



LOCAL LAW NO.1 GENERAL PUBLIC AMENITY 2021



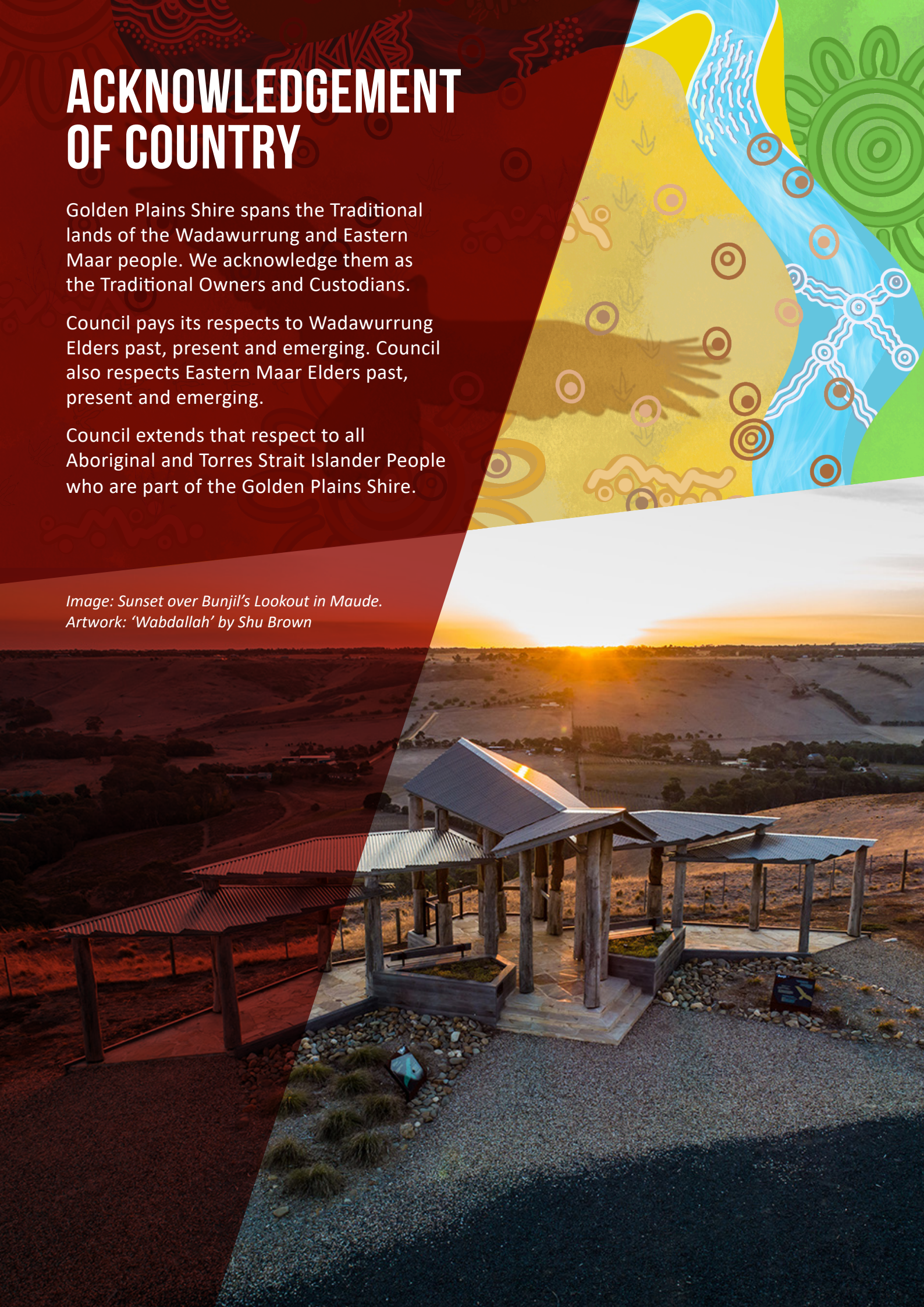
ACKNOWLEDGEMENT OF COUNTRY

Golden Plains Shire spans the Traditional lands of the Wadawurrung and Eastern Maar people. We acknowledge them as the Traditional Owners and Custodians.

Council pays its respects to Wadawurrung Elders past, present and emerging. Council also respects Eastern Maar Elders past, present and emerging.

Council extends that respect to all Aboriginal and Torres Strait Islander People who are part of the Golden Plains Shire.

*Image: Sunset over Bunjil's Lookout in Maude.
Artwork: 'Wabdallah' by Shu Brown*



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PART 1 - PRELIMINARY

1. TITLE

This Local Law is titled Local Law No. 1 - General Public Amenity

2. OBJECTIVES

The objectives of this Local Law are to:

- (a) Provide a safe and healthy environment in which the residents of the [Shire](#) are provided with an opportunity to enjoy a quality of life that enhances their well-being;
- (b) Prohibit, regulate and control activities that may be dangerous, unsafe or detrimental to quality of life or environment in the Shire;
- (c) Facilitate the provision of general public services, health and other community services, property services, recreational and cultural services and other services in a way that promotes equal opportunity and non-discriminatory practices and enhances the environment and quality of life in the Shire;
- (d) Control nuisances and other environmental hazards that may adversely affect the enjoyment of life, health, safety or welfare of people within the Shire;
- (e) Prohibit, regulate and control activities and events associated with:
 - (i) Unsightly land;
 - (ii) Burning of offensive materials;
 - (iii) Open air burning;
 - (iv) The use of [Motorised Recreational Vehicles](#);
 - (v) Advertising and bill posting;
 - (vi) [Camping](#);
 - (vii) Animals, including animal numbers and the keeping and control of animals;
 - (viii) The disposal of waste, including behaviour associated with [Council](#)'s transfer station; and
 - (ix) The administration of [Council](#)'s powers and functions in a way that is consistent with, and in furtherance of, the objectives specified in paragraphs (a) to (d) above.
- (f) Provide for the management of the physical features of roads and adjacent properties in a manner that is consistent with the safety and convenience of Road users;
- (g) Provide for the preservation and protection of Council's assets from damage that may be caused from extraordinary use of roads;
- (h) Control and regulate secondary activities on roads, including trading, the placing of goods and equipment, parties, festivals, processions, collections, and droving;
- (i) Facilitate free and safe access for people with sight and movement impairment or disabilities;
- (j) Provide for the management and control of parking to minimise disruption, danger or nuisance to the users of Council's parking facilities;
- (k) Control the use of Council-operated standpipes;

- (l) Revoke Local Law No. 2 of 2017; and
- (m) Provide generally for the peace, order and good government of the Shire.

3. THE POWER TO MAKE THIS LOCAL LAW

Council is empowered to make this Local Law pursuant to section 71 of the *Local Government Act 2020*.

4. COMMENCEMENT AND REVOCATIONS

This Local Law comes into operation on 23 November 2021.

The following Local Laws of the [Council](#) are revoked:

Local Law No. 2 of 2017

5. PENALTY UNITS

Section 79 of the *Local Government Act 2020* prescribes the value of a penalty unit to be indexed in the same way as a penalty unit under other Victorian legislation.

6. DEFINITIONS

Expressions used in this Local Law have the same meaning as in the [Act](#), unless otherwise defined.

Words Capitalised in this document can be referred to the following definitions.
--

Act	means the <i>Local Government Act 1989</i> or the <i>Local Government Act 2020</i> (as amended from time to time).
Advertising Sign	means any board, notice, structure, banner or other similar device that is used to solicit sales, promote a brand or person or notify people of the presence of an adjacent property where goods or services may be obtained or similar purpose.
Apiary Code of Practice	means the Apiary Code of Practice 2011 (as amended from time to time)
Appropriate Fee	means the fee determined by Council in accordance with this Local Law.
Arterial Road	has the same meaning as in the <i>Road Management Act 2004</i> (as amended from time to time).
Authorised Officer	means an Authorised Officer under section 224 of the <i>Local Government Act 1989</i> .

Australian Design Rules	means the national standards for vehicle safety, anti-theft and emissions, which are generally performance based and cover issues such as occupant protection, structures, lighting, noise, engine exhaust emissions, braking and a range of miscellaneous items.
Bulk Container	means a bin, container or other structure designed or used for holding a substantial quantity of rubbish or debris and which is unlikely to be lifted without mechanical assistance, other than a container used in connection with Council's regular domestic rubbish collections.
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 and does not include brief 'power napping' in a vehicle beside a highway.
Clinical Waste	means waste which has the potential to cause sharps injury, infection or public offence, and includes sharps, human tissue waste, laboratory waste, animal waste resulting from medical, dental or veterinary research or treatment that has the potential to cause disease.
Collector Road	means a Road that provides a principal route of access into a local traffic area or, in an area where the spacing of Arterial Roads is too great to cater for all major traffic movements, a Road that performs a significant carrying function.
Commercial Waste	means any waste arising from commercial, industrial or trade activities or from laboratories.
Contaminated Material	<p>means any material designated in a policy approved by Council from time to time as being incapable of deposit in any class of mobile bin or other bins and includes:</p> <ul style="list-style-type: none">(a) broken glass or other sharp objects unless they have been properly contained or wrapped in such a way as to render them harmless and inoffensive;(b) liquid waste, oil, paint, solvents, chemicals or similar substance or any other substance which may damage the rubbish bin or receptacle or reduce its strength or effectiveness;(c) gas Bottles;(d) large heavy objects that may damage collection equipment; and

(e) trade wastes of any kind (e.g. building rubble, bricks, concrete, fencing wire etc).

Council means the Golden Plains Shire Council.

Council Land means all land either vested in Council or in respect of which Council has the care and management, including roads, streets, reserves, watercourses and reservations.

Council Policy means any policy which Council may adopt from time to time and listed on Councils website; www.goldenplains.vic.gov.au.

Daylight Hours means the hours between sunrise and sunset.

Delegated Officer 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.

Disease means any contagious or infectious disease or any condition to which livestock is subject, or an exotic disease as declared by the Governor in Council for the purposes of the *Livestock Diseases Control Act 1994* (as amended from time to time).

Domestic Waste means material that Council collects during general rubbish collection and as listed on Council's website (as amended from time to time); www.goldenplains.vic.gov.au. Domestic Waste does not include Recyclable Material and Contaminated Material

Drover means the person responsible for the droving of livestock and includes the owner of those livestock or an employee or contractor of that person engaged for the purposes of supervising the droving of those livestock or taking them from or to a market.

Droving of Livestock means the moving of livestock from one location to another for the purpose of changing their grazing area or moving livestock from their grazing areas to a location for purposes of sale or from a sale location to a grazing area. It includes Droving of Livestock in or though the Shire for the purpose of or including supplementing their feeding or taking them from or to a market.

Effective Control means a dog will return to its owner upon command and the owner retains a clear and unobstructed view of the dog.

Electric Motorbike or Scooter	means an electric motorbike and scooter that is a plug-in electric vehicle with two, three or four wheels where the electricity is stored on board in a rechargeable battery, which drives one or more electric motors. This does include any petrol/electricity hybrid motorbikes.
Exemption	means an exemption issued by or under the authority of Council under this Local Law.
Farming Zone	as defined in the Golden Plains Planning Scheme, as amended from time to time.
Footpath	has the same meaning as 'Pathway' in the <i>Road Management Act 2004</i> (as amended from time to time).
General Residential Zone	as defined in the Golden Plains Planning Scheme, as amended from time to time.
Grazing of Livestock	means causing livestock to enter and remain on a Road within the Shire for purposes of grazing rather than for purposes of droving or movement of livestock. It relates to grazing a particular or designated area and not to indiscriminate droving for the purposes of or including supplementary feeding.
Hazardous Materials	Means any waste containing substances or materials which are potentially harmful to human beings or equipment.
Heavy Vehicle	means any vehicle over 4.5 tonnes gross vehicle mass.
Livestock	has the same meaning as the definition of livestock in section 3 of the <i>Impounding of Livestock Act 1994</i> (as amended from time to time).
Low Density Residential Zone	as defined in the Golden Plains Planning Scheme, as amended from time to time.
Machinery	means any machine and/or the parts of a machine (working or not).
Mobile Bin or Council Mobile Bin	means a permitted wheelie bin style container that has been purchased, supplied or approved by Council. This bin can be a general waste or recycling bin or similar as determined by Council from time to time.

Movement of Livestock

means:

- (a) movement as part of normal farm management operations of a Single Farming Enterprise but not for purposes of grazing;
- (b) movement at the rate of not less than one kilometre per hour;
- (c) movement between properties controlled or occupied by a Single Farming Enterprise; and
- (d) the movement is completed on the day of commencement.

Motor Bike or other

Motorised Recreational Vehicle

Means and includes any Vehicle which may be propelled or operated by internal combustion, steam, gas, oil or any other power and which is normally used for recreational purposes but excludes:

- (a) a pedal powered vehicle;
- (b) an Electric Motorbike, bicycle or scooter;
- (c) motorised wheelchair, or other aid used by a Person with a disability or limited mobility;
- (d) a motorised farm vehicle that is being used for farming purposes within Farming and Rural Activity Zone; and
- (e) motorised bicycles with less than 22 watts aggregate power (not including fully electric motors)

Municipal Land

means all land either vested in Council or in respect of which Council has the care and management, including roads, streets, reserves, watercourses and reservations.

Nature Strip

means a piece of municipal land between a front (and side if applicable) of a property and the edge of the road surface of a paved or gravel road.

Notice to Comply

means the notice as shown in Schedule 2.

Notice of Impoundment

means the notice as shown in Schedule 3.

Noxious Weeds

means plants as listed as Noxious Weeds on Council website (as amended from time to time); www.goldenplains.vic.gov.au.

Offensive

means, in relation to the emission of noise, dust, smoke, ash, odour, waste or other thing, which due to its intensity, duration, frequency, or other factors, results in a

unreasonable level of personal discomfort, or results in an unreasonable disruption to normal living activity.

Outdoor Eating Facility	means tables, with or without chairs, located outside a food or drink premises at which food or drink may be consumed.
Penalty Unit	means ‘penalty unit’ as defined in section 110(2) of the <i>Sentencing Act 1991</i> (as amended from time to time).
Permit	means a permit issued under this Local Law that authorises an activity.
Permit Holder	is the person to whom a Permit has been issued under this Local Law.
Planning Scheme	means the Golden Plains Planning Scheme, as amended from time to time.
Pound	has the meaning ascribed to it by section 3 of the <i>Impounding of Livestock Act 1994</i> (as amended from time to time).
Procession	means an organised group of people proceeding along a Road or a gathering of people for a ceremony or function and includes a fun run and/or bicycle event.
Public Place	has the same meaning as in the <i>Summary Offences Act 1966</i> (as amended from time to time).
Recyclable Material	means material that Council collects for recycling purposes and as listed on Council’s website (as amended from time to time); www.goldenplains.vic.gov.au .
Reserve	includes an active or passive recreation ground.
Residential Area	means any part of the Shire that is in a residential zone under the Planning Scheme.
Restrictive Covenant	means a private treaty or written agreement between land owners that limits the way land can be used and developed. Councils do not create or enforce restrictive covenants. Copies of restrictive covenants can be found on the copy of the land title available for purchase at https://www.land.vic.gov.au/
Road	has the same meaning as in the <i>Road Safety Act 1986</i> (as amended from time to time).

