpath**

(a) **Accessways and patrons:** the permit holder is responsible for the conduct of patrons at tables and chairs in the outdoor seating area and must:

(i) ensure that patrons do not move tables and chairs from their positions and obstruct the accessway;
(ii) ensure that patrons do not allow pets, prams or any other personal items to obstruct the accessway; and

(iii) ensure that the serving of food and beverages to patrons standing on the footpath within the accessway is not permitted.

(b) Other setbacks:

(i) where footpath trading (display of goods or outdoor eating facilities) occurs outside an adjoining business premises, a setback of 500 mm is required from the common boundary by both premises to ensure an access point from the footpath to the road is available between every premise;

(ii) where premises exceed 12 metres of frontage then a break of 1.0 metres shall be provided to the satisfaction of the Council at an appropriate point to allow access to the accessway zone. In considering the location of a break in the trading activity, the Council shall have regard to the car parking spaces provided on the road and the location of any other infrastructure within the road reserve;

(iii) any footpath trading activity may only be outside the premises to which it relates and must be contained within the property line;

(iv) where a footpath trading activity is proposed in close proximity to a mid-block pedestrian crossing the location of the footpath trading activity shall provide separation from any such crossing and ensure sight lines for pedestrians are protected;

(v) where a trading activity is proposed adjacent to car parking spaces designated for people with disabilities, or a loading zone, a kerbside zone of at least 1500mm will be required;

(vi) services such as gas, power, water, fire plugs, fire hydrants and telecommunications should not be covered or obstructed by any trading structures or related equipment;

(vii) unless exceptional circumstances apply, trading activity (including any outdoor eating facility) shall be placed so it is not within 1000 mm of any Council seat, rubbish bin or other item of street furniture; and

(viii) a 500 mm exclusion zone applies around items such as litter-bins, bike racks, phone boxes, public seating and the building line of adjoining premises. This means that nothing may be placed within 500 mm of these items.

(c) Use and maintenance of outdoor eating areas:

(i) where smoking is permitted, a trader must supply each table outside with a wind-proof ashtray at all times. Traders are responsible for cigarette ash, butts and any other litter generated by patrons on their footpath dining areas;

(ii) serving staff at outdoor eating facilities should facilitate free access by pedestrians and give all pedestrians priority right of way;
(iii) each operator is responsible for maintaining the outdoor eating area. A permit may be cancelled or suspended if instances of littering, untidiness or failure to maintain the accessway are noted;

(iv) adequate provision of trade waste disposal must be available within the business premises without the use of Council’s street litter bins;

(v) items which are placed on the footpath must be stable and of a design approved by the Council and must not damage the footpath;

(vi) items placed on the footpath must be maintained by the licensee in an acceptable manner to the satisfaction of the Council; and

(vii) traders will be responsible for reimbursing Council for any reinstatement works as a result of damage to footpaths or street fixtures and furniture.

(d) Other requirements

(i) Alcohol Service: see guidelines for clause 62 of the Local Law (Sale and Consumption of Liquor on Roads Adjoining Licensed Premises);

(ii) Public Liability Policy of Insurance: The permit holder must provide to the Council satisfactory evidence of a current public liability policy of insurance and must be for an amount of not less than $10,000,000.00 for any single occurrence. Any permit issued will be on the basis that the policy will stay current for the life period of the permit;

(iii) Amplification Equipment Prohibited: No sound amplification equipment or other like equipment may be erected or utilised in the outdoor seating area;

(iv) Live Entertainment: No live entertainment is permitted without the written permission of the Council;

(v) Outdoor Heaters: All outdoor heaters in the footpath trading zone must be licensed as a part of a permit and covered by the permit holder’s public liability policy of insurance. Conditions recommended by the Australian Office of Gas Safety will apply to any approval to place any gas heaters on the footpath;

(vi) Umbrellas: Umbrellas may only be placed in the trading activity zone. Where umbrellas are allowed, they must be 2200 mm high at the lowest point other than the centre pole and must not protrude over the kerb. When it is raining, run-off water from large umbrellas should be discharged outside the accessway.

Where Council approved, umbrellas must be secured in a manner approved by the Council. Applications for approval for other than a lock-in device should be clearly nominated on the application.
(vii) Screens: Screens or screening devices may be placed where there are tables and chairs for safety reasons.

Where an application proposes to suspend any fixture or fitting from the underside of a verandah or a building (such as lights or heaters), the fixture or fitting shall be fixed in accordance with the appropriate engineering standards and shall have a minimum clearance of 2.2 metres above the trading activity zone. Outside the business hours of the premises with which they are associated, any fixture or fitting that is retractable must be retracted.

(viii) Advertising signage: Advertising signage on temporary windbreaks or umbrellas must comply with the Planning Scheme.

(ix) Signs on a footpath: see clause 63 of the Local Law – (Erecting or Placing of Advertising Signs);

(x) Compensation for loss of trade: Where any service authority is required to carry out works within the road reserve, which requires the removal and/or alteration to the footpath trading arrangements, no compensation will be payable for any loss of trade experienced during and after the works;

(xi) Inspection: Council will make regular inspection of areas that have been authorised for footpath trading;

(xii) An authorised officer or a delegated officer will give direction to any permit holder in respect to compliance with the permit or activity authorised. Failure to respond to a lawful direction will result in enforcement action being taken;

(xiii) Revocation / suspension / modification: The Council may suspend, revoke, amend, relocate or otherwise modify any permit it issues to a trader, subject only to the appeals process outlined in the Local Law. Council must give any permit holder 14 days’ notice of its intention to suspend, revoke, amend, relocate or otherwise modify any permit. If such action is taken by Council, the permit holder or any other person shall not be entitled to any payment compensation or damages of any kind;

(xiv) Application Decision Guidelines: Council reserves the right to reject any application made for footpath trading; and

(xv) Fees: Council sets its fees and charges each year.
62. **SALE AND CONSUMPTION OF LIQUOR ON ROADS ADJOINING LICENSED PREMISES**

*These guidelines as determined by the Council from time to time as incorporated in the Local Law to determine whether, and under what conditions, to grant a permit for the sale and consumption of liquor on roads adjoining licensed premises.*

In determining whether, and under what conditions, to grant a permit for the sale and consumption of liquor on roads adjoining licensed premises, the authorised officer or the delegated officer must consider the following guidelines:

1. the location of the licensed premises, the land use of adjoining allotments and the general amenity of the street and neighbourhood;
2. the promotion of business and employment opportunities in the municipality;
3. the promotion of high quality tourism attractions and the extent of tourism visitation to the area;
4. the nature of the existing licensed business, whether primarily a café, restaurant or retail business or, less desirably, primarily a service of alcohol and/or night-time entertainment venue;
5. whether the surrounding community has been consulted or might be notified of the application, which in a shopping precinct may not be required;
6. whether the applicant's business, or the location has a verifiable history of alcohol-related offences or alcohol-behavioural problems;
7. any advice sought from Victoria Police or any relevant other public authority;
8. whether a variation in the trader’s service of liquor licence has been approved by the Victorian Commission for Gambling and Liquor Regulation;
9. the impact that an increased number of patrons and the service and consumption of alcohol on a footpath will have on the amenity of the surrounding areas;
10. public health and safety;
11. the cumulative impact of any existing licensed premises who trade and sell liquor on a footpath and the licensed premises who proposes to trade and sell liquor on the footpath on the amenity of the surrounding areas;
12. whether Council's permit hours should be the same or be more limited than the existing liquor license for the site; and
13. whether Council's permit should be conditional upon patrons being seated while consuming alcohol and some form of food service being available in the area that is the subject of the application.
63. **ERECTING OR PLACING OF ADVERTISING SIGNS**

*These guidelines as determined by the Council from time to time are incorporated in the Local Law for the erecting or placing of advertising signs.*

In determining whether to grant a permit for an advertising sign, an authorised officer or a delegated officer must have regard to the *Guidelines for Clause 59 Displaying Goods for Sale*, as determined by Council from time to time and incorporated in this Schedule 1, and the following guidelines:

(1) The erecting or placing of an advertising sign on the following parts of a road or Council land is not permitted:

   (a) on or over any Council land that is not directly adjacent to the business it is promoting;

   (b) adjacent to any property line on a footpath (which means within the defined Accessway, as defined in the *Guidelines for Clause 59 Displaying Goods for Sale*, as determined by Council from time to time and incorporated in Schedule 1);

   (c) on any vehicle parked or left standing on a road; or

   (d) in any other location which, in the reasonable opinion of an authorised officer or a delegated officer is likely to obstruct motorists’ line of sight or cause danger to any road user, pedestrian or visually disabled person.

(2) In determining whether to grant a permit to allow an advertising sign to be placed on a road, the authorised officer or the delegated officer must have regard to:

   (a) the width and height of the sign not exceeding 600 mm and 1200 mm respectively;

   (b) any other signs for the applicant’s premises;

   (c) whether the construction or erection of the sign will create a hazard to pedestrians;

   (d) whether an indemnity/guarantee has been provided to the Council in the form contained in Schedule 4;

   (e) whether the advertising sign is to advertise a non-commercial local educational, cultural, political, religious, social or recreational event on a municipal reserve, in which case, it may be subject to a Use of Municipal Reserve Permit and the application should be referred accordingly; and

   (f) any other matter the authorised officer or the delegated officer reasonably believes relevant to the application.
64. COLLECTIONS

These guidelines as determined by the Council from time to time are incorporated in the Local Law to determine whether to grant a permit for house to house collections or house to house trading.

In determining whether to grant a permit for house to house collections or house to house trading, an authorised officer or a delegated officer must have regard to the following guidelines:

(1) for any permit for any form of house to house commercial trading or non-exempt distribution of books, handbills or information, the matter may only be determined directly by a Senior Officer, the Chief Executive Officer or by resolution of the Council;

(2) for the sale of any goods or services from a road or any Council Land, refer to the permit required under either clause 56 of the Local Law (Roadside Trading, or Performing) or clause 59 of the Local Law (Displaying Goods for Sale). For the sale of goods or services from any private property the matter is subject to a permit under the Planning Scheme;

(3) for a permit for collections, a limit should be imposed on the total number of collection permits to be granted (averaging per annum no more than one per month per location or postcode area, whether door-to-door, highway, or other) and a preference to be given to volunteer collectors for charitable organisations benefiting the Bass Coast community;

(4) whether the organisation has already received a permit in any particular year for the location or area sought;

(5) the times and days it is proposed to collect;

(6) the land-use of the relevant land on which the collection would take place and that of adjoining allotments;

(7) the matter or thing to be collected and/or distributed;

(8) the age of the participants and the capacity for them to be supervised;

(9) whether an indemnity/guarantee has been provided to the Council;

(10) if the person or organisation is collecting on a public carriageway from passing vehicles, whether the person or organisation has a current public liability policy of insurance for at least $10 million and has produced a Certificate of Currency;

(11) the roads or areas in which the collections would take place;

(12) the impact on traffic and the safety of pedestrians;

(13) any view of the Victoria Police or VicRoads (where relevant) concerning the proposed location or conduct of any collection, especially regarding a highway collection;
(14) whether the following mandatory requirements for highway collections can be satisfied:

(a) permission must be obtained from the Chief Commissioner of Police before a Council permit can be issued (per Section 28 – Road Safety (Traffic Management) Regulations 2009).

(b) the nominated intersection must be controlled by traffic signals;

(c) highway collections should be limited to weekends or public holidays;

(d) no highway collection shall take place between sunset and sunrise;

(e) no highway collections shall take place at an intersection located in a speed zone greater than 70 kilometres per hour;

(f) no highway collection shall commence or continue during inclement weather or abnormal atmospheric conditions;

(g) collectors shall:

(i) only enter upon the carriageway when a red traffic control signal is displayed facing vehicles from which they wish to solicit for contributions; and

(ii) immediately leave the carriageway and remain on the reservation or footpath when that traffic control signal changes from red.

(15) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.

65. TRADE WASTE BINS (INCLUDING ALL TRADE RECYCLING BINS)

These guidelines as determined by the Council from time to time are incorporated in the Local Law for Council’s compliance requirements in relation to trade waste, trade waste bins and recycling bins.

In determining whether any breach has occurred in Council’s requirements for trade waste, trade waste bins (including all trade recycling bins), an authorised officer or a delegated officer must have regard to the following guidelines:

(1) Construction of bins:

Waste bins used for the collection and storage of trade waste must:

(a) be constructed of approved impervious material to the satisfaction of the authorised officer or delegated officer to prevent leakage, absorption or accumulation of any refuse or rubbish that may be deposited in it;

(b) be water-tight, fly and vermin proof;

(c) if its capacity exceeds 500 litres, contain a removable drainage plug for the purpose of cleaning; and

(d) be fitted with a fly and vermin proof lid with overlapping flanges, which must be kept continuously closed, except when being used for the immediate deposit of waste material.
(2) Emptying of trade waste bins:

Waste bins used for the collection and storage of trade waste must be regularly emptied to prevent the contents from becoming offensive.

(3) Cleanliness and storage of bins:

The occupier of the land must ensure that, in relation to the bin used for the collection and storage of trade waste:

(a) each bin is stored and maintained in a clean, sanitary and inoffensive condition and must clean and at all times keep clean any footway, pavement or ground adjoining the storage area to the satisfaction of the authorised officer or delegated officer;

(b) the surface upon which the bin is stored is impervious and graded and drained to the sewer or an approved outlet with such silt traps or other treatment devices as required by the authorised officer or delegated officer;

(c) the storage site is supplied with a tap connection and hose of a size approved by the municipal environmental health officer to the satisfaction of the authorised officer or delegated officer;

(d) the bin is screened in such a way and with such material as approved by the authorised officer or delegated officer;

(e) the bin is adequately constructed, located or secured in such a way so as to deny access to the public; and

(f) the bin is stored and maintained in a clean and sanitary condition on the land to which it relates.