Rural Activity Zone	as defined in the Planning Scheme.
Rural Area	means any part of the Shire that is in a rural or Farming Zone under the Planning Scheme.
Rural Conservation Zone	as defined in the Planning Scheme, as amended from time to time.
Rural Living Zone	as defined in the Planning Scheme, as amended from time to time.
Schedule	means a schedule to this Local Law.
Senior Officer	means— <ul style="list-style-type: none">(a) the Chief Executive Officer;(b) a member of Council Staff who has management responsibilities and reports directly to the Chief Executive Officer.
Shire	means the municipal district of the Golden Plains Shire Council unless inconsistent with the context.
Single Farming Enterprise	means a farming livestock business operated on one or more properties and as one business.
Street	means Road.
Street Festival	means an organised recreational, cultural, commercial or social gathering of people that is held on a Road.
Street Party	means an organised social gathering of people from one or several adjacent roads that is held on a Road.
Stock Crossing	means a location on a Road used regularly for the purpose of livestock crossing that Road and to which the requirements of the Road Safety (Road Rules) Regulations 1989 apply.

Traffic Control Device	means a major traffic control device or a minor traffic control device within the meaning of the Road Safety (Traffic Management) Regulations 2009 (as amended from time to time).
Township Zone	as defined in the Planning Scheme, as amended from time to time.
Undergrowth	means grasses, herbs and weeds.
Vehicle	<p>has the same meaning as in the <i>Road Safety Act 1986</i> (as amended from time to time) and includes a Motor Vehicle. However, a reference in this Local Law to a Vehicle:</p> <p>(a) also includes a reference to:</p> <ul style="list-style-type: none">(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; <p>(b) but excludes a reference to:</p> <ul style="list-style-type: none">(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 except a bicycle when ridden on a carriageway; 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.
Vermin	means animals as listed as Vermin on Council website (as amended from time to time); www.goldenplains.vic.gov.au .
Wastewater	means toilet waste and water from shower, bath, basins, washing machines, laundry troughs, kitchen or similar (from domestic or commercial sources).

PART 2 – PEOPLE AND PROPERTY

7. UNSIGHTLY LAND

- (1) The owner or occupier of land must not cause, allow or suffer the land to be unsightly or detrimental to the amenity of the neighbourhood in which the land is located.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (2) For the purposes of clause 7(1), land maybe unsightly or detrimental to the amenity of the neighbourhood in which the land is located if the land:
- (a) Contravenes any relevant [Council Policy](#); or
 - (b) Has upon it, in view from the street or public place, any of the following:
 - (i) uncontained rubbish;
 - (ii) disused excavations;
 - (iii) excessive waste or other materials;
 - (iv) [Undergrowth](#) exceeding three hundred (300) mm in height;
 - (v) disused machinery, disused vehicles or vehicle parts;
 - (vi) unregistered vehicles;
 - (vii) a building that remains partially completed or partially demolished for a period of two hundred and forty (240) days or more; or
 - (viii) graffiti that remains on the premises for more than seven (7) days, unless any Act or regulation relating to graffiti permits such graffiti to remain on the land for a longer period;
 - (c) Harbours or is likely to harbour [Vermin](#).
- (3) An owner or occupier of land, not including land zoned [Farming](#), must not allow or permit the nature strip referable or directly proximate to such premises to be kept in a manner which is unsightly or detrimental to the general amenity of the neighbourhood.
- (4) For the purposes of clause 7(3) maintenance of a [Nature Strip](#) is the responsibility of the landowner in which the [Nature Strip](#) is in front of, or in the case of a corner property, to the side of.
- (5) For the purposes of clause 7(2)(v) and (vi), owners or occupiers of properties containing a dwelling may apply for a permit to keep vehicles for restoration purposes if they cannot be stored undercover or out of view of neighbours or the public.
- (6) For the purposes of clause 7(2)(v) and (vi), owners or occupiers of properties containing a dwelling may apply for a permit to keep vehicles to remove parts from the vehicle if this cannot be completed undercover. This permit will be valid for one (1) month only at which stage the shell of the vehicle must be removed.
- (7) For the purposes of clause 7(2)(v) and (vi), this does not apply to historic or classic vehicles being used as landscaping.

- (8) For the purposes of clause 7(2)(v) and (vi), this does not apply to land in a [Rural](#) Area or the [Farming](#) Zone where the disused machinery is associated with agriculture.

8. DILAPIDATED BUILDINGS

- (1) The owner or occupier of land must not cause, allow by act or omission a building located on the premises to become dilapidated.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (2) For the purposes of clause 8(1), a building on premises is deemed to be dilapidated if:
- (a) The exterior of the building is in a state of disrepair and has been damaged or defaced so as to:
 - (i) affect the visual amenity of the premises; or
 - (ii) cause the building to be out of conformity with the general standard of appearance of other buildings in the vicinity of the premises.
 - (b) The condition of the building contravenes any relevant [Council Policy](#).

9. DANGEROUS PREMISES

- (1) The owner or occupier of land must not cause or allow by act or omission the land or any building on the land to be dangerous or likely to cause danger to life or property.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (2) For the purposes of clause 9(1), premises are deemed to be dangerous, or likely to cause danger to life or property, if the premises:
- (a) Contravene any relevant [Council Policy](#) or permit; or
 - (b) Has upon it, any of the following:
 - (i) any substance, materials or equipment that is dangerous, or is likely to cause danger to life or property;
 - (ii) an unsecured hole or excavation;
- (3) An [Authorised Officer](#) may serve on the owner or occupier a notice to comply in relation to a contravention of clause 9(1).
- (4) If an [Authorised Officer](#) serves a notice under clause 9(3), the works required to correct the contravention may include but is not limited to:
- (a) Removal of any substance, material or equipment;
 - (b) Erection of a suitable fence, barrier or other enclosure;
 - (c) Erection of suitable warning signs;
 - (d) Securing or filling in a hole or excavation; or
 - (e) Securing the premises.

10. BURNING OF OFFENSIVE MATERIALS

- (1) A person must not burn or cause or allow to be burnt, any offensive materials in any part of the Shire.

Infringement: 3 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (2) For the purpose of clause 10(1) materials containing the following substances may be offensive materials:
- (a) Any manufactured chemical;
 - (b) Any rubber, plastic or vehicle tyre;
 - (c) Any petroleum or oil;
 - (d) Any paint or receptacle that contains or contained paint;
 - (e) Any treated timber;
 - (f) Any textile fabrics, including mattresses;
 - (g) Any food waste or fish; or
 - (h) Any other material determined as offensive by [Council](#) from time to time or an [Authorised Officer](#) reasonably believes is an offensive material.
- (3) A Person who has lit or allowed a fire to be lit or remain alight, or has burned or caused or permitted to be burned any offensive materials contrary to this Clause, must extinguish the fire or burning materials immediately on being directed to do so by an [Authorised Officer](#) or [Delegated Officer](#).

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (4) [Council](#) officers and any Person contracted or authorised by [Council](#), including Country Fire Authority, Department of Land, Water and Planning and Fire Rescue Victoria, for the purpose of controlled burning may, without a [Permit](#), undertake controlled burning as a part of normal reserve maintenance on any [Municipal Land](#) or [Road](#).

11. OPEN AIR BURNING AND USE OF INCINERATORS

- (1) Subject to the exemptions in clause 11(4) and 11(7), a person must not within a [General Residential Zone](#), burn or cause or allow to burn any material in the open air or in any built or manufactured incinerator or similar device.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (2) An owner, occupier or person responsible for burning or lighting a fire on any land, other than [General Residential Zone](#), must:
- (a) Register the burn off with the relevant authority; and

- (b) Ensure that it does not offend or cause a nuisance to another person in the vicinity or beyond the property boundary.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (3) A person who has lit a fire or allowed a fire to remain alight contrary to clause 11 (1) or (2) must extinguish the fire immediately on being directed to do so by:
- (a) an [Authorised Officer](#);
 - (b) a member of Victoria Police; or
 - (c) the Country Fire Authority or Fire Rescue Victoria.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (4) The use of a properly constructed or commercially available barbeque, fire pit or pizza oven that is constructed of stone, metal, concrete or any other non-flammable material so as to contain the perimeter of the fire is exempt from clause 11(1) and (2).
- (5) Nothing in clause 11(1), 11(2) or 11(7) permits a person to light a fire or allow a fire to continue to burn during a Fire Danger Period or Total Fire Ban Day unless otherwise permitted by the relevant fire authorities.
- (6) For the purposes of clause 11(2)(a), the relevant authority is <https://firepermits.vic.gov.au/> or Emergency Services Telecommunications Authority on 1800 668 511 or as amended from time to time.
- (7) Clause 11(2) does not apply to stubble burning for agricultural purposes.

12. NOXIOUS WEEDS AND PEST ANIMALS

- (1) The owner or occupier of land within [Residential](#) or [Township Zones](#) or land abutting [Residential](#) or [Township Zone](#), must take all reasonable steps to ensure that their land does not contain [Noxious Weeds](#) or pest animals which adversely affects the amenity of land in [Residential](#) or [Township Zones](#).

Guidance note

Under the *Catchment and Land Protection Act 1994*, it is the legal responsibility of land owners and occupiers to take all reasonable steps to eradicate regionally prohibited weeds and prevent the growth and spread of regionally controlled weeds and prevent the spread and as far as possible eradicate, pest animals. [Noxious Weed](#) and pest animal have the same meanings as set out in the *Catchment and Land Protection Act 1994*.

Land within the [Farming Zone](#), [Rural Activity Zone](#), [Rural Living Zone](#) and [Rural Conservation Zone](#) are generally excluded as enforcement of [Noxious Weeds](#) and pest animals within these zones is generally conducted by Biosecurity Officers of the State Government.

13. MOTORBIKES AND MOTORISED RECREATIONAL VEHICLES

Owners and occupiers of properties should ensure that there is no [Restrictive Covenants](#) on their land precluding them from operating a [Motorised Recreational Vehicle](#) or Electric Motorbike or Scooter. [Restrictive Covenants](#) can be found on a copy of your land title. A copy of your title can be purchased at <https://www.landata.vic.gov.au/>

- (1) A person must not, without a permit, use a [Motorised Recreational Vehicle](#) on any [Municipal Land](#) or reserve, other than any public highway or [Road](#), unless the land or reserve has been designated for that purpose.

Infringement: 3 [Penalty Units](#)

Maximum Penalty: 15 [Penalty Units](#)

- (2) A person must not, without a permit, use or allow the use of:
 - (a) A [Motorised Recreational Vehicle](#) on land within [General Residential Zone](#);
 - (b) More than two [Motorised Recreational Vehicles](#) for more than one hour per day on land located in [Low Density Residential Zone](#) or [Township Zone](#);
 - (c) More than two [Motorised Recreational Vehicles](#) for more two hours per day on land in all [Rural Zones](#);
 - (d) More than four [Motorised Recreational Vehicles](#) for more two hours per day on land in [Farming Zone](#).

- (3) Whether or not a permit is required under clause 13(2), to use a [Motorised Recreational Vehicle](#) on land in the Shire:

- (a) A [Motorised Recreational Vehicle](#) must be fitted with an effective muffler and spark arrestor in compliance with the appropriate [Australian Design Rules](#); and
- (b) A [Motorised Recreational Vehicle](#) must only be used within the hours of 10.00am to 6.00pm on any day.
- (c) Use of a [Motorised Recreational Vehicle](#) must not cause Offensive dust emissions.

Infringement: 3 [Penalty Units](#)

Maximum Penalty: 15 [Penalty Units](#)

- (4) In deciding whether to grant a permit in respect of clause 13, [Council](#) must consider the following:
 - (a) The location of the land where the vehicle is to be used;
 - (b) The statutory planning requirements relevant to the land;
 - (c) Any covenants relating to the land;
 - (d) The suitability of the land for use by [Motorised Recreational Vehicles](#);
 - (e) The number of vehicles for which the permit is required;

- (f) The days and times the vehicles are to be used;
 - (g) The likely damage that may be caused to any land;
 - (h) The likely impact on nearby residents (written consent from all adjoining neighbours must be obtained and supplied to [Council](#) to verify);
 - (i) The muffling / exhaust arrangements for the subject vehicles to be used on the land;
 - (j) [Council Policy](#); and
 - (k) Any other matter relevant to the circumstances of the application
- (5) Clause 13(2) does not apply to the use of [Motorised Recreational Vehicles](#) whilst undertaking farming activities and primary production on land zoned [Rural](#) or [Farming](#) under the [Planning Scheme](#).
- (6) Use of an [Electric Motorbike or Scooter](#) on any land within the [Shire](#) must not cause Offensive dust emissions.

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

Guidance Note

When and where you can ride a [Motorised Recreational Vehicle](#) (MRV) on private land **WITHOUT** a permit:

Location	How many Motorised Recreational Vehicle?	Duration of Riding per day
General Residential Zone	MRV's must not be used in this zone	MRV's must not be used in this zone
Township Zone	Maximum of 2 MRV's	One session per day for a maximum of one hour
Low Density Residential Zone	Maximum of 2 MRV's	One session per day for a maximum of one hour
Rural Living Zone	Maximum of 2 MRV's	One session per day for a maximum of two hours
Rural Conservation Zone	Maximum of 2 MRV's	One session per day for a maximum of two hours
Rural Activity Zone	Maximum of 2 MRV's	One session per day for a maximum of two hours
Farming Zone	Maximum of 4 MRV's	One session per day for a maximum of two hours

For the purposes of Clause 13 (2)(b). If only permitted to ride for one hour, one motorbike (not including [Electric Motorbike or scooter](#)) rider begins riding and the second rider begins 20 minutes later, the second rider will only be permitted to ride for 40 minutes.

For the purposes of Clause 13 (2)(c) and (d). If only permitted to ride for two hours, one motorbike (not including [Electric Motorbike or scooter](#)) rider begins riding and the second or subsequent rider begins 20 minutes later, the second rider will only be permitted to ride for 1 hour and 40 minutes.

14. BOUNDARY FENCES

- (1) A person must not, without a permit, within [Township](#) or [General Residential Zone](#), erect or have a barbed wire or electric fence on land where:
 - (a) the barbed wire or electric fence adjoins a public reserve or public park; or
 - (b) the barbed wire or electric fence is within one (1) metre of a concrete footpath; or
 - (c) the barbed wire or electric fence adjoins any other public land where an Authorised or [Delegated Officer](#) believes the barbed wire fence presents a potential risk to the health and safety of the general public.

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

- (2) If [Council](#) or an [Authorised Officer](#) is of the opinion that a barbed wire or electric fence presents a potential risk to the health and safety of the general public, [Council](#) or the [Authorised Officer](#) may serve a “[Notice to Comply](#)” on the owner or occupier of the property.
- (3) If a person fails to undertake works associated with the “[Notice to Comply](#)” issued under clause 14(2) the [Council](#) may remove and replace the barbed wire or electric fence and recover the cost of the removal and rectification from the person issued with the notice.

15. WASTEWATER

- (1) An owner or occupier of land not serviced by reticulated sewerage must ensure that all [Wastewater](#) generated onsite is retained within the boundaries of that land.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

16. ADVERTISING AND BILL POSTING

- (1) A person must not, without a permit, write, deface, place or affix any letter, figure, device, poster, sign or advertisement or cause to be displayed, or authorise the display of such things, on any building, fence or any other property under the control of [Council](#).

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (2) In deciding whether to grant a permit in respect of clause 16(1) [Council](#) must consider the following:
 - (a) The nature of the material;
 - (b) The proposed location;
 - (c) The likely interference with the free passage of any pedestrian or vehicle;
 - (d) The likely nuisance to be caused;
 - (e) The likely detriment to be caused;
 - (f) [Council Policy](#); and

- (g) Any other matter relevant to the circumstances of the application.

17. POSSESSION AND CONSUMPTION OF ALCOHOL

- (1) For the purposes of this clause, [Council](#) may at any time prescribe all or part of any [Public Place](#) in the [Shire](#) to be a place where the consumption or possession of alcohol is prohibited or regulated.
- (2) A person must not, in any part of the municipal district prescribed by [Council](#) under clause 17(1):
- (a) consume any alcohol; or
 - (b) have in their possession or control any alcohol, other than alcohol in a sealed container.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (3) Clause 17(2) does not apply to a person:
- (a) Participating in a festival or special event in respect of which [Council](#) has granted a permit for persons to consume alcohol or to have in their possession or control alcohol other than alcohol in a sealed container; or
 - (b) Within premises that are licensed under the *Liquor Control Reform Act 1998*.
- (4) If a person contravenes clause 17(2), an [Authorised Officer](#) may direct the person to do all or any of the following:
- (a) Cease consuming alcohol;
 - (b) Leave the [Public Place](#);
 - (c) Seal any container; or
 - (d) Dispose of the contents of the container.
- (5) A person must comply with a direction given under clause 17(4)

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (6) If a person does not comply with a direction given under clause 17(4), an [Authorised Officer](#) may confiscate and dispose of any unsealed container of alcohol associated with the direction.

18. CAMPING ON MUNICIPAL LAND

- (1) A person must not camp on any [Council](#) owned or managed land unless it is in a designated [Camping](#) area as identified in [Schedule 5](#).

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (2) Clause 18(1) does not apply to any land which is managed by a management entity under an agreement with [Council](#).

19. CAMPING ON PRIVATELY OWNED VACANT LAND

- (1) An owner or occupier of private land must not, without a permit, occupy, advertise for rent or allow any person to occupy any caravan, tent, motor home or camping site on vacant private land unless the following conditions are met:
- (a) The occupation does not exceed a cumulative total of 120 days in any calendar year;
 - (b) The land is not within a zone identified in the [Golden Plains Planning Scheme](#) as a [Residential Zone](#);
 - (c) No rent, licence fee or charge is paid by any person in respect to the occupation;
 - (d) Waste water from the caravan, tent or motor home does not cause a nuisance or any offensive condition and sanitation facilities are maintained to the satisfaction of any [Authorised Officer](#);
 - (e) The caravan, tent, motor home or temporary dwelling is not within a distance of 6 meters of the frontage of the property or within 1.2 metres of any boundary of the property and no closer than 30 metres to a watercourse; and
 - (f) The caravan, tent or motor home is vacated on declared days of Total Fire Ban.

Infringement: 3 [Penalty Units](#)

Maximum Penalty: 15 [Penalty Units](#)

- (2) In deciding whether to grant, re-issue, extend or cancel a permit in respect of clause 19(1), [Council](#) must consider the following:
- (a) the location of the land;
 - (b) the current use of the applicant's land and that of adjoining allotments;
 - (c) the suitability of the land for [Camping](#) including extent of screening from neighbours;
 - (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) the availability of sanitation and laundry facilities to the land;
 - (h) maintaining the campsite in a clean and tidy condition including but not limited to managing unconstrained rubbish which is likely to become litter;
 - (i) whether waste water from the caravan, tent or motor home may cause a nuisance or an offensive condition;
 - (j) whether and sanitary facilities are or can be maintained to the satisfaction of an [Authorised Officer](#);
 - (k) any likely damage to be caused; and
 - (l) any other matter the [Authorised Officer](#) or [Delegated Officer](#) reasonably believes is relevant to the application.

If the owner or occupiers dwelling is destroyed or made inhabitable by fire, flood or other natural disaster, [Council](#) may permit a caravan, tent or motorhome to be occupied on a full time basis until the dwelling is

completed, providing waste water from the caravan, tent or motor home does not cause a nuisance or any offensive condition and sanitation facilities are maintained to the satisfaction of any [Authorised Officer](#).

20. CAMPING ON FREEHOLD LAND CONTAINING A LEGAL DWELLING

- (1) An owner or occupier of private land must not, without a permit, occupy, advertise for rent or allow any person to occupy any caravan, tent, motor home or camping site on any private land on which an approved dwelling exists unless the following conditions are met:
 - (a) The occupation does not exceed 60 days in any calendar year;
 - (b) No rent, licence fee, charge or other form of consideration is paid by any person in respect to the occupation;
 - (c) The toilet, bathing and laundry facilities provided in the dwelling are made available without charge to the occupant(s) of the caravan, tent or motorhome;
 - (d) [Wastewater](#) from the caravan, tent or motor home does not cause a nuisance or an offensive condition and sanitary facilities are maintained to the satisfaction of an [Authorised Officer](#); and
 - (e) The caravan, tent or motor home is:
 - (i) not within 6 metres of the frontage of the property or 1.2 metres of any boundary of the property; and
 - (ii) not more than 20 metres from the dwelling, and
 - (iii) not within 30 metres of a watercourse.

Infringement: 3 [Penalty Units](#)

Maximum Penalty: 15 [Penalty Units](#)

21. CARAVAN, ERECTED TENT AND MOTOR HOME STORAGE

- (1) The owner of vacant land must not without a permit, store or allow to be stored, any caravan, motor home or erected tent on vacant land.

Infringement: 3 [Penalty Units](#)

Maximum Penalty: 15 [Penalty Units](#)

- (2) An owner or occupier of land within a [Residential Zone](#) with a dwelling must not, without a permit, allow more than two caravans, erected tents or motor homes to be situated on that land and visible by neighbouring properties or from any public land for any period exceeding seven (7) consecutive days.

Infringement: 3 [Penalty Units](#)

Maximum Penalty: 15 [Penalty Units](#)

22. SHIPPING CONTAINERS

Owners and occupiers of properties should ensure that there is no [Restrictive Covenants](#) on their land precluding them from having a shipping container on their property. [Restrictive Covenants](#) can be found on a copy of your land title. A copy of your title can be purchased at <https://www.landata.vic.gov.au/>

- (1) A Person must not, without a permit:
- (a) keep, store, repair or in any other manner use any shipping container upon any [Municipal Land](#) or a [Road](#); or
 - (b) allow any shipping container upon any land other than [Municipal Land](#) or a [Road](#) to adversely impact the visual amenity of a neighbourhood.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

Guidance Note

In determining whether a shipping container is adversely impacting the visual amenity of the neighbourhood, the following will be considered:

- The colour of the shipping container. All shipping containers should be painted in muted and non-reflective colours;
- Signage or writing on the side of the shipping container is to be painted over in the same colour as the shipping container;
- Whether or not there is any landscaping around the shipping container; and
- The location of the shipping container. A shipping container should not be situated in front of any dwelling on the Land, or between the dwelling and the [Road](#) abutting the Land frontage and/or within 5 metres of any dwelling.

A [Permit](#) under this Local Law is not required if a [Permit](#) has been issued either under the *Planning and Environment Act 1987* or the *Building Act 1993*

Clause 22(1) does not apply to [Council](#) or any person employed, contracted or authorised by the [Council](#) for purpose authorised by [Council](#).

Clause 22(1)(b) does not apply to freehold land over 100 hectares provided the shipping container is further than 100 metres from all property boundaries.

23. DISPOSAL OF DEAD LIVESTOCK

- (1) An owner or occupier of any land must not dispose of dead [Livestock](#), or part thereof, in a manner that is likely to cause a nuisance, be [Offensive](#), and be a detriment to the environment or to the health of any person.

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

- (2) An owner or occupier of any land must not allow dead [Livestock](#) to remain within a watercourse.

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

- (3) A person responsible for placing dead livestock on [Municipal Land](#), must not allow any dead [Livestock](#) or part thereof to remain on any Road or [Municipal Land](#).

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

PART 3 - ANIMALS

24. KEEPING OF ANIMALS

- (1) An owner or occupier of land must not, without a permit, keep or allowed to be kept:
- (a) any more than the total number for each type of animal as set out in Table 1: and
 - (b) for land in Column A and B, no more than a total of 4 types of animal from Table 1; and
 - (c) for land in Column B and C, no more than a total of 2 types of animal from Table 2.

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

- (2) Clause 24(1) does not apply:
- (a) Where a planning permit has been obtained for land used for the purposes of animal boarding, training or breeding;
 - (b) To dogs kept exclusively as working dogs in a [Farming Zone](#); or
 - (c) To bees.
- (3) For the purpose of calculating the maximum limit of the numbers of animals kept, the progeny of any animal lawfully kept will be exempt for a period of twelve weeks after their birth.
- (4) In deciding whether to grant a permit in respect of sub clause 24(1) [Council](#) must consider the following:
- (a) The statutory planning requirements relevant to the land;
 - (b) The proximity to adjoining properties;
 - (c) The amenity of the area;
 - (d) Whether or not multiple animals are fertile;
 - (e) The type and additional numbers of animals to be kept;
 - (f) The likely effects on adjoining owners;
 - (g) The capabilities and experience of the applicant(s) in relation to keeping animals;
 - (h) [Council Policy](#); and
 - (i) Any other matter relevant to the circumstances of the application.

Table 1 and 2: Animal Keeping on Private Land

		Column A	Column B	Column C	Column D	Column E
Table 1	Animal	General Residential Zone and all properties ≤ 1000 square metres in all other zones	All zones (except General Residential Zone): >1000 square metres and ≤ 2 hectares	Low Density Residential Zone and Rural Zones : >2 hectares to ≤4 hectares	Low Density Residential Zone and Rural Zones : >4 hectares to ≤6 hectares	Rural Zones or land >6 hectares other than General Residential Zone
	Dogs	2	2	2	2	2 (5 Farming Zone)
	Cats	2	2	2	2	2 (5 Farming Zone)
	Ferrets	6	12	24	No Local Law Permit Required	No Local Law Permit Required
	Pigeons/Racing Pigeons	10	60	60	No Local Law Permit Required	No Local Law Permit Required
	Cockatoo / Galah (caged)	0	2	2	No Local Law Permit Required	No Local Law Permit Required
	Chickens	5	20	30	No Local Law Permit Required	No Local Law Permit Required
	Roosters / Peacocks	0	1	1	1	No Local Law Permit Required
	Other poultry (including ducks, geese, turkey, guinea fowl, pheasants or similar)	0	10	20	No Local Law Permit Required	No Local Law Permit Required

		Column A	Column B	Column C	Column D	Column E
Table 2	Animal	General Residential Zone and all properties ≤ 1000 square metres	All zones (except General Residential Zone): >1000 square metres and ≤ 2 hectares A minimum 1000 sqm of useable area* is required for each horse or donkey and/or cattle. (Not including ponies or calves)	Low Density Residential Zone and Rural Zones : >2 hectares to ≤4 hectares A minimum 1000 sqm of useable area* is required for each horse or donkey and/or cattle. (Not including ponies or calves)	Low Density Residential Zone and Rural Zones : >4 hectares to ≤6 hectares	Rural Zones or land >6 hectares other than General Residential Zone
	Ostriches / Emus / Llama / Alpaca	0	2	6	No Local Law Permit Required	No Local Law Permit Required
	Sheep	0	4	8	No Local Law Permit Required	No Local Law Permit Required
	Goats	0	4	8	No Local Law Permit Required	No Local Law Permit Required
	Horses	0	4	6	No Local Law Permit Required	No Local Law Permit Required
	Pigs	0	0	3	No Local Law Permit Required	No Local Law Permit Required
	Cows	0	2	6	No Local Law Permit Required	No Local Law Permit Required
	Other primary production animals	0	0	0	No Local Law Permit Required	No Local Law Permit Required

Note: In Table 1 and 2:

- Unless otherwise specified, the numbers contained in this table indicate the maximum number of animals that may be kept without requiring a [Council Permit](#).

* Useable area does not include space occupied for dwelling, driveway, sheds or any undercover area.

25. ANIMAL NUISANCES

- (1) An owner or occupier of land keeping an animal or animals in a [Residential Area](#) must not allow any animal to create a nuisance or caused by:
- (a) lack of suitable agistment area;
 - (b) excessive noise;
 - (c) accumulation of manure or other waste;
 - (d) attraction of pests;
 - (e) damage to common fencing; or
 - (f) any other condition deemed by a [Delegated](#) or [Authorised Officer](#) to be a nuisance or offence.

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

26. ANIMAL ENCLOSURES AND AGISTMENT

- (1) The occupier of land must keep any animal on the land in a kennel, house, aviary, shelter, enclosure or the like which:
- (a) Is constructed to the satisfaction of a [Delegated](#) or [Authorised Officer](#);
 - (b) Prevents, as far as practicable, the wandering or escape of such animal beyond the boundaries of the premises;
 - (c) Meets the welfare needs of the animal;
 - (d) Is capable of being readily cleaned;
 - (e) Is in a location that does not unreasonably affect the amenity of the neighbours; and
 - (f) Is maintained in good repair at all times.

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

- (2) Clause 26(1) does not apply to apiarists housing bees complying with the [Golden Plains Planning Scheme](#) and the [Apiary Code of Practice](#).
- (3) The owner or occupier of any land where an animal is kept for agistment must keep that animal confined and/or provide shelter that is:
- (a) constructed to prevent, as far as practicable, the wandering or escape of such animal beyond the boundaries of the premises; and
 - (b) maintained in good repair at all times.

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

- (4) The owner and occupier of land used for the grazing of [Livestock](#) must ensure that fencing is adequate for the purpose of preventing [Livestock](#) from straying onto any adjacent Road.

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

- (5) [Council](#) may issue a '[Notice to Comply](#)' with the owner and/or occupier of a property where the requirements of clause 26 are not met.

27. RESTRAINT OF DOGS IN A PUBLIC PLACE

- (1) All dogs within designated areas defined in [Schedule](#) 4 must be keep on a lead at all times

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

- (2) Dogs allowed off the lead, on [Municipal Land](#) outside the designated areas identified in [Schedule](#) 4, must be kept under [Effective Control](#) of the owner at all times.

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

28. ANIMAL LITTER

- (1) Any person in control of an animal (including a dog) on [Municipal Land](#) (including a [Road](#), a road reserve or a roadside) must have in his or her possession a dedicated scooper device or bag for the purpose of the collection and removal of any excrement left by that animal.

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

- (2) Any person in control of an animal (including a dog) must immediately remove or collect any excrement of that animal and as soon as possible place the excrement in a receptacle designed for disposal of waste.