(4) Notice of materials to be deposited:

Every waste bin or recycling bin used for the collection of waste or recyclable material must display a notice, sign or label indicating the type of waste or recyclable material permitted to be deposited in that receptacle.
66. ASSET PROTECTION – OCCUPYING OR OPENING A ROAD / DRAINAGE TAPPING

These guidelines as determined by the Council from time to time are incorporated in the Local Law to determine whether to grant an asset protection permit in relation to the occupying or opening of a road or other Council land and to determine whether to grant a drainage tapping permit.

66(1) Guidelines for Planting in Nature Strips

(1) Where the application for a Road Opening Permit is for the purpose of the private planting of a nature strip, the Authorised Officer or Delegated Officer must have regard to the following guidelines in determining whether to issue a permit and the conditions to be included in that permit:

(a) The application, including the proposed location, must be consistent with Council’s Guidelines for Planting in Nature Strips, as determined by Council from time to time:

(i) Nature Strips and their purpose

Your nature strip is the Council managed land between your property boundary and the road.

Nature strips form part of the road reserve. While they are generally under the management responsibility of councils, property owners typically mow the nature strip lawns that may be in front of their property.

The primary purposes of nature strips are to provide:

• safe areas for pedestrians that may include footpaths
• space for power/light poles and for underground services including electricity, gas, water, phones etc
• a place for the collection of household garbage and recycling
• visibility for motorists and pedestrians at intersections, driveways and curves in the road

(ii) Other uses for nature strips

Council usually plants suitable trees and shrubs that do not interfere with a nature strip’s primary purpose. This is to complement the natural settings of a neighbourhood and for shade and beautification. Council maintains these plants.

Residents may plant their own nature strip’s after a permit has been issued to them by Council. Residents then maintain these in a neat and tidy condition.

(iii) Benefits of plants

Planted nature strips provide a range of benefits to the community and to the environment. They can:

• absorb rainwater
• reduce stormwater runoff
• cool an area
• enhance biodiversity and provide habitat for local insects and birds
• complement the natural settings of the neighbourhood such as street trees and residential gardens
• foster a sense of ownership within the local community
• visually soften the effect of the harder surfaces of road, footpath and driveway paving, fences and buildings
• provide opportunities for food production

(iv) Guidelines for plantings
All nature strips are different which is why all applications are assessed individually before a permit can be issued allowing property owners to carry out their own nature strip plantings.

Council can only issue permits for nature strips along roads managed by Council and not along roads managed by State Government.

Typical requirements for a permit to be issued:

• primary purpose of nature strip is maintained
• access and visibility for vehicles and pedestrians is maintained
• typical vegetation clearances are 0.75m to 1.2m from the back of kerb or open drain by negotiation based on speed and frequency of traffic (safety)
  - 0.9m from the property line where there is no footpath
  - 0.3m from the footpath (where there is one), boundary lines and driveways
• ground vegetation is less than 750mm in height
• existing vegetation is protected
• hazardous features are avoided like rocks, pavers, edging, planter boxes, stakes, nets and irrigation systems
• access is retained to footpaths, drainage and underground services

Requirements for tree planting:

• appropriate native, exotic, fruit or nut trees may be planted but must be spaced a minimum of 2.5m from driveways, the property line and other trees in the nature strip. It is preferable that trees are of a maximum height of 4 metres.
• to protect services trees must not have invasive root systems and should be low growing where overhead electricity lines or other infrastructure is present. A root barrier may be required.
Residents should be aware that council may prune or otherwise maintain any tree that it considers is interfering with the nature strip’s primary purpose. Permit holders must undertake all maintenance from ground level. No access equipment such as ladders can be used.

Alternatively, residents can contact Council to see if the nature strip abutting their land is suitable for additional street trees to be planted. If so, Council will plant and maintain the street tree(s). A road occupation permit fee would not be required in this instance.

When selecting plans consider:

- That indigenous plants can enhance biodiversity and are more likely to provide habitat for local insects and birds
- Environmental weeds are not permitted
- Water restrictions apply regularly
- Nature strip soils can be contaminated and unsuitable for plants intended for eating
- Removal of any plants or landscaping may be required for access to underground services. Replacement of these plants or landscaping will be the responsibility of the permit holder.

Some areas of Bass Coast Shire Council have streetscapes with landscaped areas. This is common in newer estates. We encourage residents to talk with their neighbours and consider their views prior to lodging an application to plant on the nature strip.

“Dial Before You Dig” in Ph: 1100 will help to determine the location of underground services within the nature strip area. This will not give exact locations or depths of services. Specialist trades people can provide further advice. Excavation and cultivation needs to be by hand (eg using spade, fork, etc).

(v) **Discontinuing any private planting on a nature strip**

If a private planting is to be discontinued on a nature strip:
- advise Council that the permit is to be relinquished. Some areas may have specific planning controls so it is important to call Council before any plants are removed
- remove private plantings and any landscaping
- dress the area with 50mm of seeded sandy loam topsoil

If you are moving house you can negotiate with the new resident to take on the permit. If this occurs please let Council’s Road Occupation Officer know the details. No fee or permit is involved. Alternatively, follow the steps above to discontinue the private planting.

If a private planting on a nature strip is deemed inappropriate or unsafe Council may instruct the permit holder to remove it.
(vi) Approval Process

The permit to be obtained is a Road Occupation Permit. Application forms and details of fees are available on Council's website and from Council offices.

Applications must contain:
- a simple sketch plan of the site including property boundaries, footpaths, driveways, existing street trees and proposed planting (a sample sketch can be provided on request to help applicants)
- a list of the plant species and how many
- details of any other materials to be used

Council will assess each application on an individual basis and permits may be issued with or without conditions.

Failure to obtain a permit and comply with permit conditions to plant on a nature strip may result in penalties.

(b) The Applicant must have read and understood Council's Guidelines and be reasonably able and willing to satisfy them.

(c) The Applicant must be the owner or occupier of the adjacent property to the nature strip.

(d) The Permit conditions should include, among other things, that:

(i) Whether or not other persons are involved in the planting, maintenance, harvesting or removal of the plantings and their maintenance, for public and pedestrian safety, and if required, for the removal of the plantings and the restoration of the nature strip;

(ii) Toxic vegetation, whether or not partially or completely edible after preparation, is not permitted, for example rhubarb and oleander;

(iii) Special consideration must be given to the needs of vulnerable pedestrians such as the aged, disabled and children in the planning, protection, maintenance, removal and restoration of the nature strip;

(iv) The permit is non-transferrable and expires if the adjacent property owned or occupied by the Applicant is sold or to be occupied by a different person;

(v) The Permit Holder prior to leaving the adjoining premises, must notify Council of their intention to leave and, if requested by Council, remove the plantings and restore the nature strip to the satisfaction of Council;

(vi) Council reserves the right to issue or refuse to issue a permit to the proposed new owner/occupier of the adjacent property;

(vii) If the Permit Holder does not remove the plantings and restore the nature strip prior to departure, Council is
empowered to do so and to recover the costs from the vacating owner/occupier;

(viii) The issuing of this permit and its re-issue over any period of time does not create any property rights in the nature strip or other Council Land, and does not give any automatic right to a future re-issue of the permit either to the Permit Holder or any other or future owner/occupier of any adjacent property;

(ix) If the location, proposed planting, adjacent traffic flow or past history of the Applicant present additional public safety or asset protection risks, the Applicant may be asked to take out Public Liability Insurance for a minimum of $10 million and present a Certificate of Currency to Council prior to the Permit being issued; and

(x) Any other matter the Authorised or Delegated Officer reasonably believes is relevant.

(e) Any of the other Guidelines for this Clause below, especially security bonds and damage to Council roads, if relevant;

(f) Any other matter the Authorised or Delegated Officer reasonably believes is relevant.

(2) The application for an asset protection permit in relation to the occupying or opening of a road or other Council land and a drainage tapping permit must be by way of a written request together with, where appropriate, plans approved by a building surveyor, or if occupying a road or other Council land, an appropriate traffic management plan.

(3) The applicant must pay the permit application fee before the application is processed.

(4) The authorised officer or the delegated officer may issue detailed permit conditions with regard to any excavation, temporary seal, fee procedure, safety signage for traffic and pedestrians, site cleanliness, final permanent repairs, the manner of drainage tapping and the restoration of any nature strip, reserve surface, road pavement, footpath, kerb and channel, drain, compacting and road marking.

(5) Where the permit is for occupying a road or other Council land that is impacting roads, the date, times and extent of traffic disruption and the overriding safety of all other road users, including pedestrians, must be considered and specific conditions incorporated in the permit.

(6) Permit conditions should include the requirement that any extension of time required under the permit for the completion of any occupying or opening of a road or other Council land, must be notified to the Council in advance of the expiration of the permit and any extension of time requested, which if granted, may include additional conditions on the activity.
(7) A drainage tapping to a legal point of discharge is for the purpose of rain water only, any other discharge intended must be revealed on the application and is subject to approval by the authorised officer or the delegated officer. Additional information regarding the source, quality, chemical and biological content, quantity and frequency of any other discharge should be given.

(8) When considering whether or not to issue a notice for an asset protection bond or guarantee for the occupying or opening of any road or Council land or for drainage tapping, an authorised officer or a delegated officer will take into account the following guidelines:

(a) the nature and location of the proposed works;
(b) the duration of the proposed works;
(c) the condition of the roads, land and other Council assets;
(d) an appropriate sum for the bond given the potential risk;
(e) applicant’s history of compliance with reinstatement requests;
(f) any other relevant matter the authorised officer or the delegated officer reasonably believes is relevant; and

(g) any notice given under clause 66(5) of the Local Law must specify:
   (i) the guarantee or bond which is satisfactory to the authorised officer or the delegated officer;
   (ii) the amount of the guarantee or bond;
   (iii) the period within which the guarantee or bond must be delivered to the Council;
   (iv) where a guarantee or bond is required and a person commences or permits any works to commence without complying with such notice, that person is guilty of an offence under the Local Law; and
   (v) when the works have been completed, the permit holder must advise the Council in writing and the Council may arrange for an authorised officer or a delegated officer to inspect any roads, Council land and other Council assets in the vicinity of the works within 5 working days of receipt of the written notice of completion.

(9) When considering the application of (or a refund of) any asset protection bond or guarantee, an authorised officer or a delegated officer will take into account the following guidelines:

(a) the findings of any inspection made by an authorised officer or a delegated officer of the roads, Council land and other Council assets in the vicinity of the works after the permit holder advises the Council in writing that the works are completed;
(b) if, in the opinion of the authorised officer or the delegated officer the works or activities associated with the works have caused:

(i) damage to roads, Council land or other Council assets; or

(ii) deposited residue, dirt or mud on roads, Council land or other Council assets,

then the authorised officer or the delegated officer may serve a Notice to Comply on a person requiring that person to repair the damage or remove the material;

(c) if the person on whom the Notice to Comply is served fails to repair the damage or remove the material as required by the Notice to Comply, an authorised officer or a delegated officer may apply the guarantee or bond towards the cost of repairing the damage or removing the material; and

(d) if –

(i) in the opinion of the authorised officer or the delegated officer there is no damage to repair or material to remove; or

(ii) an authorised officer or a delegated officer does not carry out an inspection pursuant to guideline 66(7)(g)(v),

then the guarantee or bond must be returned.

(10) In considering whether to issue an asset protection permit for the occupying or opening of a road or other Council land or for drainage tapping and/or the appropriate conditions applicable to that permit, the authorised officer or a delegated officer may take into account any other matter he or she reasonably believes is relevant to the application.

Permit conditions for an asset protection permit in relation to the occupying or opening of a road or other Council land and permit conditions for a drainage tapping permit are incorporated in Schedule 3 to the Local Law.
67. **ASSET PROTECTION – BUILDING WORKS**

These guidelines as determined by the Council from time to time are incorporated in the Local Law to determine whether to grant an asset protection permit in relation to building works on land.

67(1) **Guidelines for whether a permit is required**

(1) When considering whether or not to issue a permit for asset protection for building works, Council or an authorised officer or a delegated officer may decide, after considering the relevant guidelines and the circumstances revealed in a notice of works or by an inspection, that no permit is required.

(2) If the Council or an authorised officer or a delegated officer decides a permit is required, the following guidelines must be followed.

67(2) **Guidelines for asset protection in relation to building works on land and the provision of any bond or guarantee**

(2) When considering whether or not to issue a notice for the provision of a bond or guarantee in relation to asset protection and building works on land, Council or an authorised officer or a delegated officer must take into account the following guidelines:

- the nature and location of the proposed building works;
- the duration of the proposed building works;
- the condition of the roads, land and other Council assets;
- an appropriate sum for the bond given the potential risk;
- applicant’s history of compliance with reinstatement requests;
- any other relevant matter the authorised officer or the delegated officer reasonably believes is relevant; and

(2) a notice given under clause 67(2) of the Local Law must specify:

- the guarantee or bond which is satisfactory to the authorised officer or the delegated officer;
- the amount of the guarantee or bond;
- the period within which the guarantee or bond must be delivered to the Council;
(iv) where a guarantee or bond is required and a person commences or permits any building works to commence without complying with such notice, that person is guilty of an offence under the Local Law; and

(v) when the building works have been completed the owner or occupier of the land or their authorised building agent must advise the Council in writing and the Council may arrange for an authorised officer or a delegated officer to inspect any roads, Council Land and other Council assets in the vicinity of the land within no more than 7 working days of receipt of the written notice of completion.

(2) When considering the application of (or a refund of) any building works bond or guarantee, an authorised officer or a delegated officer will take into account the following guidelines:

(a) the findings of any inspection made by an authorised officer or a delegated officer of the roads, Council land and other Council assets in the vicinity of the land after the owner or occupier of the land advises the Council in writing that the building works have been completed;

(b) if, in the opinion of the authorised officer or the delegated officer the building works or activities associated with the building works have caused:

(i) damage to roads, Council land or other Council assets; or

(ii) deposited residue, dirt or mud on roads, Council land or other Council assets,

then the authorised officer or the delegated officer may serve a Notice to Comply on a person requiring that person to repair the damage or remove the material;

(c) if the person on whom the Notice to Comply is served fails to repair the damage or remove the material as required by the Notice to Comply, an authorised officer or a delegated officer may apply the guarantee or bond towards the cost of repairing the damage or removing the material; and

(d) if -

(i) in the opinion of the authorised officer or the delegated officer, there is no damage to repair or material to remove; or

(ii) an authorised officer or a delegated officer does not carry out an inspection referred to in guideline 67(1)(g)(v), the guarantee or bond must be returned.
67(3) **Guidelines for proper fencing, protective tree barriers, site identification, traffic management plans and waste management plans**

When considering whether to issue a permit in relation to clause 67(3) of the Local Law or whether an offence has been committed under the clause 67(3) of the Local Law, an authorised officer or a delegated officer must take into account the following guidelines:

(1) **Proper fencing:**

For the purposes of clause 67(3)(a) of the Local Law, the land is properly fenced if it is fenced in a manner which:

(a) restricts access from any Council land by the general public to the land at which the building works are being undertaken;

(b) retains any waste, litter and debris from the building works being undertaken at the land within the boundaries of the land; and

(c) is constructed and installed in accordance with any written direction of the Council or an authorised officer or a delegated officer.

(2) **Protective tree barriers:**

(a) a tree which requires a protective barrier under clause 67(3)(b) of the Local Law will be referred to as a “protected tree” for the purposes of this guideline;

(b) an authorised officer or a delegated officer shall regard all trees located on Council land within 4 metres of a building site as protected trees requiring protective tree barriers, unless reasonable grounds for exclusion can be shown;

(c) other additional trees beyond 4 metres from the building site may also be determined by Council as requiring protective tree barriers if, in the reasonable opinion of an authorised officer or a delegated officer, they are at genuine risk of damage from traffic movements or other relevant circumstances related to the building works;

(d) the authorised officer or a delegated officer will clearly identify to the owner or occupier of the land or their authorised building agent, whether in writing or directly in person, which trees are considered protected trees;

(e) all protective barriers must be properly constructed and installed at the cost of the person in accordance with the Australian Standard 4970-2009 *Protection of Trees on Development Sites*, as amended from time to time and is incorporated by reference in the Local Law.

(f) for the purposes of this guideline, a protective barrier is not required in respect of any particular tree if the Council or an authorised officer or a delegated officer has advised in writing that a barrier is not required for that tree.

*The Australian Standard 4970-2009 – Protection of Trees on Development Sites, as amended from time to time is incorporated by reference in the Local Law.*
(3) Site identification:

For the purposes of clause 67(3)(d) of the Local Law, the land has been provided with proper site identification if signage is displayed indicating as follows:

(a) the name and address of the person carrying out the building works;

(b) the street and lot number relevant to the land; and

(c) a 24 hour contact telephone number or numbers of the person carrying out the building works;

in a manner approved by an authorised officer or a delegated officer, located close to the site entry and site boundary and clearly legible from within a vehicle on the adjoining roadway.

(4) Traffic management plans:

None at this time.

(5) Waste management plans:

(a) Depending on the nature, scale and site characteristics of a demolition or development, an Authorised or Delegated Officer may require a Waste Management Plan, Demolition Waste Minimisation Plan and/or Construction Waste Minimisation Plan to be prepared in accordance with best-practice methods and lodged with Council prior to commencement of Building Works.

(b) All building sites unless an Authorised Officer or Delegated Officer approves an alternative arrangement, must provide within the site boundary a bulk rubbish container (skip) with a lid to prevent windblown litter leaving the site;
**72. POSSESSION AND CONSUMPTION OF LIQUOR IN MUNICIPAL PLACES**

These guidelines as determined by the Council from time to time are incorporated in the Local Law to determine whether to issue a permit for the possession and consumption of liquor in municipal places.

In determining whether to grant a permit for the possession and consumption of liquor in unsealed containers between sunset and sunrise in any municipal place or foreshore reserve, an authorised officer or a delegated officer must have regard to the following guidelines:

1. the nature, duration and location of any event;
2. whether the permit should include a ban on glass containers;
3. the land use of adjoining allotments and the general amenity of the street and neighbourhood;
4. whether the location has a verifiable history of alcohol-related offences or alcohol-behavioural problems;
5. the proximity of existing licensed premises;
6. the effect on the quiet enjoyment of people in the municipal district;
7. the impact, if any, on businesses and tourism;
8. public health and safety;
9. whether the surrounding community has been consulted and any comments or submissions received;
10. any advice offered by Victoria Police or any other relevant public authority; and
11. any other matter the authorised officer or the delegated officer reasonably believes is relevant.

**74. SMOKE FREE AREAS IN MUNICIPAL PLACES**

These guidelines as determined by the Council from time to time are incorporated in the Local Law in relation to the declaration of smoke free areas.

In preparing a report to Council for a resolution declaring an area as a smoke free area or a non-smoking area, Council officers must follow the following procedure:

1. prepare and implement a community and internal stakeholder consultation plan;
2. provide a summary of relevant government and comparative municipality initiatives;
3. prepare an analysis of enforcement issues, including procedures and estimated costs to Council;
4. prepare a risk analysis for the proposed declaration; and
5. prepare a report for Council summarising all of the above, including a recommendation for an area to be declared a ‘smoke free area’.
MUNICIPAL PLACES, RESERVES AND FORESHORE AND COUNCIL BUILDINGS

75. BEHAVIOUR IN MUNICIPAL PLACES – PROHIBITIONS

These guidelines as determined by the Council from time to time are incorporated in the Local Law to determine whether behaviour in any municipal place is in breach of the Local Law.

When determining whether the behaviour of any person in, on, or within, any municipal place is in breach of the Local Law, the Council or an authorised officer or a delegated officer must follow these guidelines regarding prohibited behaviour when accessing, using or remaining in any municipal place:

(1) A person must not behave in a municipal place in a manner which is boisterous or harmful and which interferes with the quiet enjoyment of any person using the municipal place or of any neighbouring residential premises.

(2) A person must not behave in a municipal place in a way that is detrimental to the municipal place or other public assets, or in a way that substantially increases the level of personal risk to other users or potential users of that municipal place.

(3) A person must not, in any municipal place, except where such behaviour is a reasonable part of an approved public theatrical performance or artistic exhibition:

   (a) use language or behave in a manner which is indecent, offensive or abusive or which annoys, disturbs, interrupts, molests or obstructs any person’s enjoyment of a municipal place;

   (b) access any pornography on any computer or electronic device;

   (c) act in a way which endangers any person;

   (d) use any volatile, explosive or flammable matter;

   (e) damage, destroy, deface, write on, interfere with, remove or affix anything to any building, improvement or other structure of any kind;

   (f) carry firearms, except if that person is a member of the Victoria Police acting in the course of his or her duty, or a person falling within the scope of section 130(2) of the Firearms Act 1996, or is otherwise authorised, employed or contracted by the Council or another relevant government agency for a purpose requiring a firearm;

   (g) shoot, snare, molest, injure or in any way harm or interfere with any bird or animal, unless authorised, employed or contracted by the Council or another relevant government agency for the purpose;

   (h) use any life-saving or fire-fighting device, unless during an emergency, an authorised practice or rehearsal for an emergency or with the approval of a person in charge or an authorised officer; or

   (i) act contrary to any sign or conditions of use applying to that municipal place.
79. **BEHAVIOUR IN MUNICIPAL RESERVES – PROHIBITIONS**

*These guidelines as determined by the Council from time to time are incorporated in the Local Law to determine whether behaviour in any municipal reserve or foreshore reserve is in breach of the Local Law.*

When determining whether the behaviour of any person within a municipal reserve or foreshore reserve is in breach of the Local Law, an authorised officer or a delegated officer must follow these guidelines.

The behaviour of any person that is considered a breach of the Local Law in, on, or within, any municipal reserve or foreshore reserve includes:

1. acting to endanger any person, with or without their knowledge;
2. interfering with any structure, notice, building or any part of it, seat, play equipment, tree or plant;
3. acting contrary to any notice or sign;
4. leaving in the municipal reserve or foreshore reserve or in any building located on it, any litter except in receptacles provided;
5. walking on flower beds or borders, climbing trees, steep banks or cliff faces or getting on, or over, any fence or gate, or entering any prohibited areas that are designated by the Council or an authorised officer or a delegated officer;
6. using, other than as part of a permitted use, any amplifier, musical instrument, public address or sound broadcasting equipment so as to disturb other persons;
7. behaving in a disorderly, unseemly or indecent manner;
8. spitting or expectorating upon or otherwise fouling any path or structure;
9. rolling or throwing stones or missiles, other than in approved permitted organised sporting practice or competition;
10. creating or taking part in any fight or disturbance;
11. entering or remaining while in an intoxicated condition or while under the influence of any illicit drug;
12. playing any unlawful game, or making any wager for money, or carrying on any form of gambling;
13. acting contrary to any lawful direction by any Council staff or an authorised officer or a delegated officer, including a direction to leave the municipal reserve or foreshore reserve;
14. remaining at any time when lawfully directed to leave by an authorised officer or a delegated officer or employee of the Council notwithstanding that a fee or charge for admission may have been paid;
15. unreasonably interfering with, hindering, or interrupting any Council employee or an authorised officer or a delegated officer in carrying out their duty; and
16. causing a kite to fly in or over that municipal reserve or foreshore reserve in such a manner to unreasonably interfere with the enjoyment of any other person.
80. USE OF MUNICIPAL RESERVES – PERMITS

These guidelines as determined by the Council from time to time are incorporated in the Local Law to determine a permitted use of a municipal reserve or foreshore reserve.

In determining whether to issue a permit for the use of a municipal reserve or foreshore reserve by any person, group or organisation under the Local Law, an authorised officer or a delegated officer must follow these guidelines.

A permit is required for the following uses of any municipal reserve or foreshore reserve:

(1) any activity that the Council or an authorised officer or a delegated officer reasonably believes will interfere with, or prevent the quiet enjoyment of the municipal reserve or foreshore reserve by any other person lawfully present or will directly impact the neighbouring residential amenity.

Uses which require a permit include, but are not limited to:

(2) camp or pitch, erect or occupy any camp, tent or temporary shelter;
(3) sell any intoxicating liquor to any person or persons;
(4) hold any event, public or private, whether a circus, fair, fireworks or carnival, food, wine, or produce festival or market, wedding or any other horticultural, social, educational, cultural, political, religious or commercial occasion, celebration or gathering;
(5) organise, hold or attend any rally, procession, demonstration or other public gathering, except in this case, any permission, albeit subject to conditions, shall not be normally or unreasonably withheld;
(6) use any amplifier, musical instrument, public address or sound broadcasting equipment that may interfere with the use and enjoyment of the municipal reserve or foreshore reserve or any part of it by any other person;
(7) erect, fix or place any advertisement for educational, cultural, political, religious, social, or recreational purposes by any person other than a sporting and recreational club with an occupancy agreement with the Council. Council or an authorised officer or a delegated officer acting in the course of his or her duty is exempt from a permit under this paragraph of this guideline provided that:

(a) only one sign is erected; and

(i) it is not animated or internally illuminated;
(ii) it does not exceed 5 square metres;
(iii) it only advertises a local educational, cultural, political, religious, social or recreational event that is not held for commercial purposes and excludes any sporting and recreational clubs that have an occupancy agreement with the Council;
(iv) it is removed no later than 14 days after the event, or is in place no longer than 3 months (whichever time is sooner); and
(v) it must be placed in close proximity to the event or other location nominated by an authorised officer or a delegated officer.

Any advertising sign which does not conform to the above signage guidelines 7(a)(i) to (v), whether proposed or erected by the Council or any other person will also require a Planning Permit.

(8) conduct, organise or participate in any competitive game or sport, excepting only small social groups not exclusively using, or occupying, any open space and not unreasonably interfering with the enjoyment of other persons;

(9) engage in any sporting or recreational activity that may interfere with the use and enjoyment of the municipal reserve or foreshore reserve, or any part of it, by any other person;

(10) sell, expose or offer for sale any article of food or drink or any other article, or operate, or cause to be operated, any amusement for which a charge is made or to make a collection of money for any purpose;

(11) ride or drive any horse, motor car, motor cycle, bicycle or any other vehicle or wheeled non-motorised recreational device or wheeled child’s toy, except for, or on (as the case may be):

(a) the parking of any motor car, motor cycle, bicycle or other vehicle in any parking area that is set aside for that purpose by the Council;

(b) the wheeling of bicycles, prams, wheelchairs, child or baby carriages and children’s toys;

(c) the riding of a bicycle, wheeled non-motorised recreational device or wheeled child’s toy in such a manner that does not interfere with the use or enjoyment of the municipal reserve or foreshore reserve, or any part of it, by any other person;

(d) any authorised officer or employee of the Council acting in the course of his or her duties; and

(e) any designated roadway or bicycle pathways.

(12) fly or permit to be flown any model aeroplane, aircraft or similar apparatus of any kind, excluding a kite, but including any audible motor-propelled device over such municipal reserve or foreshore reserve;

(13) being a person other than a player, official or competitor at any sports gathering authorised under this guideline, enter or remain within, or upon, the playing arena of a municipal reserve or foreshore reserve during the progress of such sports match or sports gathering;

(14) enter any plots or areas, which are set aside for the planting or growing of plants, except in undertaking approved works where the person is, or is a volunteer directly supervised by, an employee of the Council, a person contracted to the Council for the purpose, a member of the relevant management committee, or a member of that reserve’s or foreshore reserve’s approved friends group;

(15) swim in, wade through, or enter for recreation purposes, or fish in any lake, pond, or excavation containing water, or attempt to catch, injure or kill any animal contrary to any sign;
(16) install, or permit to be installed, a gateway or other means of access to or from the municipal reserve or foreshore reserve;

(17) moor, or place, or leave any boat or other water craft or use, place or leave any boat or other water craft on any mooring or other rope or chain in such a manner as to cause an obstruction, unreasonable interference or danger to any person using the municipal reserve or foreshore reserve;

(18) undertake any organised activities where the activity is undertaken or organised in part or whole for commercial gain, including commercial tour operators and commercial providers of recreational activities, but excluding schools and not-for-profit community groups. In the case of tour operators and recreational activity providers (and other similar commercial users), a permit will include:

(a) a tour operators/recreational providers fee structure, including a licence fee and an additional capped usage fee, with usage reporting requirements;

(b) a Council permit with conditions for Council owned-land; and

(c) a State Government Permit for Crown land that is managed by Council as a Committee of Management.