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

29. BEES AND WASPS

- (1) An owner or occupier of any land who keeps bees on that land must do so in accordance the relevant [Apiary Code of Practice](#).
- (2) For the purposes of clause 29(1), [Council](#) may issue a [Notice to Comply](#) if any breaches are identified.
- (3) An owner or occupier of land that there is a European or English Wasp nest on the land must have the nest removed.

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 5 [Penalty Units](#)

- (4) For the purposes of clause 25, circumstances in which feral European honey bees on land are causing, or likely to cause a nuisance, include when the feral European honey bees are:
- (a) Swarming; or
 - (b) Likely to swarm.

PART 4 - WASTE

30. RECYCLABLE AND DOMESTIC WASTE

- (1) A Person must not place or cause or allow to be placed in any [Council](#)-collected [Mobile Bin](#) any;
- (a) [Contaminated Material](#);
 - (b) [Commercial Waste](#);
 - (c) [Hazardous Material](#);
 - (d) [Clinical Waste](#);
 - (e) [Domestic Waste](#) which exceeds 70 kilograms; or
 - (f) other objects or matter which is or is likely to be hazardous to health or the environment.

Infringement: 1 [Penalty Unit](#)

Maximum Penalty: 5 [Penalty Units](#)

- (2) All material for [Recyclable Material](#) collection by [Council](#) shall be placed in an approved [Council Mobile Bin](#) for Recyclable Material.

Infringement: 1 [Penalty Unit](#)

Maximum Penalty: 5 [Penalty Units](#)

- (3) All material for [Domestic Waste](#) collection by [Council](#) must be placed in an approved [Council Mobile Bin](#) for Domestic Waste.

Infringement: 1 [Penalty Unit](#)

Maximum Penalty: 5 [Penalty Units](#)

- (4) A owner of occupier of a dwelling or other land for which [Council](#) provides a waste collection service (including Recyclable Waste) must not leave any mobile bin out for collection more than one day before or one day after a designated collection day.

Infringement: 1 [Penalty Unit](#)

Maximum Penalty: 5 [Penalty Units](#)

- (5) An owner or occupier of a dwelling or other land for which [Council](#) provides a waste collection service (including Recyclable Waste) must place all [Council Mobile Bins](#) as close as possible to the kerbside, at least one (1) metre clear of any fixed object or adjacent bin and the lid must be closed.

Infringement: 1 [Penalty Unit](#)

Maximum Penalty: 5 [Penalty Units](#)

- (6) A owner or occupier of a dwelling or other land for which [Council](#) provides a waste collection service (including [Recyclable Material](#)) must ensure that any [Mobile Bin](#) (including contents) placed out for collection does not exceed 70 kilograms.

Infringement: 1 [Penalty Unit](#)

Maximum Penalty: 5 [Penalty Units](#)

- (7) A person must not remove or interfere with [Recyclable](#) or [Domestic Waste](#) material left in an approved container on a Road or at any other collection point.

Infringement: 1 [Penalty Unit](#)

Maximum Penalty: 5 [Penalty Units](#)

Clause 31(7) does not apply to a person authorised by [Council](#) to remove such materials or an employee of such a person acting in the course of employment, or a person placing the materials for collection or a [Council](#) officer acting in the course of employment.

- (8) A person must not place [Contaminated Material](#) or non-recyclables in a [Recycled Waste](#) container for collection by the [Council](#).

Infringement: 1 [Penalty Unit](#)

Maximum Penalty: 5 [Penalty Units](#)

- (9) A person must not place [Contaminated Material](#) in a [Domestic Waste](#) container for collection by the [Council](#).

Infringement: 1 [Penalty Unit](#)

Maximum Penalty: 5 [Penalty Units](#)

- (10) If [Council](#) has notified residents of a hard waste collection, the material to be collected must be left for collection in accordance with [Council](#)'s instructions.

Infringement: 1 [Penalty Unit](#)

Maximum Penalty: 5 [Penalty Units](#)

- (11) A person must not leave hard waste material on the [Nature Strip](#) if [Council](#) has not notified residents of an upcoming hard waste collection.

Infringement: 1 [Penalty Unit](#)

Maximum Penalty: 5 [Penalty Units](#)

- (12) No more than one garbage/[Council Mobile Bin](#) and recycling waste bin per household may be placed outside for collection unless the additional appropriate service fees have been paid to [Council](#).

Infringement: 1 [Penalty Unit](#)

Maximum Penalty: 5 [Penalty Units](#)

- (13) [Council Mobile Bin](#) must be maintained by the owner and occupier of premises in a clean, tidy and safe condition so as:
- (a) not to cause a health threat or offence to any person; and
 - (b) to remain [Vermin](#) proof.

Infringement: 1 [Penalty Unit](#)

Maximum Penalty: 5 [Penalty Units](#)

- (14) An [Authorised](#) or [Delegated Officer](#) may direct the owner or occupier of a property to remove materials that are not accepted from a [Council](#) approved waste or recycling bin and that person must do so.

Infringement: 1 [Penalty Unit](#)

Maximum Penalty: 5 [Penalty Units](#)

- (15) An [Authorised](#) or [Delegated Officer](#) may direct the owner or occupier of a property to dispose of all contents of the [Council](#) approved waste or recycling bin to an approved location and that person must do so.

Infringement: 1 [Penalty Unit](#)

Maximum Penalty: 5 [Penalty Units](#)

- (16) The owner or occupier of a property must remove any materials which have spilled onto a Road, or any other [Municipal Land](#) from the properties waste or recycling bins.

Infringement: 1 [Penalty Unit](#)

Maximum Penalty: 5 [Penalty Units](#)

- (17) An [Authorised](#) or [Delegated Officer](#) may direct the owner or occupier of a property to remove any materials which have spilled onto a [Road](#), or any other [Municipal Land](#) from the properties waste or recycling bins as described in clause 30(13) and that person must do so.

Infringement: 1 [Penalty Unit](#)

Maximum Penalty: 5 [Penalty Units](#)

31. PUBLIC LITTER

- (1) A person must not place or dump or cause to be placed or dumped, rubbish, litter or waste on any [Municipal Land](#) (other than in a public litter bin), unless as part of a hard waste collection as described in clause 30.

Infringement: 3 [Penalty Units](#)

Maximum Penalty: 5 [Penalty Units](#)

- (2) A person must not deposit in a public litter bin any:
- (a) Household waste; or
 - (b) [Commercial Waste](#), including food, cigarette ash, cigarette butts or recycling materials from a commercial building; or
 - (c) A lit cigarette; or
 - (d) Any materials that are likely to cause a fire.

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 5 [Penalty Units](#)

32. CONTROL OF BUILDING REFUSE AND TRADE WASTE

- (1) Where any building work (other than building work exempted from the need for a Building Permit under the *Building Act 1993*) is being carried out on any land, the owner, builder or appointed agent must:
- (a) Ensure that the building site is enclosed to the satisfaction of a [Delegated](#) or [Authorised Officer](#) with a temporary fencing, barrier or hoarding; which
 - (i) must remain in place for the duration of the building work, so as to ensure adequate measures are in place to protect the public from activities that are occurring around and above the worksite, assist in securing trade materials onsite and help prevent building refuse blowing offsite.
 - (ii) must not interfere with [Municipal Land](#), the abutting [Nature Strip](#), neighbouring land or any [Footpaths](#) unless a permit has been obtained from [Council](#).
 - (b) Provide a closed facility of 1m³ (minimum) for the purpose of disposal of builders' refuse that may be windblown. The facility must be either on site or immediately adjacent to the site at all times. The size, design and construction of the facility shall be at the discretion of the builder provided that it contains all windblown builders' refuse on the land to the satisfaction of [Council](#).
 - (c) Ensure that the facility remains in place (except for such periods as are necessary to empty the facility) from the commencement of work until the building work is completed.
 - (d) Ensure that the facility is emptied whenever full and if necessary provide a replacement during the emptying process.
 - (e) Not place the facility on any [Municipal Land](#) unless approved in writing by [Council](#). Approval will be subject to the placement of the container in a suitable location to maintain safe access for pedestrians and vehicles.
 - (f) Be responsible for the tidiness of an abutting [Nature Strip](#).
 - (g) Ensure that no materials, vehicles or items are placed on [Nature Strips](#) or other [Municipal Land](#) unless approved by [Council](#).

- (h) Ensure that the [Footpath](#) adjacent to the land to which the building permit relates is kept clear of mud and dirt at all times.
- (i) Ensure that builders' refuse, including pollutants and materials used in the clean-up / wash down of buildings and equipment, is not discharged off site or deposited in or over any part of the stormwater system or in any [Council](#) drain or roadside.
- (j) Remove and lawfully dispose of any builders' refuse or waste that has blown or spilled from the site as soon as practicable.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

33. TRANSPORTING OFFENSIVE MATERIAL

- (1) A person must not allow any offensive material including, but not limited to, manure, dead animals, animal remains, offal, bones, hides and skins to leak, discharge, drop or be deposited from a vehicle onto any [Municipal Land](#).

Infringement: 3 [Penalty Units](#)

Maximum Penalty: 15 [Penalty Units](#)

34. USE OF MUNICIPAL TRANSFER STATION

Golden Plains Shire Council currently operates a transfer station at 141 Meadows Road Rokewood. A fee is payable to use the transfer station to dispose of waste.

- (1) Any person using a municipal transfer station within the [Shire](#) must comply with the conditions determined by [Council](#) and must pay any applicable fees and charges.

Infringement: 3 [Penalty Units](#)

Maximum Penalty: 15 [Penalty Units](#)

- (2) [Council](#) may refuse entry to any person who fails to pay the required fee or charge or who fails to comply with the terms and conditions of use of the transfer station.
- (3) Without the permission of a [Delegated Officer](#), a person must not remove material of any kind which has been deposited at the transfer station.

Infringement: 3 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

35. DRAINAGE TAPPINGS

- (1) A person must not, without a permit, for any purpose, enter, destroy, damage, tap into, or interfere with, any drain where any part of the drain is under the control of [Council](#).

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (2) A person must not deposit, or allow to be deposited, into any drain under the control of [Council](#) any waste material other than stormwater.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (3) Clause 35(1) does not apply where [Council](#) has certified a plan of subdivision or given its approval for the drain to be tapped under any other legislation administered by it.

PART 5 - GENERAL ACTIVITIES ON MUNICIPAL LAND, INCLUDING ROADS AND ROADSIDES

36. LAWFUL DIRECTIONS ON SIGNS

- (1) A person, when on [Municipal Land](#), must at all times comply with the requirements set out in a sign erected by or on behalf of [Council](#).

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

37. FIREWOOD COLLECTION

- (1) A person must not, without a permit, remove firewood, including dead trees and fallen branches, from a roadside or [Municipal Land](#).

Infringement: 3 [Penalty Units](#)

Maximum Penalty: 15 [Penalty Units](#)

38. TREES, PLANTS, SIGNS OR STRUCTURES NOT TO OBSTRUCT OR OBSCURE

- (1) The owner or occupier of any land must not allow any tree or plant in, or growing on the land or any sign, structure or other thing on the land to obstruct or interfere with the passage of traffic by:
- (a) Overhanging lower than 2.4 metres over any [Footpath](#) or other part of the Road used by pedestrians so that it causes obstructions to pedestrians or is likely to cause injury or damage or danger to pedestrians; or
 - (b) Extending over any part of the Road in such a way that it:
 - (i) Obstructs the view between vehicles at an intersection;
 - (ii) Obstructs the view between vehicles and pedestrians where they come close to each other;
 - (iii) Obscures a [Traffic Control Device](#) from an approaching vehicle or pedestrian;
 - (iv) Obscures street lighting; or
 - (v) Obstructs the view between vehicles and trains at a railway level crossing that does not have gates, booms or flashing lights.
 - (c) Causing any other danger to vehicles or pedestrians; or
 - (d) Compromising the safe, efficient or convenient function of the Road.

Infringement: 3 [Penalty Units](#)

Maximum Penalty: 15 [Penalty Units](#)

39. CONTROLS APPLYING TO ROAD RESERVES AND NATURE STRIPS

- (1) A person must not without a [Permit](#), occupy or allow to be occupied any [Municipal Land](#) or any [Road](#) including a [Nature Strip](#) or reserve adjacent to the [Road](#) for any use including excavation, landscaping, cultivation,

planting, building, erection of structures, installation of recreation facilities, storage of [Vehicles](#) or goods of any kind, or any other use, interference or change.

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

- (2) A person must, not without a permit erect, install, construct or allow to remain, any fence or gate that crosses, impedes or obstructs a [Council](#) managed [Road](#) or road reserve.

Infringement: 3 [Penalty Units](#)

Maximum Penalty: 15 [Penalty Units](#)

- (3) Clause 39(1) does not apply:
- (a) to a person who undertakes landscaping works on the nature strip adjacent to their property pursuant to any [Council](#) nature strip planting and landscaping guide; or
 - (b) a person mowing a nature strip.

[Council](#) is not responsible for the removal of any tree, plant, shrub, hedge or landscaping works that was not originally installed by [Council](#) or an approved Developer unless the planting or landscaping is to be removed urgently for safety or emergency purposes.

- (4) An [Authorised](#) or [Delegated Officer](#) may direct a person to remove and rectify any change made to [Municipal Land](#) under clause 39(1) and (2) within one month or other reasonable time determined by the [Authorised Officer](#).

Infringement: 3 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (5) If a person fails to remove and rectify any change to [Municipal Land](#) or any [Road](#) when directed to do so under clause 39(1) and (2) [Council](#) may remove and rectify the change and recover the cost of the removal and rectification from that person.
- (6) A person employed, contracted or authorised by the [Council](#) for the purpose is exempted from clauses 39(1) and 39(2).

40. COUNCIL TO APPROVE ROAD NAMES.

- (1) A person must not apply a name to a [Road](#) in conflict with the Road's official name without the consent of [Council](#).

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

- (2) This clause does not apply to any freeway or to any supplementary name applied to the entire length of a Department of Transport declared [Road](#).

41. STREET AND RURAL ROAD NUMBERS TO BE DISPLAYED

- (1) For each property that has been allocated a street number or rural road number; the owner or occupier must mark the property in a clear manner with the number.

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

- (2) For the purpose of clause 41(1), a property is marked with a number in a clear manner if the number:
- (a) Is of reasonable size;
 - (b) Is displayed accurately and completely;
 - (c) Is in good repair;
 - (d) Is distinct from its background;
 - (e) Is free from obstruction; and
 - (f) Can be clearly read under normal lighting conditions from the [Road](#) immediately adjacent to the front boundary and be within 3 metres either side of the main entrance to the property.

42. A VEHICLE CROSSING IS REQUIRED

- (1) The owner of land must ensure that each point of vehicular access from a Road to the land has a properly constructed [Vehicle Crossing](#).

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (2) 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 a permit or an approval by [Council](#); or
 - (b) [Council](#) has approved in writing the method of construction of the particular [Vehicle Crossing](#).
- (3) A person who owns land with a [Vehicle Crossing](#) is responsible for the maintenance and repair of that [Vehicle Crossing](#).