(19) if vehicle parking is a part of the use of the municipal reserve or foreshore reserve permit application, the following matters should be considered:

(a) whether adequate parking is otherwise available in the immediate vicinity;

(b) whether a vehicle standing area can be constructed on the reservation without unduly interfering with the amenity of the area;

(c) whether the use of the reservation for parking purposes would significantly obstruct driver or pedestrian views of traffic in the area;

(d) the extent to which the use of the reservation for such purposes would reduce parking otherwise available for parking purposes;

(e) whether the applicant has advertised or funded the advertisement of the proposal and the nature of any submissions to the Council;

(f) the nature of the construction required to ensure adequate protection to and drainage of the reservation;

(g) whether the applicant is prepared to guarantee to meet the cost of any construction or any future repair or replacement of that construction or any reinstatement of the reservation and meet the fee for any permit;

(h) the nature of the need giving rise to the application; and

(i) any other matter that the authorised officer or the delegated officer reasonably believes is relevant to the circumstances.

In addition to the requirement to obtain a permit to do any of the things outlined in guideline paragraphs (1) to (20) above, all relevant requirements contained in any permit, policy or protocol adopted by the Council must be complied with.

*Permit conditions for the use of a municipal reserve or foreshore reserve, as determined by the Council from time to time, are incorporated in Schedule 3 to the Local Law.*
82. EVENTS – PERMITS

These guidelines as determined by the Council from time to time are incorporated in the Local Law to determine whether any events require a permit and any permit conditions that may be applicable to any permit issued.

In determining whether a permit is required, whether it will be granted and if so, under what conditions, an authorised officer or a delegated officer must have regard to the following guidelines and the Events Policy 2012 incorporated in Schedule 2 to the Local Law:

(1) In determining whether a permit is required, the following factors must be considered:

(a) Council’s Events Policy 2012, as determined by the Council from time to time and incorporated in Schedule 2 to the Local law, where the following events do not require a permit:
   (i) events occurring on land other than Council land or leased premises on public land, which do not have an impact on any Council services or operations e.g. traffic or parking or waste management;
   (ii) events for which there is no organising body e.g. Halloween; and
   (iii) civic events or ceremonies organised by the Council;

(b) whether the community may be materially impacted by the proposed event;

(c) whether community safety will have a materially greater risks;

(d) whether Council’s public assets are at materially greater risks;

(e) whether any activity, equipment, performance or other relevant matter constitutes a risk to the public warranting a public liability policy of insurance;

(f) whether fund-raising, sale of food, goods or services is involved;

(g) whether any of the Places of Public Entertainment (POPE) permit triggers exist, including, but not limited to, within a building, fencing, entrance charges, temporary structures, an area greater than 500 square metres, toilets and so on;

(h) whether a traffic management plan is required;

(i) whether a waste management plan is required;

(j) the anticipated number of attendees;

(k) the extent of marketing or promotion of the proposed event;

(l) that the authorised or delegated officer is empowered to decide that a permit is not be required in the circumstances; and

(m) any other matter the authorised officer or the delegated officer reasonably believes is relevant to whether a permit should be issued.
(2) In determining whether a permit should be issued, the following factors must be considered:

(a) is any negative material impact on the community counterbalanced by a corresponding benefit, whether social, economic, educational or cultural;

(b) will any materially increased risks to community safety or Council assets be adequately mitigated by reasonably achievable additional controls;

(c) has, or will, the applicant obtain a POPE permit;

(d) has, or will, the applicant obtain a public liability policy of insurance;

(e) has, or will, the applicant implement a traffic, waste management plan or any other risk management plan that may be deemed necessary by an authorised officer or delegated officer; and

(f) any other matter the authorised officer or the delegated officer reasonably believes is relevant to whether a permit should be issued.

(3) In determining the special conditions which will apply to an event permit, the following factors must be considered:

(a) if a POPE permit is required, the matters covered by that permit will not be duplicated in the event permit;

(b) if a POPE permit is not required, the applicant must fulfil all conditions nominated for the provision of fencing, walkways, drainage, toilets, electrical connections, water supply, temporary structures and other relevant matters;

(c) if food and/or beverage service is planned, environmental health requirements must be complied with;

(d) if alcohol is to be sold, served and consumed, a liquor license will be required;

(e) a site plan may be required, giving details of waste disposal, traffic and parking, first aid, toilets, structures etc.;

(f) where trader stalls are involved in the sale of goods or services, the name and contact details of each stall holder must be kept on record;

(g) Vic Police, Country Fire Authority (CFA), Vic Ambulance or other agencies may need to be contacted;

(h) first aid arrangements may be required;

(i) fireworks are subject to a separate permit;

(j) conditions may apply to any proposed sound system;

(k) the Events Policy 2012 incorporated in Schedule 2 to the Local Law; and

(l) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the issuing of a permit.

Council’s Events Policy 2012, as determined by the Council from time to time, is incorporated in Schedule 2 to the Local Law.
83. CAMPING ON COUNCIL LAND

These guidelines as determined by the Council from time to time are incorporated in the Local Law to determine whether to grant or cancel a Permit for camping on Council Land.

(1) In determining whether to grant a permit to allow camping on Council land in an area which is not a licensed caravan park and has not been declared by the Council to be a ‘camping area’, the Council or an authorised officer or a delegated officer must take into account the following guidelines:

(a) whether the applicant is an individual person, in which case a permit may not be issued;

(b) whether the applicant is a community group such as scouts or pony club and the intention is to camp as part of a group activity, in which case a permit may be issued;

(c) whether the applicant is a commercial operator whose activities will offer significant benefit or entertainment to the community such as a circus or festival, in which case a permit may be issued;

(d) whether an Events Permit is more appropriate;

(e) the location of the proposed camping land;

(f) the land-use of, and likely impact on adjoining allotments;

(g) the distance to the nearest dwelling or other commercial or public building;

(h) the suitability of the land for camping;

(i) the number of tents or other structures to be located on the land;

(j) the length of time the tents, campervans or other structures that will be erected or moved onto the land;

(k) the availability of sanitary facilities to the land;

(l) any likely damage to be caused;

(m) if the authorised officer or the delegated officer reasonably believes the camping on Council Land will create a traffic hazard, obstruction or other risk to the public, the applicant may be required to take out a public liability policy of insurance (minimum $10 million) and prior to the issue of the permit or the placement of the container, the Council must be provided with a Certificate of Currency of the public liability policy of insurance for the application.

(n) whether the applicant will need to implement a traffic, waste management plan or any other risk management plan that may be deemed necessary by an authorised officer or delegated officer; and

(o) any other matter the authorised officer or delegated officer reasonably believes is relevant to the application.
(2) In determining whether to re-issue, extend, vary or cancel a permit to camp or occupy a campsite on Council land the Council or an authorised officer or a delegated officer must, where relevant, take into account whether the applicant campers are compliant with the following campsite guidelines:

(a) at all times maintaining the campsite in a clean and tidy condition including but not limited to no unconstrained rubbish which is likely to become litter;

(b) prior to vacating the campsite, removing all litter (including remnant human excreta and toilet paper) and other refuse from the campsite to a Council authorised disposal point;

(c) not camping within 10 metres of any river, stream, spring, creek, dam, bore or water course;

(d) not disposing of any soap, detergent or similar substance less than 30 metres from any river, stream, creek, dam, bore or water course;

(e) providing approved toilet facilities;

(f) disposing of the contents of any chemical toilet only at a Council approved site;

(g) not lighting or maintaining any campfire or campsite barbeque using solid fuel in the open air unless:

(i) it complies with the requirements of Clause 32 Burning of Materials and Clause 84 Lighting Fires on Council Land;

(ii) the fire is contained in an approved fireplace or in a trench of at least 30 centimetres deep;

(iii) the ground and airspace are clear of all potentially flammable material within a distance of 3 metres from the outer perimeter and uppermost point of the fire;

(iv) the fire does not occupy an area exceeding one square metre;

(v) the dimensions of any solid fuel used are the minimum necessary for the purpose;

(vi) solid fuel does not exceed 1 metre in length;

(vii) the day is not a declared Total Fire Ban or Code Red Day (i.e. no fires may be lit in anyway in the open on those days).
91. **BEHAVIOUR IN A MUNICIPAL BUILDING – PROHIBITIONS**

These guidelines as determined by the Council from time to time are incorporated in the Local Law to determine whether behaviour in any municipal building is in breach of the Local Law.

A person entering, or in, a municipal building must not:

1. be admitted to a municipal building if under the age of 8 years, unless in the care of an adult;
2. deposit any litter in a municipal building, except in the receptacles provided for that purpose;
3. hawk, sell, offer for sale or hire out any goods, articles or services in a municipal building without the prior written consent of the Council or an authorised officer or a delegated officer;
4. being of one sexual gender, enter or use, within a municipal building, any dressing room, shower, convenience or any passage leading thereto designated to the opposite gender, unless that person is a child in the care of a responsible adult, or where under the supervision of an approved sporting organisation, facilities and associated passageways are exclusively used by organised sporting teams, contrary to gender signage;
5. enter or remain in a municipal building while intoxicated or bring any liquor into a municipal building, except only a person attending a function in a municipal building organised with the consent of the Council or an Authorised Officer or Delegated Officer, or a person delivering liquor to the building in accordance with an order of the Council;
6. enter or remain in a municipal building while under the influence of any illegal drug or bring any illegal drug into a municipal building;
7. enter or remain in a municipal building while suffering from any infectious disease, which presents a serious and unreasonable risk to the health of any other person;
8. bring any animal into a municipal building or allow any animal under his or her control to remain in a municipal building, except only:
   (a) a sight or hearing impaired person accompanied by a guide dog;
   (b) a person attending a Council approved function involving the showing of animals; or
   (c) a person legitimately bringing an animal in, or picking an animal up as part of Council’s animal services, including but not limited to, surrendering dangerous dogs, microchipping pets, retrieving or leaving lost or seized animals and so on.
(9) bring into a municipal building any wheeled non-motorised recreational device or wheeled child’s toy, other than a pram or pusher with a child or a wheelchair or other apparatus for the purpose of assisting a disabled person, or a trolley or other similar device in the process of assisting the delivery or removal of goods;

(10) bring into a municipal building any chemical, substance, liquid or powder which is dangerous to health or has the potential to foul, pollute or soil any part of a municipal building or to cause discomfort to any persons in a municipal building, whether by offensive or noxious smell or otherwise;

(11) enter or remain in any part of a municipal building, other than:
   (a) during the hours in which the municipal building is open to the public;
   (b) through an entrance provided for the purpose of public entry; and
   (c) in an area set aside for public use,
unless that person has the approval of the manager, an authorised officer or a delegated officer or the chief executive officer, or is a member of Council staff in the course of performing the function for which he or she was engaged;

(12) obstruct, hinder or interfere with any manager, attendant, or other member of Council staff or any person employed at the municipal building in the performance of his or her duty;

(13) re-enter a municipal building within 24 hours after being directed by the manager, an authorised officer, a delegated officer or an attendant to leave for any breach of the Local Law or any other law;

(14) act contrary to any sign or any lawful direction of any member of Council staff, authorised officer or private contractor in charge of a centre; and

(15) act contrary to any duly authorised sign displayed on, or adjacent to, any Council owned or controlled land.
**PART 12 - SCHEDULE 2 – INCORPORATED POLICIES AND OTHER DOCUMENTS**

**Local Law No. 1 Neighbourhood Amenity 2012**

**SCHEDULE 2 – POLICIES AND OTHER INCORPORATED DOCUMENTS**

The following Council Policies and Other Documents are referred to in the Local Law for application by an authorised officer or a delegated officer.

*Council Policies and other documents, as amended from time to time, are incorporated in Schedule 2 to the Local Law.*

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3. Council’s *Events Policy 2012* .................................................................. 151
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These guidelines apply for open air burning off on private properties that are not located in a built up area.

The guidelines are not valid during the declared Fire Danger Period or on days of Total Fire Ban. The Victorian Bushfire Information Line 1800 240 667 can provide information on fire restrictions applying during these periods. Please note: Bass Coast is in the Central Fire District.

If you are on a property outside a built up area and are not able to comply with these guidelines, please contact Council’s community safety team to discuss applying for a permit. If these guidelines can be met, then no permit is required.

No burning off or incinerators are allowed in residential areas.

This document must be read in conjunction with Council’s Local Law No. 1 ‘Neighbourhood Amenity’ July 2012. Part 5 – Your Property, Trees and Animals, Section 32 Burning of Materials states:

A Person must not burn, or cause, or allow to be burnt, in the open in any part of the Municipal District any offensive materials; or any materials that may cause offensive emissions of smoke and odour to enter any neighbouring property.