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (4) If [Council](#) or an [Authorised Officer](#) is of the opinion that a [Vehicle Crossing](#) is in a state of disrepair or otherwise unsatisfactory condition, [Council](#) or the [Authorised Officer](#) may serve a “[Notice to Comply](#)” on the owner or occupier of the property.
- (5) If a “[Notice to Comply](#)” to repair a vehicle crossing is not complied with by the nominated date within that notice, [Council](#) may:

- (a) undertake any necessary works to achieve compliance; and
- (b) recover any associated costs for such works from the owner of the land.

43. CONSTRUCTING, REMOVING OR ALTERING A VEHICLE CROSSING

- (1) A person must not, without a permit construct, install, remove, relocate or alter a [Vehicle Crossing](#), whether temporarily or permanently.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (2) Each owner and occupier of land must not, without a permit:
 - (a) construct or allow to be constructed; or
 - (b) use or allow to be used a second or subsequent [Vehicle Crossing](#).

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (3) If a [Vehicle Crossing](#) has been installed without a permit, [Council](#) or the [Authorised Officer](#) may serve a “[Notice to Comply](#)” on the owner or occupier of the property to remove the [Vehicle Crossing](#).
- (4) If a “[Notice to Comply](#)” to remove a [Vehicle Crossing](#) is not complied with by the nominated date within that notice, [Council](#) may:
 - (a) undertake any necessary works to achieve compliance; and
 - (b) recover any associated costs for such works from the owner of the land.

44. TEMPORARY VEHICLE CROSSINGS

- (1) If it is likely that building works on a property will involve vehicles moving between the [Road](#) and the property, and a permanent [Vehicle Crossing](#) does not exist, the person responsible for the works must obtain a permit for the construction of a temporary [Vehicle Crossing](#) that protects all of the existing Road.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (2) The person responsible for the works will be held responsible for any damage to the [Vehicle Crossing](#) for the duration of the permit and must repair any damage to the vehicle crossing if directed to do so by [Council](#).

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (3) If, in the opinion of [Council](#), it is possible for an existing driveway crossing, [Footpath](#), kerb or any other part of the Road to be damaged as a consequence of or during the building works, the person responsible for the works must, when requested, pay a bond to [Council](#).

- (4) The amount of the bond required under clause 44(3) must be proportionate to the likely cost of repairing any damage and must be refunded on completion of the work or, where appropriate, be retained by [Council](#) to offset the costs of repairing any damage.

45. REDUNDANT VEHICLE CROSSING

Factors that may make a [Vehicle Crossing](#) redundant:

The [Vehicle Crossing](#) is that is not required due to access being moved due to a subdivision.

A [Vehicle Crossing](#) leading to a fence and unable to be used.

A [Vehicle Crossing](#), that due to a new [Vehicle Crossing](#) being installed, has exceeded to permitted amount in the zone.

A [Vehicle Crossing](#) which is no longer being used or maintained and causing drainage issues to [Council](#).

- (1) Where, in the opinion of an [Authorised Officer](#), a [Vehicle Crossing](#) has been made redundant, the owner and occupier of the land must ensure that any redundant part of the [Vehicle Crossing](#) is removed and the kerb, drain, footpaths, nature strip and any other part of the Road is reinstated to the satisfaction of [Council](#).

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (2) If a [Vehicle Crossing](#) has been identified as being redundant, [Council](#) or the [Authorised Officer](#) may serve a "[Notice to Comply](#)" on the owner or occupier of the property to remove the [Vehicle Crossing](#).
- (3) If a "[Notice to Comply](#)" to remove a [Vehicle Crossing](#) is not complied with by the nominated date within that notice, [Council](#) may:
 - (a) undertake any necessary works to achieve compliance; and
 - (b) recover any associated costs for such works from the owner of the land.

46. ERECTING OR PLACING ADVERTISING SIGNS

- (1) A person must not, without a permit, erect or place or cause to be erected or placed an [Advertising Sign](#) on or over any part of a [Road](#).

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (2) In deciding whether to grant a permit in respect of clause 46(1) [Council](#) must consider the following:
 - (a) Whether the applicant proposes to place an [Advertising Sign](#) in a location that would cause a danger to pedestrians;
 - (b) The width and height of the sign;
 - (c) Any other signs for the applicant's premises;
 - (d) Whether the sign will create a hazard to pedestrians;

- (e) Whether any person who may be liable for any injury caused by the placing of the sign is insured against that risk;
- (f) Whether the applicant has provided a written indemnification of [Council](#) against liability arising from activities authorised by the permit;
- (g) Whether any third party consent is required;
- (h) [Council Policy](#); and
- (i) Any other matter relevant to the circumstances of the application.

47. IMPOUNDING SIGNS

- (1) If an [Advertising Sign](#) is erected or placed contrary to this Part or contrary to any permit conditions and the owner of the [Advertising Sign](#) is unwilling or is not immediately available to remove the sign an [Authorised Officer](#) may remove and impound it only after he or she has made a reasonable effort to warn the person who owns or who has erected or placed the sign.

48. TRADING ON MUNICIPAL LAND

- (1) A person must not, without a permit:
 - (a) Erect or place on any [Road](#) or [Municipal Land](#), a vehicle, caravan, trailer, table, stall or other similar structure for the purpose of selling or offering for sale any goods or services;
 - (b) Sell or offer to sell goods or services on a [Road](#); or
 - (c) Sell or offer for sale any goods or services from a property or a [Public Place](#) adjacent to a [Road](#) to any person who is on that [Road](#) or [Public Place](#).

Infringement: 3 [Penalty Units](#)

Maximum Penalty: 15 [Penalty Units](#)

- (2) In deciding whether to grant a permit in respect of Clause 48(1), [Council](#) must consider the following:
 - (a) Whether the safety of [Road](#) users or the passage of vehicles will be affected by the placement of the structure;
 - (b) Whether the applicant meets the requirements of the *Food Act 1984*, as amended from time to time.
 - (c) Whether the activity will disturb, annoy or disrupt adjacent property owners or occupiers;
 - (d) Whether the activity will be detrimental to the amenity of the area;
 - (e) Whether appropriate arrangements can be made for [Wastewater](#) disposal, litter and garbage disposal, lighting and [Advertising Signs](#);
 - (f) Whether the consent of Department of Transport has been obtained where the [Road](#) is an [Arterial Road](#);
 - (g) Whether persons who may be liable for injury caused by the activity are insured against that risk;
 - (h) Whether the applicant has provided a written indemnification of [Council](#) against liability arising from activities authorised by the permit;
 - (i) [Council Policy](#); and

- (j) Any other matter relevant to the circumstances of the application.

49. GOODS FOR SALE ON ROADS

- (1) A person must not, without a permit, place or display any goods for sale on:

- (a) A [Footpath](#);
- (b) Any part of a carriageway designed for the use of passing vehicles; or
- (c) Any other part of a Road.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (2) In deciding whether to grant a permit in respect of clause 49(1) [Council](#) must consider the following:

- (a) Whether the goods will be displayed outside the applicant's premises;
- (b) Whether adequate lighting of the display area can be achieved if the normal business hours include hours of darkness;
- (c) Whether the goods or display are of such material, layout or construction that present a hazard to pedestrians;
- (d) Whether any person who may be liable for injury caused by the placing of the sign is insured against that risk;
- (e) Whether the applicant has provided a written indemnification of [Council](#) against liability arising from activities authorised by the permit;
- (f) [Council Policy](#); and
- (g) Any other matter relevant to the circumstances of the application.

- (3) Any goods left or displayed contrary to this Part or contrary to any conditions of a permit may be removed by an [Authorised Officer](#) and impounded.

50. OUTDOOR EATING FACILITIES

- (1) A person must not, without a permit, establish an outdoor eating facility on any [Footpath](#) or other part of a [Road](#).

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (2) In deciding whether to grant a permit in respect of clause 50(1), [Council](#) must consider the following:

- (a) Whether the facility is conducted in conjunction with, or is an extension of, food premises located immediately abutting the facility, and the applicant is the person conducting such food premises;
- (b) Whether the food premises is registered in accordance with the *Food Act 1984* (as amended from time to time);
- (c) Whether the food premises is licensed under the *Liquor Control Reform Act 1998* (as amended from time to time);

- (d) Whether the facility is likely to obstruct the visibility at an intersection;
- (e) Whether appropriate and safe pedestrian access can be maintained;
- (f) Whether the tables, chairs and other equipment to be used will be a hazard;
- (g) Whether any person who may be liable for injury caused by the placing of the equipment is insured against that risk;
- (h) Whether the application meets other requirements associated with general amenities of the establishment (eg. ratio of people to available toilets);
- (i) Whether the applicant has provided a written indemnification of [Council](#) against liability arising from activities authorised by the permit;
- (j) [Council Policy](#); and
- (k) Any other matter relevant to the circumstances of the application.

- (3) 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](#) and impounded.

51. REMOVING AN OUTDOOR EATING FACILITY

- (1) The holder of a [Council](#) permit in relation to an outdoor eating facility must move or remove the outdoor eating facility when requested to do so by a [Delegated](#) or [Authorised Officer](#) or a member of the Victoria Police or an emergency service organisation for reasons of public safety.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

52. PLACING BULK CONTAINERS

- (1) A person must not, without a permit, place a [Bulk Container](#) on a [Road](#), [Nature Strip](#) or [Footpath](#) for the purpose of waste collection, charity or other purposes.

Infringement: 3 [Penalty Units](#)

Maximum Penalty: 15 [Penalty Units](#)

- (2) In deciding whether to grant a permit in respect of clause 52(1), [Council](#) must consider the following:
 - (a) Whether the placement will obstruct the passage of vehicles and pedestrians, obscure the view of motorists or present a physical hazard;
 - (b) Whether the placement will affect the operation of any [Traffic Control Devices](#);
 - (c) Whether hazard lights can be securely attached on the side nearest passing traffic or placed on a [Road](#) so that an approaching motorist can identify the extent and form of the container;
 - (d) Protection of any [Council](#) assets;
 - (e) Whether any person who may be liable for injury caused by the placing of the [Bulk Container](#) is insured against that risk;

- (f) Whether the applicant has provided a written indemnification of [Council](#) against liability arising from activities authorised by the permit;
 - (g) [Council Policy](#); and
 - (h) Any other matter relevant to the circumstances of the application.
- (3) A [Bulk 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 [Delegated](#) or [Authorised Officer](#) and impounded.
- (4) If a Person reasonably suspected of having committed an offence under clause 52(1) is the driver of a [Vehicle](#) which transports a [Bulk Waste Container](#) or other thing and that person cannot be found or it is impracticable to charge that person with an offence under clause 52(1), any Person who is concerned with or takes part in the management of the business which supplies the [Bulk Waste Container](#) or other thing which is left on and obstructs the free use of a [Road](#) or [Municipal Land](#) may be charged with and is capable of committing an offence under clause 52(1).

53. ROAD OCCUPATION FOR WORKS

- (1) A person must not, without a permit;
- (a) carry out works on a Road for which [Council](#) is the responsible [Road](#) Authority under the *Road Management Act 2004* (as amended from time to time); or
 - (b) do anything in relation to works, which affects or is likely to affect the use of a [Road](#) for which [Council](#) is the responsible [Road](#) Authority under the *Road Management Act 2004* (as amended from time to time).

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (2) In deciding whether to grant a permit in respect of clause 53(1), [Council](#) must consider the following:
- (a) The nature and duration of the works;
 - (b) The likely hazard that the works may constitute to users of the Road;
 - (c) The impact of the works on the amenity of the adjoining area;
 - (d) The rectification of any damage;
 - (e) Whether any person who may be liable for injury caused by the works is insured against that risk;
 - (f) Whether the applicant has provided a written indemnification of [Council](#) against liability arising from activities authorised by the permit;
 - (g) [Council Policy](#); and
 - (h) Any other matter relevant to the circumstances of the application.
- (3) The reinstatement of any part of a Road damaged or affected by works of a type listed in clause 53(1) must be carried out in accordance with any conditions contained in the permit.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (4) Where appropriate, [Council](#) may request a security bond to be paid prior to a permit being issued up to the value of the likely cost of reinstatement works.
- (5) Where any equipment or other items are being used for works in contravention of this clause an [Authorised Officer](#) may remove the equipment or other items and impound them
- (6) If [Council](#) or an [Authorised Officer](#) is of the opinion that the [Road](#) is in a state of disrepair or otherwise unsatisfactory condition from works completed without a permit, [Council](#) or the [Authorised Officer](#) may serve a “[Notice to Comply](#)” on the person who undertook those works.
- (7) If a “[Notice to Comply](#)” to repair the Road is not complied with by the nominated date within that notice, [Council](#) may:
 - (a) undertake any necessary works to achieve compliance; and
 - (b) recover any associated costs for such works from the person to whom the notice was issued.

54. STREET PARTIES, STREET FESTIVALS AND PROCESSIONS

- (1) A person must not, without a permit, hold a [Street Party](#), [Street Festival](#) or [Procession](#) on a [Road](#).

Infringement: 3 [Penalty Units](#)

Maximum Penalty: 15 [Penalty Units](#)

- (2) In deciding whether to grant a permit in respect of clause 54(1) for a [Street Party](#), [Council](#) must consider the following:
 - (a) Whether the [Road](#) can be closed to vehicular traffic for the duration of the [Street Party](#);
 - (b) Whether all owners or occupiers of all properties with immediate vehicular access via the section of [Road](#) to be closed have been advised in writing and given 7 days to comment or object;
 - (c) Whether a person has been nominated on behalf of the applicant to erect and remove the barriers that close the [Road](#) at locations and times specified by [Council](#);
 - (d) Whether the [Footpath](#) on at least one side of the Road can be kept clear of obstructions;
 - (e) Where the sale of food is to occur, that the requirements of the *Food Act 1984* as amended from time to time are satisfied;
 - (f) [Council Policy](#); and
 - (g) Any other matter relevant to the circumstances of the application.
- (3) In deciding whether to grant a permit in respect of Clause 54(1) for a [Street Party](#), [Street Festival](#) or [Procession](#) on a [Collector Road](#), [Council](#) must consider the following:
 - (a) Whether the Road can be closed to vehicular traffic, or partly closed with safe and effective separation of vehicular traffic and festival or procession patrons and equipment;
 - (b) Whether the agreement of Victoria Police and Department of Transport has been obtained and their requirements met, including an appropriate traffic detour signing scheme;

- (c) Whether all owners or occupiers of properties with any immediate vehicular access via the section of Road to be closed have been advised by letter and given 7 days to comment or object or other arrangements satisfactory to [Council](#) have been made to alert relevant property owners and occupiers;
 - (d) Where the sale of food is to occur, that the requirements of the *Food Act 1984* as amended from time to time, are satisfied;
 - (e) [Council Policy](#); and
 - (f) Any other matter relevant to the circumstances of the application.
- (4) An application for a permit in respect of clause 54(1) to conduct an event on a Road must be made no less than 28 days before the event is to take place.
- (5) An application for a permit in respect of Clause 54(1) must contain the following information:
- (a) The name, address and phone number of a nominated person through whom arrangements can be made;
 - (b) The group of people or the organisation on whose behalf the application is being made;
 - (c) The name of the street to be closed together with a diagram showing the section of street to be closed;
 - (d) The date and times for the [Road](#) closure; and
 - (e) A statement of the groups or class of persons who are being invited to the event.