Penalty: 15 Penalty Units

Guidelines

1. Notice must be given to adjoining land owners/occupiers 24 hours prior to the burn.
2. Notice must be given 2 hours prior to light up by telephoning CFA VicFire on 1800 668 511.
3. If the burn is on land adjoining State Forest, National Park or Protected Public Land, notification must be made at least 2 hours prior to the burn to the DSE District Duty Officer on (03) 5683 9004 or by fax to (03) 5682 2235.
4. If the area to be burnt abuts a residential area, Council’s community safety team must be contacted 2 hours prior to light up on 1300 BCOAST (226 278). No fees apply.
5. Before commencing burning operations:
   - check the weather forecast for the day of the burn and two days afterwards. If you are burning from the 1 November to 30 April, the Fire Danger Rating on the day of the burn and the following two days must be Low to Moderate. During this period, you can find out the Fire Danger Rating by calling the Victorian Bushfire Information Line on 1800 240 667.
   - check the fuel moisture conditions
   - establish a fire break of no less than 3 meters cleared of all flammable material
   - consider the safety of the burn location taking in to account power lines, other hazards and the impacts that smoke may have on surrounding areas
6. Every reasonable precaution must be taken not to burn the following prohibited material(s):
   - manufactured chemicals
   - rubber or plastic
   - electronic equipment and recyclable materials (excluding timber)
Council's **Burning Off Guidelines – 2**

- petroleum, oil or petroleum-based products
- paint or receptacle which contains or which contained paint
- manufactured chemicals or pressurised cans
- food waste, fish or other offensive or noxious matter
- any other material an authorised officer or a delegated officer reasonably believes is an offensive material

7. Any of the above materials contained in Guideline 6 that catch alight must be extinguished immediately.

8. Until any fire lit has been completely extinguished:
   - the perimeter of the burning area must be regularly patrolled
   - the fire must be monitored to make sure smoke is not impacting on neighbours or is not causing a traffic hazard; if this is found to be the case, all fires must be extinguished as soon as possible
   - an adequate number of adults and adequate fire suppression equipment or appliances must be present

9. It is recommended, where practicable, any fire must be extinguished before sunrise on the day following the day on which the fire was lit.

10. **Pile Fire Burning**
    - **on properties up to 2 hectares** - The maximum area to be burnt at any one time is a ground area of three (3) metres long by three (3) metres wide. The height of the material to be burnt cannot exceed three (3) metres in height. The fire once commenced, can have additional material to be burnt added to the fire, but at no time can the fire exceed the area and height restrictions as detailed above. More than one fire is permitted to be alight at any one time as long as there are enough people to monitor, contain and extinguish the burns safely and effectively if required.
    - **on properties over 2 hectares** - The maximum area to be burnt at any one time is a ground area of six (6) metres long by six (6) metres wide. The height of the material to be burnt cannot exceed three (3) metres in height. The fire once commenced, can have additional material to be burnt added to the fire, but at any time the fire cannot exceed the area and height restrictions as detailed above. More than one fire is permitted to be alight at any one time as long as there are enough people to monitor, contain and extinguish the burns safely and effectively if required.

11. **Linear Fire Burning**
    - Where a rural farming property manager, as part of their farm management practices, wishes to undertake a linear fire burn, being for the creation of a fire break along their property boundaries or the removal of crops / grass or stubble, with a slow burn type of operation, the property manager must ensure Guidelines 8 & 9 are followed.

12. **Disease Control Burns**
    - For fires relating to disease control with dead stock, please contact Council’s environmental health unit on 1300 BCOAST (226 270). No fees apply.
### SCHEDULE

**NOXIOUS WEEDS FOR WHICH MEASURES ARE PRESCRIBED**

<table>
<thead>
<tr>
<th>Item</th>
<th>Application of herbicide</th>
<th>Cultivation</th>
<th>Removal</th>
<th>Mulching</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><em>Acroptilon repens</em></td>
<td><em>Acroptilon repens</em></td>
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<td></td>
<td>Russian</td>
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<td>Knapweed</td>
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<td>Tree of Heaven</td>
<td>Tree of Heaven</td>
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<td>3</td>
<td><em>Allium tricoccum</em></td>
<td><em>Allium tricoccum</em></td>
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<td>Angled Onion</td>
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<td><em>Allium vineale</em></td>
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<td>Wild Garlic</td>
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<td><em>Alternanthera pungens</em></td>
<td><em>Alternanthera pungens</em></td>
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<td>Onion Weed</td>
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<td>Spiny Broom</td>
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### Catchment and Land Protection Regulations 2002

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<th>Sch.</th>
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<table>
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<th>Item</th>
<th>Application of herbicide</th>
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<th>Matching</th>
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### SCHEDULE 2:

#### Proclaimed Noxious Weeds in Victoria 2002 - 4

**Catchment and Land Protection Regulations 2002**

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<th>Item</th>
<th>Application of herbicide</th>
<th>Cultivation</th>
<th>Removal</th>
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<td>Fennel</td>
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<td>36</td>
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<td>Cape Broom/ Montpellier Broom</td>
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### SCHEDULE 2: Proclaimed Noxious Weeds in Victoria 2002 - 5

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<thead>
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<th>Sch.</th>
<th>Column 1: Application of herbicide</th>
<th>Column 2: Cultivation</th>
<th>Column 3: Removal</th>
<th>Column 4: Mulching</th>
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</thead>
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<tr>
<td>42</td>
<td>Lavandula stoechas Topped Laveander</td>
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<tr>
<td>43</td>
<td>Lepidium draba (gazetted as Cardaria draba) Heary Cross</td>
<td>Lepidium draba (gazetted as Cardaria draba) Heary Cross</td>
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<tr>
<td>44</td>
<td>Leucanthemum vulgare Ox-eye Daisy</td>
<td>Leucanthemum vulgare Ox-eye Daisy</td>
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<tr>
<td>45</td>
<td>Lycium ferocissimum African Boxtthorn</td>
<td>Lycium ferocissimum African Boxtthorn</td>
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<td>46</td>
<td>Marrubium vulgare Horehound</td>
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<td>47</td>
<td>Melianthus comosus Tufted Honeyflower</td>
<td>Melianthus comosus Tufted Honeyflower</td>
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<td>48</td>
<td>Moreea flaccida (gazetted as Homeria flaccida) Cape Tulip (One-leaf)</td>
<td>Moreea flaccida (gazetted as Homeria flaccida) Cape Tulip (One-leaf)</td>
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<td>49</td>
<td>Moreea miniata (gazetted as Homeria miniata) Cape Tulip (Two-leaf)</td>
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Proclaimed Noxious Weeds in Victoria 2002 - 6

Catchment and Land Protection Regulations 2002

S.R. No. 83/2002

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<th>Cultivation</th>
<th>Removal</th>
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### Proclaimed Noxious Weeds in Victoria 2002 – 7

**Catchment and Land Protection Regulations 2002**

<table>
<thead>
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<th>Sch.</th>
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<th>Item</th>
<th>Application of herbicide</th>
<th>Cultivation</th>
<th>Removal</th>
<th>Mulching</th>
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| 59   | Physalis viscose
     Prairie Ground Cherry | Physalis viscose
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| 60   | Picnomon acarna
     (gazetted as Cursum arcana)
     Soldier Thistle | Picnomon acarna
     (gazetted as Cursum arcana)
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     Devil’s Claw (Purple-flower) | Proboscidea louisiana
     Devil’s Claw (Purple-flower) |         |         |
| 62   | Proboscidea lutea (gazetted as Bocella lutea)
     Devil’s Claw (Yellow-flower) | Proboscidea lutea (gazetted as Bocella lutea)
     Devil’s Claw (Yellow-flower) |         |         |
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     Wild Mignonette | Reseda luteola
     Wild Mignonette | Reseda luteola
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| 64   | Rosa rubiginosa
     Sweet Briar | Rosa rubiginosa
     Sweet Briar |         |         |
| 65   | Rubus fruticosus
     agg. Blackberry | Rubus fruticosus
     agg. Blackberry |         |         |
| 66   | Salpichroa organifolia
     Pampas Lily-of-the-Valley | Salpichroa organifolia
     Pampas Lily-of-the-Valley | Salpichroa organifolia
     Pampas Lily-of-the-Valley |         |
### Proclaimed Noxious Weeds in Victoria 2002 - 8

**Catchment and Land Protection Regulations 2002**

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<td>Item</td>
<td>Application of herbicide</td>
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<td>(incl. <em>X. orientale</em>)</td>
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Events Policy

Introduction

This policy defines Council’s role in supporting, managing and evaluating events. It outlines the process for communicating about events and for determining the level of Council support.

For the purpose of this policy an event is defined as:

An organised gathering of people on public or private land which impacts upon Bass Coast Shire Council infrastructure, assets or the general public.

This includes community and commercial events, as well as corporate events run by Bass Coast Shire Council.

Council recognises the significant economic, social and cultural benefits that events bring to the community. Events which showcase the natural assets of the Shire are encouraged and those which promote health, culture, innovation and technology will be actively encouraged as these reflect the future direction of Bass Coast Shire.

Council is committed to ensuring that events are run safely and all compliance requirements are met, whilst minimising negative impacts upon the community. Council assists with education and skill development for event organisers, many of whom are volunteers.

Council’s objectives in relation to events are set out in the Bass Coast Shire Council Council Plan 2009 - 2013.

Council Plan Objective 04, Business Prosperity lists the following strategies:

• Support and encourage infrastructure, land use planning, events and services that support economic development and lifestyle opportunities.

• Achieve a spread of visitor numbers across the whole year, improve visitor satisfaction and increase economic benefits to the area.

Event Policy objectives

The objectives of the Events Policy are to:

1. Promote and encourage events in Bass Coast which enhance the resident, participant and visitor experience.

2. Set principles for determining the level of Council support for events.

3. Ensure that risks are minimised and there is compliance with regulatory requirements during events.

4. Provide a framework for the approval, communication and evaluation of events.
Council's Events Policy 2012 - 2

Policy statement

1. **Promote and encourage events in Bass Coast which enhance resident, participant and visitor experience.**

   Council supports a diverse and sustainable program of events spread throughout the year and across the Shire. This maximises the economic benefits to Bass Coast business operators and community groups.

   A quality events program brings additional visitation to the Shire as well as improving the quality of life for local residents and visitors already in the region.

   There are significant health and social benefits resulting from events as well as the opportunity to showcase the cultural and heritage values of the region.

2. **Set principles for determining the level of Council support for events**

   Council provides financial and in kind support for events.

   **Financial support:** Council provides funding for commercial events as a one off seed funding grant to establish new events. This is determined in accordance with the Seed Funding Guidelines.

   Council contributes to some of the costs associated with major events such as traffic management and entertainment. This minimises the adverse impact on the local amenity for Bass Coast Shire residents and maximises the economic returns for local business operators by encouraging visitors to stay in the region longer.

   Community events apply to Council on an annual basis for community grant funding which is determined according to Council's Community Grant Guidelines.

   Once a recurring community event has demonstrated its viability and sustainability it becomes eligible to be assessed for recurrent annual grant funding. This is determined in accordance with the Community Event Recurrent Funding Guidelines.

   These guidelines:
   - Determine when an event becomes eligible for recurrent funding.
   - Determine the level of recurrent funding to which the event is entitled.

   **In kind support:** In kind support is provided in many forms including but not limited to:
   - Event planning advice
   - Marketing support
   - Assistance with planning an event and completing necessary permit applications
   - Supply and service of bins to assist with waste management
   - Supply of traffic management and other event related equipment
   - Assist with the implementation of traffic management plans
   - Supply of temporary toilets

   Eligibility to receive in kind support and the level of in kind support provided is determined by Council's Community Grant guidelines.
Council’s Events Policy 2012 - 3

3. **Ensure that risks are minimised and there is compliance with regulatory requirements during events**

The event permit requires a rigorous risk minimisation process consistent with Council’s risk management policy. All event permits issued by Council must have approved risk and emergency management plans. All events must show proof of current public liability insurance, and where required Health, Planning and Places of Public Entertainment permits must also be obtained.

4. **Provide a framework for the approval, communication and evaluation of events**

Decisions regarding the approval of new events in the Shire, or significant changes to existing events, are made through consultation with the Community Safety and Events Advisory Committee which is communicated to Council through a monthly Watching Bass Coast report.

All necessary event permit applications and other event related documentation are available from Council. The responsibility for issuing events permits rests with Council’s Events team. The Events team also facilitates related approvals such as health, local laws, foreshore occupation and Places of Public Entertainment permits.

All relevant documentation is securely stored on Council’s data management system, accessible to nominated staff who have been appropriately trained. Information about events is provided to the public using a range of forums, including but not limited to Council’s newsletter Coastell, local papers, Council’s website, events newsletter etc.

A pre and post event report is provided to the community safety and events management committee by the Events Team.

An Event Evaluation Report is completed by the Events Team at the conclusion of each Council supported event.

This Evaluation assesses the appropriateness of the level and type of support provided by Council, identifies any issues to be addressed for future events and provides an evaluation of the overall success of the event.

For Council supported events, organisers are also required to complete a post event evaluation form, with data such as the number of people who attended and the amount of money that the event generated. This information is collated by Council.

Council also assists event organisers to evaluate the viability and sustainability of their events.
Council's Events Policy 2012 - 4

Additional documents

- Permit Requirement Flow Chart
- Event Permit Application
- Event Permit
- POPE (Places of Public Entertainment permit) Application
- POPE (Places of Public Entertainment permit)
- Event Evaluation Questionnaire for Event Organisers
- Corporate Events Guidelines and processes

Reference to other documents

- Bass Coast Shire Council - Council Plan 2009 - 2013
- Social and Economic Value of Events Study, 2011
- Review of Events Management, Audit Report, January 2012
- Bass Coast Shire Council Local Law (currently under review)
- Economic Development Plan 2012 (currently being drafted)
- Community Safety and Events Management Committee charter 2011
- Event resource allocation spreadsheet
- Bass Coast Planning Scheme
- Events Register listing all events
- Planning Permit Application Form
- Bass Coast Shire Council Seed Funding Guidelines, Application, Terms and Conditions.
- Bass Coast Shire Council Community Grants Program Guidelines and Application.
- Community Event Recurrent Funding Guidelines.
- Internal Event Evaluation.

Review process

This Policy will be reviewed by Council within four years of it coming into operation.

Accountability process

Accountability for the effective administration of the Events Policy by the Events Team rests with Council’s Economic Development Manager.

Approval

Approved by Council at its meeting held on Date 20/06/2012

Signed by the Mayor (Name) Cr Veronica Dowman Date 26/06/2012
3 Power to remove unregistered or abandoned vehicles

(1) A Council may—

(a) move or impound any unregistered vehicle or vehicle considered by it to be abandoned (and anything in, on or attached to, the vehicle);

(b) keep the vehicle in the place to which it has been moved or any other place.

(c) return the vehicle to its owner on payment of a fee; and

(d) sell, destroy or give away the vehicle (and anything in, on or attached to, the vehicle) if the owner of the vehicle has not paid the fee within 7 days of the Council impounding the vehicle.

(2) The Council, and anyone who obtains the vehicle from the Council under subclause (1)(d), is not liable to the owner of the vehicle or any other person in respect of any action taken under that subclause.

(3) The fee set for the purposes of subclause (1)(c) must not exceed an amount that reasonably represents the cost to the Council of impounding, moving, keeping and releasing the vehicle (including any relevant overhead and other indirect costs).
Local Government Act 1989
No. 11 of 1989

5 Power to move other obstructions

A Council may—

(a) move any thing that encroaches on or obstructs the free use of a road or that reduces the breadth, or confines the limits, of a road (including any thing placed on the road under clause 9, 10 or 11);

(b) require any person responsible for, or in control of, the thing to move it.
PART 13 - SCHEDULE 3 – PERMIT CONDITIONS

Local Law No. 1 Neighbourhood Amenity 2012

SCHEDULE 3 – PERMIT CONDITIONS

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The incorporated standard conditions at the beginning of this Schedule 3 are applicable to all permits issued under the Local Law.

To ensure procedural fairness and to enhance customer focus, community safety, individual site differences and the protection of public assets, Council reserves the right to add additional clauses to the following permits, provided an authorised officer or a delegated officer reasonably believes any additional clause is relevant and based upon the individual circumstances of a permit application. All additional clauses must be consistent with the relevant Local Law, the relevant incorporated Guidelines in Schedule 1 and the incorporated Policies in Schedule 2.

Note: The following Schedule of Council permit conditions covers some of the most commonly requested permits, but is not exhaustive and should not be regarded as such. Any permit conditions not included in this Schedule may be obtained from Council’s website or by enquiry direct to the Council (at the contacts below).

Fees relating to permits are determined by Council and are available from Council’s website or by enquiry direct to Council.

Council website is:  www.basscoast.vic.gov.au
Council’s enquiry email is: enquiries@basscoast.vic.gov.au
Council’s telephone number is: 1300 BCOAST (226 278) or 03 5671 2211
Council’s Civic Offices are at: 76 McBride Avenue, Wonthaggi 3995 and
91-97 Thompson Avenue, Cowes 3922
Council’s office hours are: 8.30am-5.00pm Monday - Friday
Council’s postal address is: Bass Coast Shire Council, PO Box 118, Wonthaggi VIC 3995

The following permit conditions listed in Schedule 3, as determined by the Council from time to time, are incorporated in the Local Law.
17. STANDARD PERMIT CONDITIONS

The following standard permit conditions, as determined by Council and amended from time to time, are incorporated in the local law and apply to all Permits issued or corrections to permits issued by Bass Coast Shire Council. They are in addition to, and, if in conflict with, override any conditions applicable to any specific type of permit. These conditions should form part of or be attached to every permit issued.

Conditions of permit are that:

(1) The permit application must be accompanied by the Appropriate Fee, and the permit application will not be processed until the Appropriate Fee is paid in full to Council, or the fee due is made subject to an approved payment system.

(2) If application is approved and issuing the permit involves an additional fee or fees, the permit is not valid until the Appropriate Fee or fees are paid in full to the Council, or the fee due is made subject to an approved payment system.

(3) The applicant may be required to give public notice, or written notice to adjoining landowners and other specified parties of such application inviting submissions.

(4) Except where otherwise expressly stated in this Permit, a Permit will operate from the date it is issued until 30 June next following that date.

(5) This Permit may be fully or partially cancelled or suspended by Council at any time, if in the opinion of the Authorised or Delegated Officer:

   a) there has been any material misstatement or concealment in relation to the application for a Permit; or
   
   b) there has been a failure to comply with any condition or conditions subject to which the Permit was issued.

Where paragraph (a) of this clause applies, the Permit may be suspended by giving seven (7) days’ notice of the decision to propose full or partial cancellation and of advice that an appeal may be lodged with the Council. If an appeal is lodged within that seven (7) days’ suspension continues until full or partial restoration or cancellation of the Permit is determined in the appeal to the Council.

Where paragraph (b) of this clause applies, any cancellation will not take place unless:

   (i) a Notice to Comply has been served upon the Permit Holder;
   
   (ii) there has been a failure to comply with the Notice to Comply within the time required;
   
   (iii) the failure to comply continues for a period of seven (7) days after the time specified in the Notice.
Where the Permit Holder is not the owner of the property to which the Permit applies and the owner’s consent was required to be given to the application for the Permit, the owner must be notified of any and all Notices to Comply and the reasons why it has been served on the Permit Holder.

The Council reserves the right to correct or modify any Permit in relation to a clerical mistake or other error arising unintentionally or by an omission; or an evident material miscalculation of figures or an evident material mistake in description of any person, thing or property referred to in the Permit. The Council will give notice of any correction or modification of a Permit to the Permit Holder.

Permit applicants should also be aware that under the Local Law any person who makes any false representation or declaration (whether oral or in writing) in, or who omits any relevant information from, an application for a Permit or exemption is guilty of an offence with a maximum penalty of 20 Penalty Units. Also any person who fails to comply with a Notice to Comply within the required time is guilty of an offence with a maximum penalty of 10 Penalty Units.

Any permit applicant or holder who is aggrieved by any matter in the granting, reviewing, modification, suspension, cancellation or renewal of this Permit, and/or in relation to any written notice, Notice to Comply or Infringement Notice issued in relation to breaches of conditions of this Permit, may by written request within twenty-eight (28) days of the date of the incident, notice or matter concerned, seek a review by Council (including by its delegated appeals officers) of the matter. However, the making of any such request will not in any way remove that person’s obligation to act in accordance with any directions or notices which are applicable under the Permit or any notices issued pursuant to matters related to this Permit.

As Council is the final review authority in matters relating to this Permit, Council’s review decision is final. However, if the review involves any infringement or penalty notice issued in relation to the permit, then during the review process such a notice will be suspended pending the review decision. Following any such Infringement Notice review decision, there is a further right to be heard in the Magistrates’ Court provided notice is given to Council within 14 days.

End of Standard Permit Conditions
34. CAMPING ON LAND OTHER THAN COUNCIL LAND- PERMIT

Conditions of permit are that:

(1) The entire fee for the permit must be paid in full prior to the commencement date of the permit.

(2) In addition to any other specific conditions attached to this permit, the following campsite guidelines where relevant must be followed:

(a) at all times maintaining the campsite in a clean and tidy condition;
(b) prior to vacating the campsite, removing all litter and other refuse from the campsite to a Council authorised disposal point;
(c) not camping within 10 metres of any river, stream, spring, creek, dam, bore or water course;
(d) not disposing of any soap, detergent or similar substance less than 30 metres from any river, stream, spring, creek, dam, bore or water course;
(e) providing approved toilet facilities;
(f) disposing of the contents of any chemical toilet only at a Council approved site;
(g) not lighting or maintaining any campfire or campsite barbeque using solid fuel in the open air unless:
   (i) the fire is contained in an approved fireplace or in a trench of at least 30 centimetres deep;
   (ii) the ground and airspace are clear of all potentially flammable material within a distance of 3 metres from the outer perimeter and uppermost point of the fire;
   (iii) the fire does not occupy an area exceeding one square metre;
   (iv) the dimensions of any solid fuel used are the minimum necessary for the purpose; and
   (v) solid fuel does not exceed 1 metre in length.

(3) Failure to comply with the campsite guidelines in sub-clause (2) where relevant may impact the re-issue, variation, extension or cancellation of the Permit to Camp on Land other than Council Land.

(4) It is the permit holder’s responsibility to ensure the camping does not represent an unacceptable risk to the health and safety of the public.

(5) Any damage to Council property caused by the camping, including any damage to pavement, nature strip and services, is to be reinstated by the permit holder. If reinstatement is not completed, works will be undertaken by the Council at the permit holder’s expense.

(6) Any additional clause which an Authorised or Delegated Officer reasonably believes is relevant and based upon the individual circumstances of an application may be appended to this list of terms and conditions.
35. SHIPPING CONTAINER ON LAND OTHER THAN COUNCIL LAND - PERMIT

Conditions of permit are that:

(1) The entire fee for the permit must be paid in full prior to the placement of the container.

(2) The permit for a shipping container is to be time limited and is for the number of days or to the date entered on the Permit, but will not be for a period of less than 8 days.

(3) If the applicant is required to take out public liability insurance (minimum $10 million), then prior to the placement of the container the applicant must provide Council with a Certificate of Currency of Public Liability Insurance.

(4) The shipping container must not be placed on Council land (including on roads, kerbs, footpaths or naturestrips).

(5) It is the permit holder's responsibility to ensure the container does not represent an unacceptable risk to the health and safety of the public, which includes but is not limited to securing the container either open or shut when unattended to prevent accidental imprisonment and/or suffocation.

(6) The shipping container must not be used as a permanent structure.

(7) Any damage to Council property caused by the placement or removal of the shipping container, including pavement, nature strip and services, is to be reinstated by the permit holder. If reinstatement is not completed, works will be undertaken by the Council at the permit holder's expense.

(8) Whilst the container must not be placed on roads and must be placed on Private Land, it must nevertheless not obstruct motorists' vision or line of sight at intersections while pits, valve covers and hydrants must remain accessible.

(9) If the shipping container on Private Land nevertheless constitutes a traffic hazard or obstruction, the container must be mounted with yellow reflective tape on the corners of the containers, or lights which must be illuminated between sunset and sunrise and visible from a distance of 200 metres to prevent a hazard to the public.

(10) Any additional clause which an Authorised or Delegated Officer reasonably believes is relevant and based upon the individual circumstances of an application may be appended to this list of terms and conditions.

End of Shipping Containers on Land Other than Council Land Permit Conditions
56. ROADSIDE TRADING - BUSKING PERMIT

Conditions of permit are that:

1. No sound reinforcement equipment (amplification) may be used;
2. No Permit may be issued for a period longer than six months but that a renewal may be applied for after this time;
3. The Council reserves the right to revoke the Permit at any time;
4. No Permit holder may sell or offer or expose for sale any article or commodity;
5. Any drawings, sketches or other artwork made on any footpath must be limited to the use of easily erasable, non-permanent medium such as chalk, charcoal or pastel and must not be crayon, paint or other permanent or marring medium;
6. The busker must comply with all directions given by members of the Victoria Police or an authorised officer which might include ceasing busking or moving from the busking location, where congestion or inconvenience is being caused to other road users;
7. No busker may advertise or associate his or her busking with advertising in conjunction with any performance.
8. The use of fire, animals, or materials, substances or equipment that may pose a threat to public safety is prohibited.
66. ASSET PROTECTION - ROAD OCCUPYING OR OPENING / DRAINAGE TAPPINGS PERMIT

Conditions of permit are that:

(1) The permit fee together with any amount of required Bond notified to the Applicant must be paid to the Council prior to the commencement of works.

(2) Excavations must be the minimum size for the work in hand. Concrete roads and footpaths are to be saw cut and not be broken unless this is absolutely unavoidable.

(3) All excavated materials are to be kept segregated and replaced in the order in which they are removed from the excavation. In road pavements all excavated material is to be replaced with 20mm class 2 FCR. Each layer is to be thoroughly compacted. Layers shall be replaced in thickness not exceeding 150mm and be thoroughly compacted before placement of the next layer. A temporary seal consisting of 40mm of P.C.M. (Cold Mix asphalt) is to be applied to road pavement and footpath openings.

(4) The recipient of this permit shall cause all works to be adequately barricaded and lighted for the protection of traffic (both pedestrian and vehicular) and shall be responsible for any damages incurred by reason of civil action. Appropriate advance warning signs shall be erected where necessary. Such barricades, lights and warning signs shall be provided by the recipient of the permit in accordance with AS 1742.3 Temporary Roadworks Signing Code of Practice.

(5) When a vehicle crossing becomes redundant, the owner or occupier of the land must ensure that any redundant part of a vehicle crossing is removed, and the kerb, drain, footpaths, nature strip or other part of the road is reinstated to the satisfaction of the Council.

(6) Should the above conditions not be carried out a further charge sufficient to cover the cost of bringing the work into conformity therewith will be made.

(7) If the reinstatement costs as measured by Bass Coast Shire Council exceed the estimated reinstatement charge that has been paid, an account for the extra amount will be rendered to the permit holder.

(8) If the reinstatement costs as measured by Bass Coast Shire Council are less than the estimated reinstatement charge that has been paid, a refund will be made to the permit holder.

(9) Road opening permit holders are reminded of their obligations at law in connection with the opening of roads and the placing of obstructions thereon.

(10) The road shall at all times be kept open for traffic, unless written permission has been obtained from the relevant Council Officer.
(11) Unless otherwise approved by Council, all permanent repairs to road pavement, footpath, nature strip, kerb and channel, vehicular crossings, lanes and unmade roads shall be carried out by the Council.

(12) All backfilled trenches or excavations carried out under this permit shall be maintained in a safe condition by the person taking the permit out for a period of twenty eight (28) days after notification to Council of completion of the work.

(13) The recipient of this permit shall at all times keep roads, footpaths and channels in a clean and tidy condition and upon completion of the work shall remove all surplus materials.

(14) Vehicle crossings shall be constructed in accordance with the requirements described in the Council's specification, a copy of which will be made available upon request to Council. The onus is on the permit holder to obtain the necessary drawings and specifications prior to construction.

(15) Persons digging trenches are reminded of the need to take appropriate safety precautions and to comply with the relevant provisions of Clause 202 of the Mines (Trenches) Regulations (1979). Information can be obtained from the Occupational Health and Safety Authority.

(16) This permit is valid for the length of time shown on the Permit.

(17) All drains to be constructed in accordance with requirements specified by Council.

(18) Connections to council's drains or pits are to be carried out in accordance with Council's standard drawings and specifications.