55. COLLECTIONS

- (1) A person must not, without a permit, solicit any gifts of money from any footpath or cause or authorise another person to do so.

Infringement: 3 [Penalty Units](#)

Maximum Penalty: 15 [Penalty Units](#)

- (2) In deciding whether to grant a permit in respect of clause 55(1), [Council](#) must consider the following:
- (a) The dates and times proposed for collecting;
 - (b) The matter or thing to be collected;
 - (c) The roads or areas in which the collections will take place;
 - (d) The impact on traffic and safety of pedestrians;
 - (e) The age of participants and the supervision of participants;
 - (f) Whether any person who may be liable for injury caused by the collection activity is insured against that risk;
 - (g) Whether the applicant has provided a written indemnification of [Council](#) against liability arising from activities authorised by the permit;

- (h) Any view of the Victoria Police or Department of Transport (where relevant) concerning the proposed location or conduct of any collection;
- (i) [Council Policy](#); and
- (j) Any other matter relevant to the circumstances of the application.

In respect of clause 55(1), no permit application fee will be charged to registered charity organisations.

PART 6 - MANAGEMENT OF PARKING

56. PARKING

- (1) A person must not, without a permit, park, keep, store or repair a [Heavy Vehicle](#) for more than two hours on:
 - (a) Any [Road](#) for which [Council](#) is the responsible Road authority for the purposes of the *Road Management Act 2004* (as amended from time to time);
 - (b) Any land in a [General Residential Zone](#); and
 - (c) Any vacant land within [Township Zone](#) and [Low Density Residential Zone](#).

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

- (2) If a [Heavy Vehicle](#) is in breach of clause 56(1) and cannot be moved without some minor repair, then that repair may be done in situ if an [Authorised Officer](#) is satisfied that it is of an immediate nature.
- (3) If the [Heavy Vehicle](#) cannot be repaired within a reasonable time, then the person or persons in charge of that vehicle must cause the vehicle to be removed from the land or Road.

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

- (4) In deciding whether to grant a permit in respect of Clause 56(1), [Council](#) must consider the following:
 - (a) The location where the [Heavy Vehicle](#) is proposed to be parked, kept, stored, repaired, or allowed to remain in relation to surrounding dwellings;
 - (b) The likely impact on the residential amenity of the neighbourhood as a result of:
 - (i) The intrusion of [Heavy Vehicle](#) traffic;
 - (ii) Excessive noise from [Heavy Vehicles](#);
 - (iii) Pedestrian and motorist safety;
 - (iv) The likely damage to be caused to [Council](#) assets and streets trees; and
 - (v) Fumes or related smells resulting from the parking of [Heavy Vehicles](#);
 - (c) The type and number of [Heavy Vehicles](#) proposed to be parked, kept, stored, repaired, or allowed to remain;
 - (d) The traffic function, traffic volume and width of other Roads in the vicinity;
 - (e) Whether the unobstructed sight distance when exiting from the property is capable of being at least 80 metres;
 - (f) Whether the manoeuvring requirements of the vehicle and the carriageway width will enable the vehicle to be turned within a maximum crossing width of 4 metres;
 - (g) Any load limit restriction in force on the relevant [Road](#);
 - (h) Whether the property is of sufficient size and layout to enable the vehicle to be properly garaged;
 - (i) [Council Policy](#); and

- (j) Any other matter relevant to the circumstances of the application.

57. UNREGISTERED OR ABANDONED VEHICLES ON MUNICIPAL LAND

- (1) A person must not leave an unregistered vehicle or abandon a vehicle on a [Road](#) where [Council](#) is the authority under the *Road Management Act 2004* (as amended from time to time) or other [Municipal Land](#).

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

58. IMPOUNDING UNREGISTERED OR ABANDONED VEHICLES

- (1) Where a vehicle left standing on a [Road](#) where [Council](#) is the authority under the *Road Management Act 2004* (as amended from time to time) or other [Municipal Land](#);
- (a) is unregistered; or
 - (b) has been so standing for more than 30 days and in the opinion of an [Authorised Officer](#) or Victoria Police has been abandoned; the vehicle and anything on or in the vehicle may be impounded by an [Authorised Officer](#).

59. REMOVING AND IMPOUNDING OF UNLAWFULLY PARKED VEHICLES

- (1) An [Authorised Officer](#) may cause a vehicle to be removed and/or impounded if, having regard to the risk of nuisance, vehicle or pedestrian accidents, congestion or delay to Road users, the [Authorised Officer](#) is of the view that it is appropriate to do so.
- (2) The power conferred by this clause can be exercised only in relation to a vehicle that is in:
- (a) A no standing area;
 - (b) A school crossing zone;
 - (c) A parking area reserved for vehicles displaying a Disabled Persons Parking Scheme [Permit](#);
 - (d) An area such as an intersection zone or an approach to traffic lights where the size and nature of the illegally parked vehicle creates a problem for drivers' and pedestrians' line of sight;
 - (e) A bus lane;
 - (f) An area in which illegal parking is likely to result in unreasonable congestion during a special event;
 - (g) An area where a clear width of 3 metres has not been left for the passage of vehicles; or
 - (h) Any other place where an illegally parked or abandoned vehicle is causing or may cause a hazardous obstruction.

60. NOTICE TO OWNER

- (1) If a registered vehicle is impounded, [Council](#) must notify the registered owner in writing by certified mail.

61. POWER TO SELL OR GIVE AWAY

- (1) Where a vehicle impounded in accordance with this Local Law is not claimed and removed by the owner or some person acting on his or her behalf:

- (a) In the case of an unregistered vehicle, within 14 days after being towed and removed by [Council](#); or
- (b) In the case of registered vehicle, within 14 days after the service of a notice upon the owner;

[Council](#) may cause the vehicle to be sold (by auction, public tender or private treaty), delivered to a municipal tip or given away at the discretion of [Council](#).

- (2) If [Council](#) exercises its power under this clause to sell a vehicle either by auction or by public tender, [Council](#) must provide 7 days notice of such auction or calling of tenders in a newspaper generally circulating in the [Shire](#).
- (3) If a vehicle is not sold at auction or by tender, [Council](#) may sell it privately or otherwise dispose of it in accordance with clause 81 of this Local Law.

62. OTHER OBSTRUCTIONS

- (1) If, in the opinion of an [Authorised Officer](#), a rubbish container, movable structure, device, material or other object is:
 - (a) Causing an obstruction; or
 - (b) A danger to [Road](#) users; or
 - (c) Impeding or likely to impede traffic;then the provisions of this Part relating to removing unlawfully parked vehicles apply, with any necessary modifications.

PART 7 - LIVESTOCK ON ROADS

63. OFFENCES CONCERNING LIVESTOCK ON ROADS OR ROADSIDES

- (1) Subject to clause 63(3), a person must not without a permit, move [Livestock](#) on any [Road](#).

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (2) A person must not, without a permit, graze [Livestock](#) on any [Road](#).

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (3) A [Drover](#) does not require a permit provided they:

- (a) Ensure all livestock shall reach their destination by the most direct route consistent with the requirements of this Local Law and any direction of an [Authorised Officer](#); and
- (b) Ensure livestock are only to be on any [Road](#) for the time it reasonably takes to move them to their destination; and
- (c) Ensure, as far as possible, the [Livestock](#) are moved during daylight hours; and
- (d) Comply with any directions from an [Authorised Officer](#) with regard to the route to be followed and the protection from damage likely to be caused by the [Livestock](#) to the [Road](#), native roadside vegetation, any construction on the [Road](#), roadside drainage or private property; and
- (e) Ensure the [Livestock](#) are supervised and under effective control by a person who is competent in the management; and
- (f) Otherwise comply with all the requirements of the guidelines for the [Movement of Livestock](#) as referred to in the relevant [Road](#) legislation or subsequent or replacement act; and
- (g) Erect as appropriate to the circumstances a sign of a type which is referred to in the relevant [Road](#) legislation or subsequent or replacement [Act](#).

- (4) Where a farm property abuts both sides of a dividing [Road](#), the owner or occupier of the farming property must ensure that any [Livestock](#) that is moved from one side of the farm property to the other are moved directly across the dividing [Road](#) unless, in the opinion of an [Authorised Officer](#), it is not practical to do so.

Infringement: 2 [Penalty Units](#)

Maximum Penalty: 10 [Penalty Units](#)

- (5) A permit granted to any person in charge of the grazing of [Livestock](#) on a [Road](#) must include conditions requiring the person in charge to:

- (a) Ensure that the appropriate temporary fencing is in place to ensure the temporary containment of [Livestock](#) to the location where the permit is issued; and

- (b) Ensure that adequate warning of the presence of [Livestock](#) on the [Road](#) is given to other [Road](#) users or potential [Road](#) users; and
- (c) Apart from any other warnings considered appropriate by the person engaged in such activities under sub-clause (a), erect as appropriate to the circumstances a sign of a type which is referred to in the relevant Road legislation or subsequent or replacement [Act](#); and
- (d) Ensure that any signs and temporary fencing referred to in sub-clause (a) and (b) are removed from the Road at the time of completion of such movement or grazing; and
- (e) In addition to complying with any permit or other conditions relating to warning signs to other [Road](#) users, lighting requirements and the location, size, contents and colour of such devices, have regard to the Australian Standards for such purposes and any other signage necessary for [Road](#) safety having regard to topography, conditions, [Livestock](#) type and numbers.

64. POWER TO IMPOUND

- (1) An [Authorised Officer](#) of [Council](#) may impound any livestock found grazing on a [Road](#) without a [Permit](#), or in breach of any condition included in a [Permit](#).
- (2) Any [Livestock](#) impounded by an [Authorised Officer](#) must be dealt with in accordance with the *Impounding of Livestock Act 1994* (as amended from time to time).

65. EXEMPTIONS FOR DROVING OR MOVING LIVESTOCK OTHER THAN IN DAYLIGHT HOURS

- (3) The provisions prohibiting livestock droving or movement on roads other than in daylight hours do not apply to:
 - (a) Relocation of [Livestock](#) by an [Authorised Officer](#); or
 - (b) Relocation of [Livestock](#) in an emergency or to avoid or minimise danger; or
 - (c) [Movement of Livestock](#) in accordance with guidelines prepared by the Department of Transport from time to time.

PART 8 – STANDPIPES

66. COUNCIL OPERATED STANDPIPES

- (1) Any person taking water from a [Council](#)-operated standpipe must:
- (a) Hold a current permit;
 - (b) Only take water for a maximum period of up to one month from the date of issue of the permit;
 - (c) Only take up to the maximum volume of water specified on the permit; and
 - (d) Only use the water in compliance with regulations published by the relevant water authority.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (2) Immediately after a person takes water from a [Council](#)-operated standpipe, that person must:
- (a) Completely turn the standpipe tap off;
 - (b) Securely lock the standpipe; and
 - (c) Return the key to the standpipe operator or designated [Council](#) agent.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

- (3) A person obtaining water from a [Council](#)-operated standpipe for the purposes of filling an emergency services fire-fighting appliance is exempt from the requirements of clause 66(1) and 66(2)(c).
- (4) A person obtaining water from a [Council](#)-operated standpipe for the purposes of filling a fire-fighting appliance on a declared day of Total Fire Ban is exempt from the requirements of clause 66(1) and 66(2)(c).
- (5) A person obtaining water from a [Council](#) operated standpipe pumped from a bore specifically for the purpose of drought relief and emergency services is exempt from the requirements of clause 66(1) and 66(2)(c).
- (6) [Council](#) operated standpipes pumped from a bore specifically for the purpose of drought relief and emergency services are for the use of Golden Plains Shire residents only and must not be accessed by commercial water cartage operators.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

PART 9 – ADMINISTRATION

DIVISION 1 - PERMITS, FEES AND DELEGATIONS

67. APPLYING FOR A PERMIT

- (1) A permit may be obtained by:
 - (a) Lodging an application with [Council](#) or a [Council](#) nominated representative in a form or online portal approved by [Council](#); and
 - (b) Paying [Council](#) the appropriate application fee.
- (2) [Council](#) may require an applicant to provide additional information before assessing an application for a permit or exemption.
- (3) [Council](#) may require an applicant to give public notice that will entitle any person to make a submission and to request to be heard in accordance with [Council](#)'s Community Engagement Policy.
- (4) [Council](#) must provide the appropriate application forms upon request from any person wishing to make application pursuant to this clause.
- (5) [Council](#) may require the permit holder to provide current Certificate of Currency for Public Liability Insurance.

68. FEES

- (1) [Council](#) may, from time to time by resolution, determine fees for the purposes of this Local Law.
- (2) In determining any fees [Council](#) may establish a system or structure of fees, including a minimum or maximum fee.
- (3) [Council](#) may waive, reduce or alter a fee with or without conditions.
- (4) Fees must be paid (where applicable) at the time of applying for a permit.

69. ISSUE OF PERMITS

- (1) Where an application is made in accordance with clause 67, [Council](#) may:
 - (a) Issue a permit, with or without conditions; or
 - (b) Refuse to issue a permit.

70. DURATION OF PERMITS

- (1) A permit is in force until the expiry date indicated on the permit unless it is cancelled before the expiry date.
- (2) If no expiry date is indicated on the permit, the permit expires on 30 June next after the day on which it is issued.

71. PERMITS ISSUED WITH CONDITIONS

- (1) A permit may be granted subject to conditions which [Council](#) considers to be appropriate in the circumstances, including:

- (a) The payment of any additional fees or charges;
 - (b) A time limit to be applied either specifying the duration, commencement or completion date;
 - (c) The happening of an event;
 - (d) The rectification, remedying or restoration of a situation or circumstance;
 - (e) Where the applicant is not the owner of the subject property, with the consent of the owner; and
 - (f) The granting of some other permit or authorisation.
- (2) Any conditions of a permit must be set out in the permit.
 - (3) [Council](#) may, during the currency of a permit, alter the conditions of a permit if it considers it to be appropriate to do so, after providing the permit holder with an opportunity to make comment on the proposed alteration.
 - (4) A person who undertakes an activity for which [Council](#) has issued a permit must comply with the conditions of the permit.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

72. CANCELLATION OF A PERMIT

- (1) [Council](#) may cancel a permit if it considers that:
 - (a) There has been a serious or ongoing breach of the conditions of the permit; or
 - (b) A '[Notice to Comply](#)' has been issued, but not complied with within 7 days after the time specified in the '[Notice to Comply](#)'; or
 - (c) There was a material error or misrepresentation in the application for the permit; or
 - (d) In all the circumstances, the permit should be cancelled.
- (2) Before it cancels a permit, [Council](#) must provide to the permit holder an opportunity to make a submission on the proposed cancellation.
- (3) If a permit holder is not the owner of the land and the owner's consent was required to be given to the application for the permit, the owner must be notified of any '[Notice to Comply](#)' and the reason(s) why it has been served.

73. CORRECTION OF PERMITS

- (1) [Council](#) may amend a permit at any time to rectify:
 - (a) An unintentional error or omission; or
 - (b) An evident material miscalculation or an evident material mistake of a description of a person, thing or property.
- (2) [Council](#) must notify a permit holder in writing of any amendment to a permit.
- (3) If the permit holder is not the owner of the land and the owner's consent was required to receive the permit, the owner must be notified of any amendment to the permit.

74. EXEMPTIONS

- (1) [Council](#) may, by written notice, exempt any person or class of people from any provision of this Local Law or from the requirement to have a permit, either generally or at specified times.
- (2) An exemption may be granted subject to conditions.
- (3) A person must comply with the conditions of an exemption.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

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

75. OFFENCES

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

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

76. DELEGATION

In accordance with Section 78 of the *Local Government Act 2020*, [Council](#) hereby delegates to the Chief Executive Officer and to each [Senior Officer](#) and to any other person for the time being acting for such persons all the powers, discretions, authorities and considerations of [Council](#) under this Local Law including the powers, discretions and authority to issue or refuse permits, fix conditions and durations relevant to such permits, cancel permits, require additional information, apply guidelines or policies of [Council](#), to waive the need for any permit, to waive, fix or reduce fees or charges or to do any act, matter or thing necessary or incidental to the exercise of any function or power by [Council](#). [Council](#) authorises the Chief Executive Officer to delegate their powers under this Local Law to any [Senior Officers](#) or persons acting in the role of a [Senior Officer](#).

DIVISION 2 - ENFORCEMENT

77. POWER OF AUTHORISED OFFICERS TO DIRECT - 'NOTICE TO COMPLY'

An [Authorised Officer](#) may, by a written notice given to a person who appears to be in breach of this Local Law, direct that person to remedy any situation that constitutes a breach of this Local Law.

78. TIME TO COMPLY

- (1) A '[Notice to Comply](#)' must state the date and time by which the situation must be remedied.
- (2) The time required by a '[Notice to Comply](#)' must be reasonable in the circumstances having regard to:
 - (a) The amount of work involved;
 - (b) The degree of difficulty;
 - (c) The availability of necessary materials or other necessary items;
 - (d) Climatic conditions;
 - (e) The urgency of the situation;
 - (f) The degree of risk or potential risk of harm to any person; and
 - (g) Any other relevant factor.

79. FAILURE TO COMPLY WITH A 'NOTICE TO COMPLY'

- (1) A person who fails to comply with a '[Notice to Comply](#)' served on them is guilty of an offence.

Infringement: 5 [Penalty Units](#)

Maximum Penalty: 20 [Penalty Units](#)

80. POWER OF AUTHORISED OFFICER TO ACT IN URGENT CIRCUMSTANCES

- (1) In urgent circumstances resulting from a failure to comply with this Local Law, an [Authorised Officer](#) may take action to remove, remedy or rectify a situation including impounding any thing, without first serving a '[Notice to Comply](#)' if:
 - (a) The [Authorised Officer](#) considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice may place a person, animal, property or thing at risk or in danger; and
 - (b) Wherever practicable, the Chief Executive Officer or relevant [Senior Officer](#) is given prior notice of the proposed action.
- (2) In deciding whether circumstances are urgent, an [Authorised Officer](#) must consider the following:
 - (a) Whether it is practicable to contact:
 - (b) The person by whose default, permission or cause the situation has arisen; or
 - (c) The owner or the occupier of the land affected; and

- (d) Whether there is an imminent or urgent risk or threat to public health, public safety, the environment or animal welfare.
- (3) The action taken by an [Authorised Officer](#) under clause 80(1) will be directed to what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
- (4) An [Authorised Officer](#) who takes action under clause 80(1) will ensure that, as soon as practicable:
 - (a) Details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and
 - (b) A report of the action taken is submitted to the Chief Executive Officer.

81. POWER OF AUTHORISED OFFICER TO IMPOUND

- (1) If an [Authorised Officer](#) has impounded anything in accordance with this Local Law, [Council](#) may refuse to release it until the [Appropriate Fee](#) or charge for its release has been paid to [Council](#).
- (2) [Council](#) may, by resolution, fix charges (generally or specifically) for the purposes of this clause, which may be increased from time to time.
- (3) As soon as possible after the impounding and where practicable to do so, the [Authorised Officer](#) must serve written notice on the owner or person responsible for the item which has been impounded setting out the fees and charges payable and the time by which the item must be retrieved.
- (4) If after the time for retrieval in a '[Notice of Impoundment](#)', an impounded item is not retrieved, an [Authorised Officer](#) may take action to dispose of the impounded item according to the following principles:
 - (a) Where the item has no saleable value, it may be disposed of in the most economical way including recycling or waste disposal; and
 - (b) Where the item has some saleable value, the item may be disposed of either by tender, public auction or private sale but failing sale may be treated as in clause 81(4)(a).
- (5) When the identity or whereabouts of the owner or person responsible for the impounded item is unknown, the [Authorised Officer](#) must take reasonable steps to ascertain the identity or whereabouts of that person and may proceed to dispose of the impounded item in accordance with Sub-clause (4) once he or she is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded item.
- (6) Any proceeds from the disposal of the impounded items under this Local Law must be paid to the owner or to the person who, in the opinion of [Council](#), appears to be authorised to receive the money less the reasonable costs incurred by [Council](#) in the administration of this Local Law, including expenses and charges.
- (7) If a person described in clause 81(6) cannot be identified or located within 6 months after the date of the '[Notice of Impoundment](#)', any proceeds of the sale ceases to be payable to that person and may be retained by [Council](#) for general purposes.

82. PENALTIES AND INFRINGEMENT NOTICES

- (1) The penalties indicated throughout this Local Law are the maximum penalties able to be imposed in the Magistrates' Court upon an offence being proven.

- (2) An [Authorised Officer](#) may issue an 'Infringement Notice' in the form of the notice in [Schedule 1](#). The fixed penalties are payable in the absence of legal proceedings.
- (3) The fixed penalty in respect of an infringement is the amount set out in the [Schedule 6](#).

83. PAYMENT OF PENALTY

- (1) A person issued with an infringement notice must pay the specified penalty to:

*The Chief Executive Officer
Golden Plains Shire Council
2 Pope Street
BANNOCKBURN VIC 3331*

- (2) If the penalty is not paid within 42 days [Council](#) may issue legal proceedings in the Magistrates' Court on charges related to the breach or breaches of the local law.
- (3) To avoid prosecution, the specified penalty must be paid within 42 days after the day on which the 'Infringement Notice' is issued.
- (4) A person issued with an 'Infringement Notice' may elect to have the matter heard in the Magistrates' Court.
- (5) The provisions of clauses 82, 83 and 84 are to be read subject to the *Infringements Act 2006* as amended from time to time.

84. INTERNAL REVIEW

- (1) A person issued with an infringement notice may request an internal review of the penalty by applying to [Council](#) and must do so within 42 days after the infringement notice was issued. A response to the internal review will be given within 28 days.

STATE OF VICTORIA
GOLDEN PLAINS SHIRE
ABN: 86 998 570 296

PENALTY INFRINGEMENT NOTICE

Infringement No:

Date of Notice:

Due Date:

Notice to:

(Surname)

(Given Name)

Of

(Address)

The undersigned, being an Authorised Officer of Golden Plains Shire, has reason to believe that you have committed an offence as indicated below:

(Act)



Other.....



Section	Offence Description	Offence Code	Penalty

On

(Day)

at

(Date)

(Time)

at

(Location of Offence)

Additional information about the offence

You may dispose of this matter by either: (A) Expiating it by payment of the prescribed penalty, or (B) Having it dealt with in court, or (C) Carrying out one of the other procedures as set out on the back of this notice.

How To Pay – You must pay the penalty by the specified due date using one of the methods shown on the back of this notice. Please ensure that the Infringement Notice or Infringement Number is forwarded with your payment.

If the prescribed penalty, together with this notice, is received by the Golden Plains Shire by the 'Due Date' shown above, the matter **will not** be brought to court.

Legal proceedings **will** be instigated against you if this notice and the prescribed penalty are not received by the 'Due Date' shown above.

IF YOU DO NOT PAY THE PENALTY BY THE SPECIFIED DUE DATE, FURTHER ENFORCEMENT ACTION WILL BE TAKEN AND ADDITIONAL COSTS INCURRED.

Authorised Issuing Officer Identification

Acts and regulations covered by this notice include:

- Domestic Animals Act 1994
- Domestic Animals Regulations (2005) – Schedule 5
- Food Act 1984 (Vic)
- Environment Protection Act (1970)
- Country Fire Authority Act 1958
- Prevention of Cruelty to Animals Act (1986)
- Infringements Act (2006)
- Public Health & Wellbeing Act 2008 (Vic)
- General Public Amenities Local Law No.1 (2021)
- Infringements (Reporting and Prescribed Details and Forms) Regulations (2006)

STATE OF VICTORIA

GOLDEN PLAINS SHIRE
INFRINGEMENT NOTICE

HOW TO PAY THE INFRINGEMENT

If the infringement penalty amount is **not paid** by the due date, **additional costs** will be incurred and legal proceedings may be brought before the Magistrate's Court where the person on whom the notice is served is entitled to disregard the notice and defend any such proceedings in respect of the offence in the Magistrate's Court.

✉ **BY MAIL – DO NOT SEND CASH**

Before the due date on this notice, complete the box below and send a cheque or money order for the FULL AMOUNT (not part payment) to:

GOLDEN PLAINS SHIRE, PO BOX 111, BANNOCKBURN VIC 3331

Note: Cheques or money orders should be marked "Not Negotiable" and made payable to "Golden Plains Shire". Payment is not deemed to be made until the cheque is cleared. Please ensure that the Infringement Notice or Infringement Notice Number is forwarded with your payment.

If you are returning this notice by post with payment, please insert your name and address in BLOCK LETTERS in this space:

Name:

Address:

A receipt will not be issued unless specifically requested.



IN PERSON

1. Bannockburn - 2 Pope Street, Bannockburn
8.30am to 5.00pm MON to FRI

2. Smythesdale - 12 Heales Street, Smythesdale
8.30am to 5.00pm MON to FRI



BY PHONE

Telephone Golden Plains Shire on (03) 5220 7111 or 1300 36 30 36 (toll free within the Shire) to make payment using your VISA or Mastercard. Please ensure you have your Infringement Notice Number on hand.

PAYMENT PLAN

You may apply to pay the penalty specified in this notice under a payment plan under Section 46 of the Infringements Act 2006. Applications must be received in writing by the Golden Plains Shire before the notice is registered with the Magistrate's Court or the Children's Court as the case requires.

For further information relating to eligibility for payment plans, contact the Golden Plains Shire at 2 Pope Street, Bannockburn or PO Box 111, Bannockburn VIC 3331 or phone (03) 5220 7111 or 1300 36 30 36 (toll free within the Shire).

REVIEW OF DECISION TO ISSUE INFRINGEMENT

The person named in the notice or a person acting on his or her behalf (with consent) may apply to have the decision to issue this notice internally reviewed. A written objection must be received by the Golden Plains Shire providing your full details and particulars before the due date as shown on the front of this notice, outlining the reasons you believe that special consideration should be given. You can download the application for Internal Review of Infringement notice form from the Golden Plains Shire website attaching all supporting documentation and forward to the Coordinator Community Safety at Golden Plains Shire, PO Box 111, Bannockburn VIC 3331. You will be notified in writing of the outcome of your appeal.

The person named in this notice may elect to have this matter heard and determined in a court at any time before an enforcement order is made. Please notify the Council in writing immediately if you wish to have this matter determined in a court. If the infringement penalty is not paid by the specified due date as shown on this notice, and legal proceedings are brought before the Magistrate's Court or the Children's Court as the case requires, the person on whom this notice is served is entitled to disregard the notice and defend any such proceedings in respect of the offence in the Magistrate's Court or the Children's Court as the case requires.

IF YOU PAY ON TIME

On receipt of the prescribed penalty by the due date on this notice: (a) the infringement will be deemed to be paid; (b) the matter will **not** be brought before a court; and (c) no conviction will be recorded.

ENQUIRIES

Telephone enquiries – ☎ (03) 5220 7111

Email: enquiries@gplains.vic.gov.au

If you do not understand this document, you should seek advice from a registrar of the court, a lawyer or Victorian Legal Aid.

**IF YOU DO NOT PAY THE PENALTY BY THE DUE DATE, FURTHER
ENFORCEMENT ACTION WILL BE TAKEN AND ADDITIONAL COSTS INCURRED.**

SCHEDULE 2 – NOTICE TO COMPLY

NOTICE TO COMPLY

To:

Family Name (or Company) (or the owner)	
Given Names	
Address	

I, (name of Authorised Officer) have reason to believe that you have contravened clause (insert clause) of Local Law No. 1 General Public Amenity, which states:

--

Offences against this provision may be subject to an Infringement Notice Penalty of \$ or a maximum penalty of \$ in the Magistrates Court.

You are required to comply with Local Law No. 1 by taking the following action:

--

This action must be taken on or before the following date: _____

Failure to comply with this Notice to Comply is an offence against clause 79 of Local Law No. 1 General Public Amenity, and an Infringement Notice Penalty of \$ or a maximum fine of \$ in the Magistrates Court may be imposed.

.....
Signature of Authorised Officer

Date of issue:

SCHEDULE 3 – NOTICE OF IMPOUNDMENT

NOTICE OF IMPOUNDMENT

To:

Family Name (or Company) (or the owner)	
Given Names	
Address	

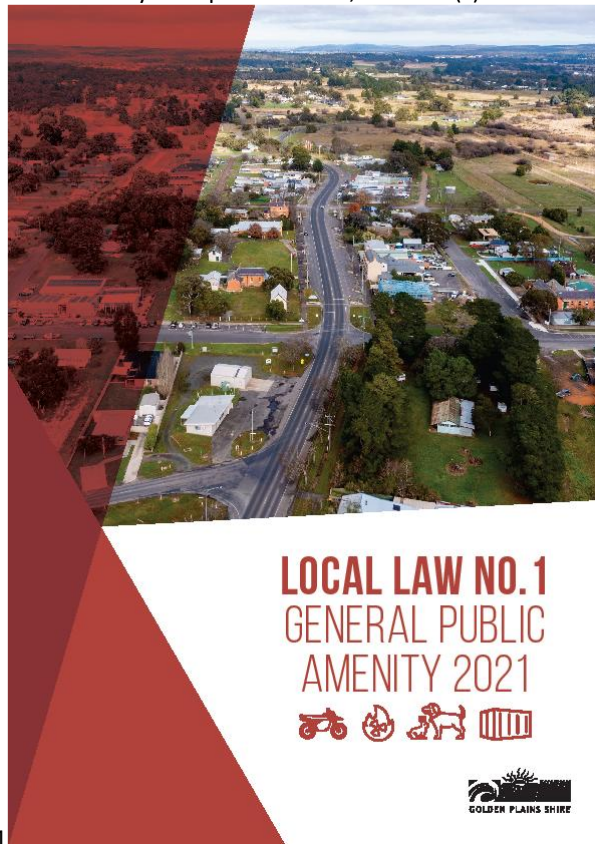
I, (name of an Authorised Officer) advise that Council has impounded the items described below in accordance with Local Law No. 1 General Public Amenity:

--

You may retrieve the impounded item(s) by paying the applicable fees and charges as identified below within 7 days of this notice.