(19) A drainage tapping to a legal point of discharge is for the purpose of rain water only. An Authorised Officer or Delegated Officer must approve any other discharge before connection and/or any discharge. Additional information regarding the source, quality (chemical and biological), quantity and frequency of such discharge may be required prior to assessment for approval.

(20) All disturbed nature strips are to be top dressed with a minimum of 50mm of seeded sandy loam topsoil.

(21) The permit holder is responsible for the safe passage of pedestrians through the worksite, and a minimum of 1.5 meters of clear and even access for pedestrians shall be maintained at all times.

(22) No excavation shall be made across any sealed road surface or pavement unless authorised by Council.

(23) All concrete driveways must be inspected before any concrete is poured and the Council must approve any variation to council standard drawings regarding shape, etc. Twenty-four (24) hours’ notice is required for all inspections.
(24) The permit holder shall, if concerned about the condition of infrastructure in the area of the proposed works, arrange for a site inspection by the Council. If no inspection is requested it will be assumed that the works area is in good condition, and any damage to infrastructure will be the responsibility of the permit holder.

(25) Any additional clause which an Authorised or Delegated Officer reasonably believes is relevant and based upon the individual circumstances of an application may be appended to this list of terms and conditions.

*End of Drainage Tapping/ Road Opening Permit Conditions*
67. ASSET PROTECTION - BUILDING WORKS - PERMIT

Conditions under which permit is granted are that:

Work is permitted, subject to the conditions hereunder, to transport building materials, machinery and equipment across the road reserve to gain access to: [address]

1. The permit fee together with any amount of required Bond notified to the Applicant must be paid to the Bass Coast Shire Council prior to the commencement of works.

2. Ensure that a tree protection fence is in place for Council’s nature strip (street) tree if requested, in accordance with Australian Standard No. 4970-2009, Protection of Trees on Development Sites.

3. Where the Council’s assets have been protected or restored to Council’s standard, the bond will be refunded in full.

4. Failure to restore the road reserve and make good any damage caused to Council’s assets within fourteen days of notification by Council to do so, will result in Council undertaking the necessary reinstatement works and deducting the cost from the bond. Where a portion remains unused, it will be refunded. Where the costs exceed the bond, the permit holder will be liable for the excess and invoiced accordingly.

5. The permit holder is to take all necessary precautions to ensure that Council’s assets are not damaged.

6. No building material shall be placed on the naturestrip, footpath, road or Council Reserve without prior written approval of Council.

7. No buildings such as site sheds, toilets etc., or activities associated with any building works shall be placed/carried out on the naturestrip, footpath or reserve without prior written approval from Council.

8. All public areas disturbed by any building activity is to be maintained in a safe trafficable manner.

9. The entry point for the transport of materials should be confined to any existing vehicle crossing point. Where a property is not provided with a permanent vehicle crossing, a temporary crossing will be required to be installed if directed by Council’s Authorised Officer.

10. The site is to be managed to minimise the risks of stormwater pollution or the deposit of sediment on roadways.

11. Any additional clause which an Authorised or Delegated Officer reasonably believes is relevant and based upon the individual circumstances of an application may be appended to this list of terms and conditions.

12. The permit is valid for the entire period of the works.

End of Asset Protection - Building Works – Permit Conditions.
80. USE OF MUNICIPAL RESERVE PERMIT

The Use of Municipal Reserve Permit takes a number of forms and may include a Casual Use & Filming Permit, a Works Permit, an Events Permit, and a Tour Operators / Recreational Activity Providers Permit. All Permits also include Bass Coast Shire Council’s Standard Permit Conditions.

Permit for Use of a Municipal Reserve - Casual Use & Filming

Conditions of permit are that:

(1) **Condition of venue**

The Hirer agrees and acknowledges that the venue and/or reserve is in good repair and clean condition at the commencement of the hire period and must be returned to the Bass Coast Shire Council (Council) in the same condition at the end of the hire period.

The Hirer shall reimburse Council for the cost of any reinstatement or repairs occasioned as a result of any damage to property resulting from the conduct of the function and any associated activities.

Due care is to be exercised at all times, with the protection of all natural vegetation and geographical features in the area being a prime consideration.

If the Hirer causes damage, Council retains the right to withhold part or all of the bond towards the cost of repair and/or reinstatement. If no bond is held, Council retains the right to invoice the Hirer the full cost of repair and/or reinstatement.

(2) **Signage**

The use of any portable, freestanding signs on or above any roadway, footpath or public place without prior approval is prohibited.

(3) **Council direction**

The Hirer shall have regard to any lawful direction or instruction given by an authorised officer of the Council in relation to the conduct of the function. All Council Local Laws must be complied with at all times.

(4) **Sound Amplification / noise**

The use of any amplification equipment shall be kept to a level prescribed by the *Environment Protection Act* (be used in a reasonable manner).

(5) **Litter**

Adequate waste and recycling facilities must be provided at appropriate locations throughout the duration of the activity. Waste and recyclable materials must be separated and deposited in the designated bin to protect bins from overflowing and prevent litter. Litter generated shall be removed from the site immediately after the event. Confetti (paper or foil), glitter and dried rice are considered litter and should not be used. If the site is left in an unclean condition following usage, the Council retains the right to withhold part or all of the bond towards the cost of any clean-up.
(6) **Booking process (separate from this Permit)**

Application for casual use bookings should be made on the appropriate application form. The completed form should be forwarded with payment at least 10 business days prior to the proposed use. A Permit confirming the booking will be forwarded to the applicant.

If payment is not received with the Permit application, any booking may be cancelled.

You must declare all relevant facts on your Permit application, in order for Council to assess the application. If you fail to do so, your Permit may not be issued and any booking may be revoked without notice. Council will not be held liable for any damages or losses incurred. Permit applications must be received by Council at least 10 business days prior to the booking date. All bookings are subject to availability, suitability and at Council's discretion.

(7) **Indemnity**

The Permit Holder hereby covenants with Bass Coast Shire Council (hereinafter referred to as “the Council”) that unless caused by a breach of statutory duty or common law by the Council or any of its officers, agents, employees or contractors, the Permit Holder agrees to indemnify the Council and keep the Council indemnified from and against all and any damage, loss, cost or liability incurred or suffered by any person as a result of the Permit Holder’s failure to comply with any conditions of the Permit granted by the Council, or any other failure to comply with any relevant law, lawful duty or obligation giving rise to any damage, loss, cost or liability incurred or suffered by any person as a result of or in any way associated with the exercise of this Permit.

(8) **Keys**

Where a key is required, for an approved use, the key must be collected, by prior arrangement, during business hours. It must be returned the first working day following the booking or if required, earlier by arrangement. A fully refundable key deposit of $50.00 per key may be required.

(9) **Bollards**

It is the Hirer's responsibility to ensure that bollards are safe and secured after removal and they are returned and secured at the end of the hire period. Council retains the right to invoice the Hirer the full cost of repair and/or reinstatement for any loss.

(10) **Vehicles / parking**

Vehicles may only be taken onto Council reserves and parks if the Permit specifically allows this. This approval is limited to those vehicles essential for the conduct of the approved activity (e.g. wedding party, film crew, disabled access). The Responsible Manager or an Authorised or Delegated Officer reserves the right to revoke this approval in certain weather conditions.

The Permit does not include parking fees or permission to park contrary to any restriction.
(11) **Liquor and food**

Between sunset and sunrise, a person must not, on any Municipal Reserve, whether it be a Road within a Municipal Reserve or not, or in any motor vehicle within a Municipal Reserve, consume any Liquor, or have in his or her possession or control, any Liquor, other than Liquor in a container with an unbroken seal.

No alcohol or food can be served as part of a commercial arrangement without the necessary Permit approval from Council.

(12) **Marquees and other portable structures**

Council may require a bond of $500 if a portable structure and/or other infrastructure is to be located on the site.

The bond will be refunded by cheque within 4 weeks after the function, subject to the site being left in a satisfactory condition.

No ground penetration securing system or device is permitted at parks with irrigation systems.

A current Certificate of Currency of the supplier’s Public Liability insurance for a minimum of $10 million must be provided to Bass Coast Shire Council prior to approval being granted.

(13) **Booking BBQs, park structures and amenities**

No park amenities, structures or BBQs can be booked.

All users connected with a booking must conduct themselves with due respect and consideration of others with regard to shrines, memorials, park furniture, structures and amenities.

(14) **Filming and photography**

(a) If filming and photography is for private, non-commercial, community and/or social media purposes and the images will not be publicly exhibited or broadcast for television, then no permit is required. All other filming or photography that is conducted for commercial or television broadcasting purposes, or for public exhibition, excluding news media, must not be undertaken on land that is managed by Council without a permit.

(b) Where a permit for filming or photography on Council Land is required:

(i) The production company (the permit holder) may be required to letter box drop ALL residents and businesses which may be affected by the filming process at least 48 hours in advance.

(ii) The production company (the permit holder) may also be required to provide a copy of the letter that has been letter box dropped to the affected properties to Council.
(15)  *Public Liability Insurance*

Council reserves the right to make a condition of this Permit that the Applicant show evidence of current public liability insurance to an amount approved by Council, depending upon the nature of the proposed activity.

(16)  *Other*

Any additional clause which an Authorised or Delegated Officer reasonably believes is relevant and based upon the individual circumstances of an application may be appended to this list of terms and conditions.
PART 14 - SCHEDULE 4 – FORMS

Local Law No. 1 Neighbourhood Amenity 2012

SCHEDULE 4 - FORMS

The forms in this Schedule are included, but are not incorporated in the Local Law. Council reserves the right to amend or vary these forms from time to time based on changing needs or new circumstances. These forms (or alternative versions) of these forms are available from Council’s website or from Council’s Customer Service Centres.

For all application forms, permits or other forms and Council information contact Council’s Customer Service on 1300 BCOAST (226 278) or 03 5671 2211 or by email at: enquiries@basscoast.vic.gov.au

Note that the form of an Infringement Notice is prescribed in the Infringements (Reporting and Prescribed Details and Forms) Regulations 2006, Regulation 8, and is consequently not included in this Schedule.

Forms Included in Schedule 4 are:

- Notice to Comply ......................................................................................................... 172
- Notice of Impounding .................................................................................................. 173
- Application for a Permit .............................................................................................. 174
- Standard Indemnity Form .......................................................................................... 175
NOTICE TO COMPLY

TO: _______________________________________________________
   (Name)
   ________________________________
   (Address)
   ________________________________

This Notice to Comply is based upon the following breach of Council’s Local Law No. 1 Neighbourhood Amenity 2012.

Clause ___________ ____________________________________________

In relation to: ________________________________________________
   ________________________________

To remedy the breach you must carry out the following work/s, action and/or cease the following activity, as specified below, within ____________ days from the date of this notice.

Works or Actions required to comply: ______________________________
   ________________________________
   ________________________________

You should contact the undersigned at the Municipal Offices during business hours for any further information about this Notice.

If you fail to comply with this Notice you will be guilty of an offence and liable for payment of the penalty of $____________ (penalty) for the offence. Additionally, an Authorised Officer may proceed to have any required work carried out, in which case, you will be liable for the cost of such works (in addition to the above penalty) under Section 225 of the Local Government Act 1989.

Date ___________________ __________________________
   (Insert Date) (Name of Authorised Officer)

Telephone ___________________ __________________________
   (Signature of Authorised Officer)

NOTE: If this Notice relates to a contravention of a Permit and there is no compliance with the Notice, apart from any other penalties, the Permit may be cancelled. If you do not wish to have the Permit cancelled you should comply with the directions in this Notice. You may appeal by writing to Council and seeking a Review of this Notice and any potential permit cancellation.
NOTICE OF IMPOUNDING

TO: _______________________________________________________
(Name)
_______________________________________________________
(Address)
_______________________________________________________

The following thing(s) has/have been impounded in accordance with clause 15 of Council’s Local Law No. 1 Neighbourhood Amenity 2012.

(Describe thing(s) impounded) __________________________________
__________________________________________________________
__________________________________________________________

You may collect the thing(s) by attending at the municipal offices during normal business hours and paying the fees and charge due. Note that some fees are charged by the day so the Total Payable may change.

<table>
<thead>
<tr>
<th>Details of Fees and Charges</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTAL PAYABLE $________________

If you fail to collect the thing(s) and pay the required fees and charges by _______________ (date), the Council’s Authorised Officer will proceed to dispose of the thing(s) in accordance with Council policy.

Date _____________________   ___________________________
(Insert Date) (Name of Authorised Officer)

Telephone ___________________   ___________________________
(Signature of Authorised Officer)
APPLICATION FOR PERMIT

Applicant: __________________________________________________________

Organisation: _________________________________________________________

Address: __________________________________________________________________

________________________________________________________________________

Telephone: BH: ________________ AH: ____________ Mob.: __________

Application to: __________________________________________________________________

________________________________________________________________________

Fee: $ ________________________________

Declaration: I attach a copy of Certificate of Currency for public liability insurance ($10m), which provides indemnity to Bass Coast Shire Council in relation to this application and permit, and agree to abide with all conditions herewith.

Signature __________________________ Date ______/_______/_______

Name (please print) __________________________________________

Please note: Council collects your personal information for the purposes of processing your application for a permit. If you have any queries or wish to gain access to your information, please contact Council’s Customer Service on 1300 BCOAST (226 278) or 03 5671 2211 or at enquiries@basscoast.vic.gov.au

------------------------------------------------------------------------------------------------

Office use only

amount: $

Received from

------------------------------------------------------------------------------------------------

SCHEDULE 5:
Standard Indemnity Form - 1

BASS COAST SHIRE COUNCIL

This section to be completed by the Permit Holder or their authorised representative

FORM OF INDEMNITY

I, ____________________________ (Name of the Person)

of ____________________________ (Address of Person)

in the State of Victoria

holding the position of ____________________________ (Role or Position in Business)

in the business named ____________________________ (Business Name)

with ABN or ACN ____________________________ (Australian Business or Company Number)

of ____________________________ (Business Address)

for which business I am duly authorised to sign this indemnity,

in consideration of the Permit for ____________________________ (ie nature of the permit)

on the Footpath or Road

being granted to ____________________________ (Name of Person or Incorporated Business Name on the Permit)

(referred to as “the Permit Holder”) HEREBY COVENANTS with BASS COAST SHIRE COUNCIL (hereinafter referred to as “the Council”) that unless caused by a breach of statutory duty or common law by the Bass Coast Shire Council or any of its officers, agents, employees or contractors, the Permit Holder agrees to indemnify the Council and keep the Council indemnified from and against all and any damage, loss, cost or liability incurred or suffered by any person as a result of the Permit Holder’s failure to comply with any conditions of the Permit granted by the Council, or any other failure to comply with any relevant law, lawful duty or obligation giving rise to any damage, loss, cost or liability incurred or suffered by any person as a result of or in any way associated with the exercise of this Permit.