Fees & Charges:

If the item(s) have not been retrieved by the specified date, the item(s) will be disposed of in accordance with the requirements



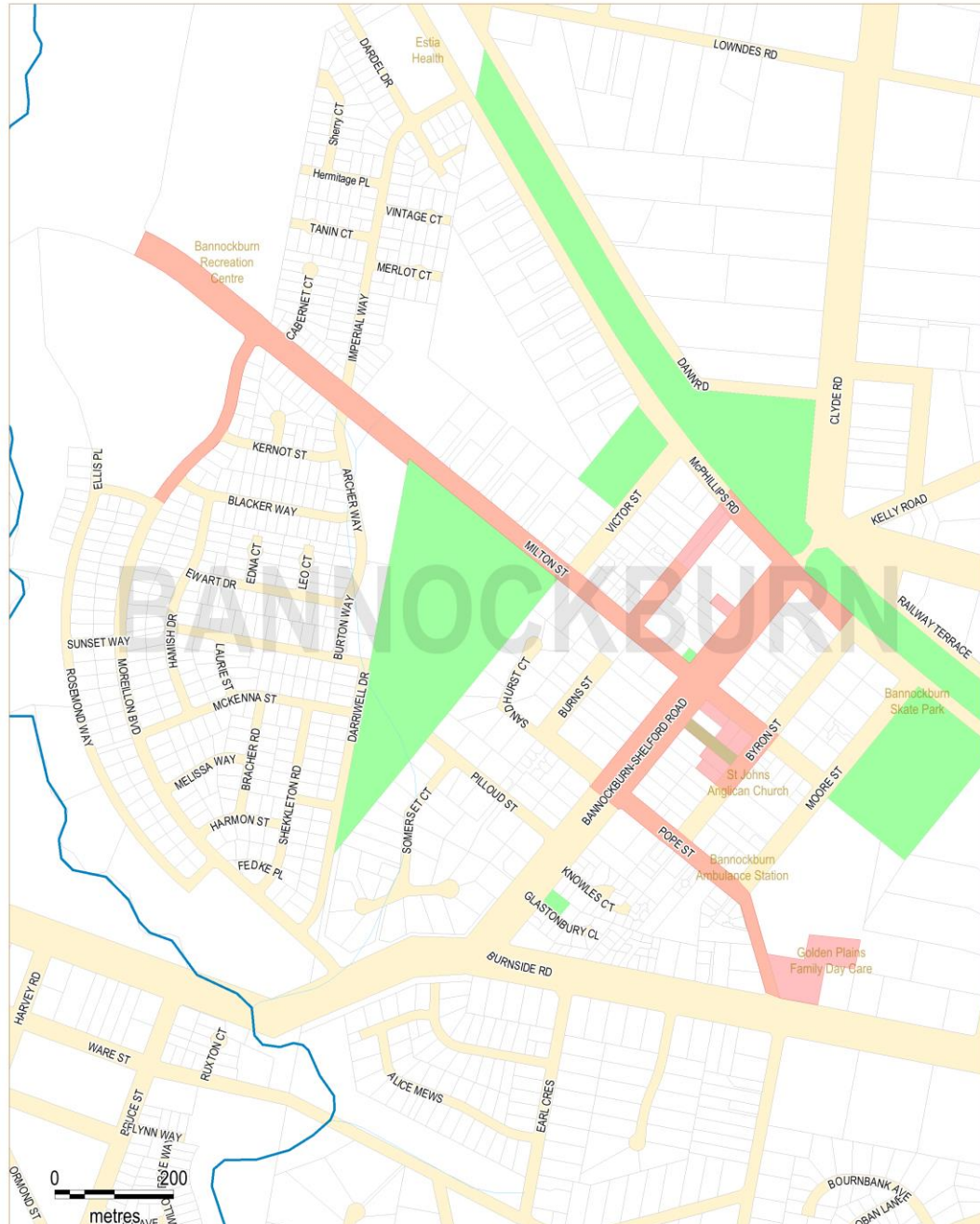
specified in Local Law No. 1

General Public Amenity

.....
Signature of Authorised Officer

DATE OF ISSUE:

SCHEDULE 4 – DOG ON LEAD AREAS



Bannockburn Township

- Prescribed Dog on Lead Area
- Crownland Reserve
- Property Boundary
- Waterways

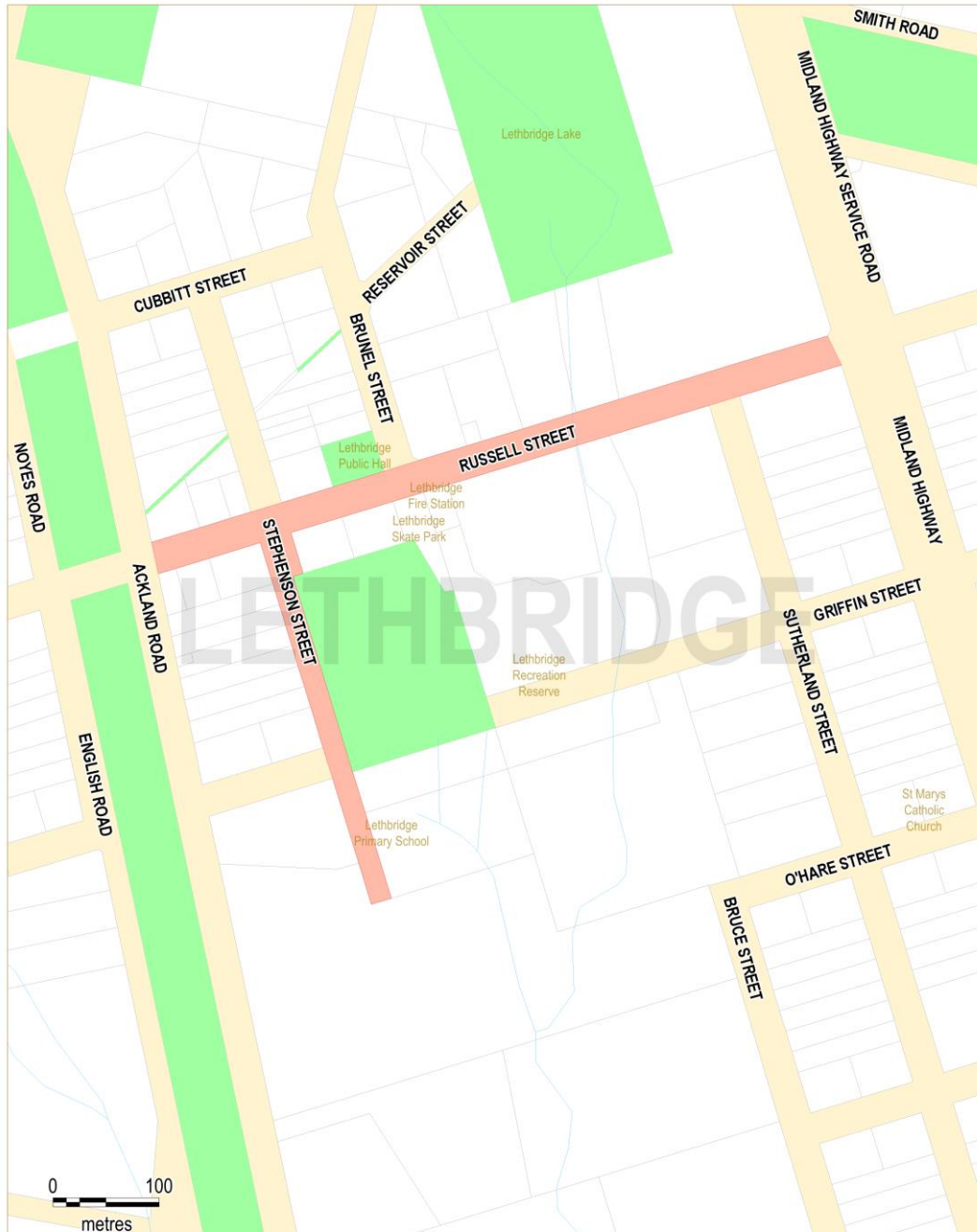
N
Scale 1:8,000
@ A4 Mapsheet



Inverleigh Township

- Prescribed Dog on Lead Area
- Crownland Reserve
- Property Boundary
- Waterways

N
Scale 1:4,000
@ A4 Mapsheet



Lethbridge Township

- Prescribed Dog on Lead Area
- Crownland Reserve
- Property Boundary
- Waterways


 Scale 1:4,500
 @ A4 Mapsheet



Linton Township

- Prescribed Dog on Lead Area
- Crownland Reserve
- Property Boundary
- Waterways


 Scale 1:3,500
 @ A4 Mapsheet



Meredith Township

- Prescribed Dog on Lead Area
- Crownland Reserve
- Property Boundary
- Waterways

N
Scale 1:3,500
@ A4 Mapsheet



Napoleons Township

- Prescribed Dog on Lead Area
- Crownland Reserve
- Property Boundary
- Waterways


 Scale 1:2,500
 @ A4 Mapsheet



Rokewood Township

- Prescribed Dog on Lead Area
- Crownland Reserve
- Property Boundary
- Waterways





Smythesdale Township

- Prescribed Dog on Lead Area
- Crownland Reserve
- Property Boundary
- Waterways


 Scale 1:2,500
 @ A4 Mapsheet

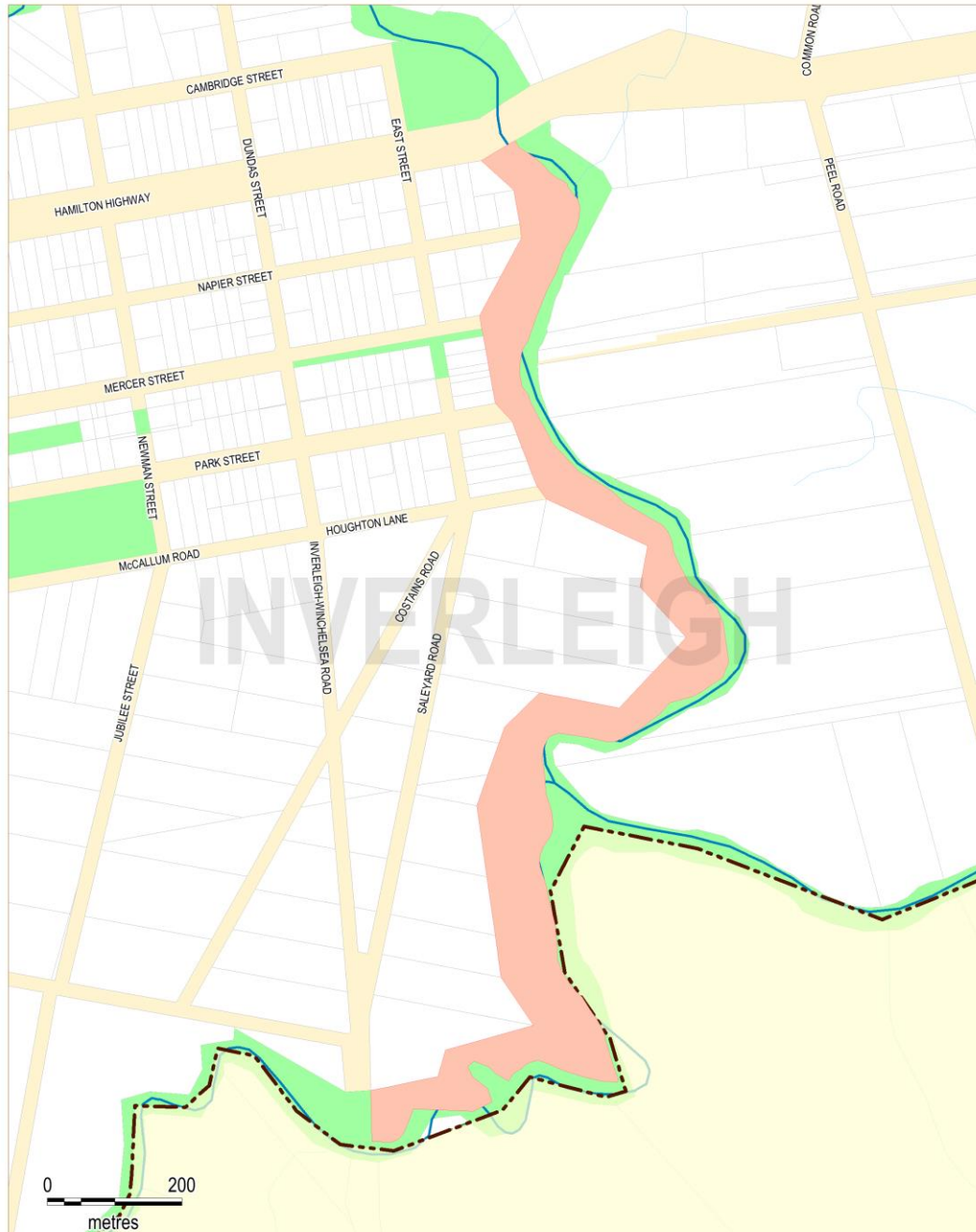


Teesdale Township

- Prescribed Dog on Lead Area
- Crownland Reserve
- Property Boundary
- Waterways

N
Scale 1:3,000
@ A4 Mapsheet

SCHEDULE 5 – DESIGNATED CAMPING AREAS



Inverleigh Township

- | | | | |
|---|-------------------------|---|-------------------|
|  | Designated Camping Area |  | Property Boundary |
|  | Council Boundary |  | Major Waterway |
|  | Crownland Reserve |  | Waterway |


 Scale 1:7,000
 @ A4 Mapsheet



Pollocksford Bridge Reserve

- | | | | |
|---|-------------------------|---|-------------------|
|  | Designated Camping Area |  | Property Boundary |
|  | Council Boundary |  | Major Waterway |
|  | Crownland Reserve |  | Waterway |

N
Scale 1:4,000
@ A4 Mapsheet



2 Pope Street, Bannockburn, VIC 3331
19 Heales Street, Smythesdale, VIC 3351

PO Box 111, Bannockburn, VIC 3331

☎ 5220 7111

@ enquiries@gplains.vic.gov.au

💻 goldenplains.vic.gov.au

CUSTOMER SERVICE HOURS

Bannockburn Customer Service Centre
8.30am to 5pm, Monday to Friday

The Well, Smythesdale

8.30am to 5pm, Monday to Friday

🐦 @GPSCouncilNews

📷 lovegoldenplains

📺 GoldenPlainsShire

📺 GoldenPlainsMayor

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

I, John Michael Hannagan, being a person who is:

(a) an Australian lawyer who has been admitted to the legal profession for at least 5 years;
and

(b) not a Councillor of Golden Plains Shire Council

certify that, in my opinion, the draft Local Law attached to this Certificate is consistent with the local law requirements set out in section 72 of the *Local Government Act 2020*.

Dated: 19 November 2021


.....
John Michael Hannagan

Harwood Andrews

JOHN MICHAEL HANNAGAN
Harwood Andrews
70 Gheringhap Street, Geelong
An Australian legal practitioner within the meaning
of the Legal Profession Uniform Law (Victoria)