/Continued Next Page
Standard Indemnity Form – continued - 2

SIGNED SEALED AND DELIVERED by

___________________________  _______________________
(Print Name)                  (Sign)

___________________________  _______________________
(Print Position)               (Date)

in Victoria in the presence of:

___________________________  _______________________
(Print Witness Name)           (Witness Sign & Date)
PART 15 - SCHEDULE 5 - PENALTIES

Local Law No. 1 Neighbourhood Amenity 2012

TABLE OF MAXIMUM PENALTIES AND INFRINGEMENT NOTICE PENALTIES IN RESPECT TO OFFENCES AGAINST THE LOCAL LAW

Why are Infringement Penalties different from Maximum Penalties?

Infringement Notice penalties are used to simplify the process of enforcing less serious breaches of the law. Infringement Notices avoid the complex process of Court prosecution. When Infringement Notices are paid on time, no conviction is recorded by a Court. The amount of an Infringement penalty is normally significantly less than the potential maximum penalty a Court might impose for the same offence.

* ‘An infringement penalty should generally be approximately no more than 20 – 25% of the maximum penalty for the offence’: Annexure A, Attorney-General’s Guidelines to the Infringements Act 2006 (Vic).

Maximum penalties may be imposed by a Court when:
- Council chooses to prosecute an offence, rather than issue an Infringement Notice, or
- A person receiving an Infringement Notice chooses to have the matter heard in Court.

A ‘Penalty Unit’ means a penalty unit under the Sentencing Act 1991, s. 110(2) and/or Monetary Units Act 2004, s. 13(2). For Local Laws, a penalty unit is currently fixed by the State Government at the value of $100 per penalty unit (but this may vary from time to time).

If any offence under the Local Law is not set out in the table below, the infringement penalty for that offence will be 20% of the maximum penalty.

<table>
<thead>
<tr>
<th>Clause</th>
<th>Offence</th>
<th>Maximum Penalty Units</th>
<th>Infringement Notice Penalty Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>Failure to adhere to a Notice to Comply</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>21</td>
<td>Falsify application for a Permit or exemption</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>25(1)</td>
<td>Applying a Road Name without consent</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>26</td>
<td>Failure to provide a suitable address number</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>27</td>
<td>Permitting unsightly land detrimental to amenity</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>28(1)</td>
<td>Allowing graffiti to remain on any Land</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>29</td>
<td>Land kept in a dangerous manner</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>30</td>
<td>Failure to comply with domestic waste guidelines</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>31(1)</td>
<td>Removing or Interfering with Recyclable Material</td>
<td>10</td>
<td>2</td>
</tr>
</tbody>
</table>
## SCHEDULE 5:

<table>
<thead>
<tr>
<th>Clause</th>
<th>Offence</th>
<th>Maximum Penalty Units</th>
<th>Infringement Notice Penalty Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>32(1)</td>
<td>Burning Offensive materials / smoke &amp; odour</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>32(2)</td>
<td>Burning of materials on land in a built up area</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>32(3)</td>
<td>Burning of materials on any other land contrary to Council Guidelines</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>33</td>
<td>Fireworks lit without a permit</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>34(1)</td>
<td>Camping on Private Land without Permit</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>35</td>
<td>Keeping a Shipping Containers on Council Land or without a permit on Land Other than Council Land</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>36</td>
<td>Trees or plants obstructing or obscuring</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>37(1)</td>
<td>Allowing trees or plants to cause damage</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>38(1)</td>
<td>Keeping Animals contrary to Local Law</td>
<td>10</td>
<td>2</td>
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<tr>
<td>39</td>
<td>Failure to provide adequate Animal Accommodation</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>40(1)</td>
<td>Animal excrement remaining on Council land</td>
<td>10</td>
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<tr>
<td>40(2)</td>
<td>Failure to carry a suitable animal litter device</td>
<td>10</td>
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<tr>
<td>41(1)</td>
<td>Inadequate Fencing for Animal kept - 1st Offence</td>
<td>10</td>
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</tr>
<tr>
<td>41(1)</td>
<td>Inadequate Fencing for Animal kept - 2nd+ Offence</td>
<td>20</td>
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</tr>
<tr>
<td>41(2)</td>
<td>Inadequate Fencing Livestock on Public Road</td>
<td>20</td>
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<tr>
<td>42</td>
<td>Failure to remove European Wasp Nest within 7 days</td>
<td>10</td>
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<tr>
<td>43(1)</td>
<td>Damaging a Road without a Permit</td>
<td>20</td>
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<tr>
<td>43(2)</td>
<td>Storing Fodder or materials on a Road</td>
<td>10</td>
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</tr>
<tr>
<td>44</td>
<td>Livestock movements on Road contrary to Guidelines</td>
<td>10</td>
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</tr>
<tr>
<td>45(1)(2)</td>
<td>Grazing or Droversing without or contrary to Permit</td>
<td>20</td>
<td>5</td>
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<tr>
<td>46(1)</td>
<td>Transporting uncovered animal or offensive waste</td>
<td>10</td>
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<tr>
<td>46(2)</td>
<td>Failure to remove fallen offensive waste from Road</td>
<td>15</td>
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<tr>
<td>47(1)</td>
<td>Depositing waste or recyclable material contrary to a notice or sign in street litter bin or recycle bin</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>47(2)</td>
<td>Depositing household waste or commercial waste or recyclable material in street litter or recycle bins</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>47(3)</td>
<td>Placing without a permit recycle bin on Council Land</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>Clause</td>
<td>Offence</td>
<td>Maximum Penalty Units</td>
<td>Infringement Notice Penalty Units</td>
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<tr>
<td>48(1)</td>
<td>Bulk rubbish containers on a Road without Permit</td>
<td>10</td>
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</tr>
<tr>
<td>49 (1)</td>
<td>Use of Motor Bikes and Motor Recreational Vehicles contrary to Local Law</td>
<td>10</td>
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</tr>
<tr>
<td>(2) &amp; (4)</td>
<td></td>
<td></td>
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<tr>
<td>50</td>
<td>Repair of vehicles on Roads</td>
<td>10</td>
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</tr>
<tr>
<td>51(1)</td>
<td>Leave a derelict, abandoned or unregistered vehicle on any Road, Council Land or Municipal Place</td>
<td>20</td>
<td>5</td>
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<tr>
<td>52(1)</td>
<td>Parking a Heavy Vehicle on a Road contrary to Local Law</td>
<td>10</td>
<td>2</td>
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<tr>
<td>53(1)</td>
<td>Storing Heavy Vehicle contrary to Local Law</td>
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<tr>
<td>54(2)</td>
<td>Use of Restricted Use Roads by Heavy Vehicle – without permit</td>
<td>15</td>
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<tr>
<td>55(1)</td>
<td>Holding a Street Party, Street Festival or Procession without a permit</td>
<td>20</td>
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<tr>
<td>56 (1)</td>
<td>Roadside trading without Permit</td>
<td>15</td>
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<tr>
<td>56 (2)</td>
<td>Roadside performance (busking) without a permit</td>
<td>10</td>
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<tr>
<td>57</td>
<td>Roadside trading on another’s pre-allocated site</td>
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<tr>
<td>59(1)</td>
<td>Displaying goods for sale on a Road without permit</td>
<td>20</td>
<td>5</td>
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<tr>
<td>60(1)</td>
<td>Using Council Land for Commercial Outdoor Eating Facility without permit</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>61</td>
<td>Failing to Remove the Outdoor Eating Facility</td>
<td>20</td>
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</tr>
<tr>
<td>62</td>
<td>Sale or consumption of Liquor on Footpath adjoining licensed premises without Permit</td>
<td>20</td>
<td>5</td>
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<tr>
<td>63(1)</td>
<td>Advertising Sign on Council Land without Permit</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>64(1)</td>
<td>Collecting money or subscriptions house to house without Permit</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>64(2)</td>
<td>Collecting money or subscriptions without permit</td>
<td>10</td>
<td>2</td>
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<tr>
<td>65(1)</td>
<td>Collection/placement of trade waste bins contrary to Local Law</td>
<td>10</td>
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<tr>
<td>65(2)</td>
<td>Placing of trade waste or recyclable material in trade waste bin contrary to notice or sign</td>
<td>10</td>
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</tr>
<tr>
<td>65(3)</td>
<td>Placing of trade waste or recyclable material contrary to guidelines</td>
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<td>2</td>
</tr>
<tr>
<td>65(4)</td>
<td>Failure to store waste container on property as required.</td>
<td>10</td>
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<tr>
<td>Clause</td>
<td>Offence</td>
<td>Maximum Penalty Units</td>
<td>Infringement Notice Penalty Units</td>
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<tr>
<td>66(1)(2)</td>
<td>Asset Protection – Occupying or Opening a Road or Council Land / Drainage Tapping without permit</td>
<td>20</td>
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<tr>
<td>67</td>
<td>Asset Protection – Building Works commencing without a permit, or undertaking contrary to requirements or contrary to a permit.</td>
<td>20</td>
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<tr>
<td>68(1) &amp; (4)</td>
<td>Failure to provide or maintain a properly constructed Vehicle Crossing</td>
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<tr>
<td>69(1)</td>
<td>Construct, install, remove or alter a Vehicle Crossing without first obtaining a Permit to do so</td>
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<tr>
<td>69(2)</td>
<td>Removing, pruning or damaging street tree from works on Vehicle Crossing</td>
<td>15</td>
<td>3</td>
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<tr>
<td>70(1) &amp; (2)</td>
<td>Temporary Vehicle Crossing – Failure to obtain Permit, or Repair Damage, or Reimburse Council</td>
<td>20</td>
<td>5</td>
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<tr>
<td>71</td>
<td>Consumption and possession of Liquor on Roads</td>
<td>20</td>
<td>2</td>
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<tr>
<td>72</td>
<td>Consumption and possession of Liquor in Municipal Place</td>
<td>15</td>
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<tr>
<td>73(3)</td>
<td>Consumption and possession of Liquor in Alcohol Free Area</td>
<td>20</td>
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<tr>
<td>73(4)</td>
<td>Providing, using, or bringing glass container contrary to a permit for alcohol in Alcohol Free Area</td>
<td>10</td>
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<tr>
<td>74(3)</td>
<td>Smoking in Municipal Places contrary to signs</td>
<td>10</td>
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<tr>
<td>75</td>
<td>Contrary Behaviour in a Municipal Place</td>
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<tr>
<td>76</td>
<td>Damaging/defacing a Municipal Place</td>
<td>20</td>
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<tr>
<td>77</td>
<td>Interference with watercourse</td>
<td>20</td>
<td>5</td>
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<tr>
<td>78</td>
<td>Obstructions on Council Land</td>
<td>20</td>
<td>5</td>
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<tr>
<td>79</td>
<td>Contrary behaviour in a Municipal Reserve or Foreshore Reserve</td>
<td>10</td>
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</tr>
<tr>
<td>80</td>
<td>Use of a Municipal Reserve or Foreshore Reserve without permit</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>81(4)</td>
<td>Unauthorised Accessing Municipal Reserve or Foreshore Reserve</td>
<td>10</td>
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</tr>
<tr>
<td>82(1)(2)</td>
<td>Holding or organise an Event without a Permit</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>83</td>
<td>Camping on Council Land</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>Clause</td>
<td>Offence</td>
<td>Maximum Penalty Units</td>
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</tr>
<tr>
<td>84(1),</td>
<td>Lighting a fire, congregating around a fire, or allowing a fire to remain alight on a Municipal Place without a Permit</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>(2), (3)</td>
<td></td>
<td></td>
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<tr>
<td>85(1)</td>
<td>Filming on Council Land without a Permit</td>
<td>20</td>
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<tr>
<td>86(1)</td>
<td>Parking on Council Reserve without a Permit</td>
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<td>1</td>
</tr>
<tr>
<td>87</td>
<td>Use of a Boat Ramp contrary to sign</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>88(1)</td>
<td>Riding Animals on Council Land without a Permit</td>
<td>10</td>
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</tr>
<tr>
<td>89(3)(5)</td>
<td>Using a wheeled non-motorised device or child’s toy in a restricted area or contrary to requirements</td>
<td>10</td>
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</tr>
<tr>
<td>91</td>
<td>Contrary behaviour in a Municipal Building</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>92(1)</td>
<td>Use of a Municipal Building without consent</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>93 (3)</td>
<td>Failure to obtain Permit</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>93 (4)</td>
<td>Failure to comply with a condition of a Permit or exemption</td>
<td>20</td>
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</tr>
</tbody>
</table>
Resolution for the making of this Local Law was agreed to by the Council on 25 July 2012.

The Common Seal of BASS COAST SHIRE COUNCIL was affixed this

………………. day of ……………………………………… 2012 in the presence of:

………………………………………… Mayor/Councillor

………………………………………… Chief Executive Officer

Notices of the proposal to make and of the making of this Local Law were included in the Victorian Government Gazette dated 26 April 2012 and 2 August 2012.

Public Notices of the proposal to make and confirmation of the making of this Local Law were inserted in the *South Gippsland Sentinel Times* Newspaper on 24 April 2012 and 31 July 2012 and in the *Phillip Island and San Remo Advertiser* Newspaper on 25 April 2012 and 1 August 2012.

A copy of this Local Law was sent to the Minister for Local Government on 26 July 2012.