

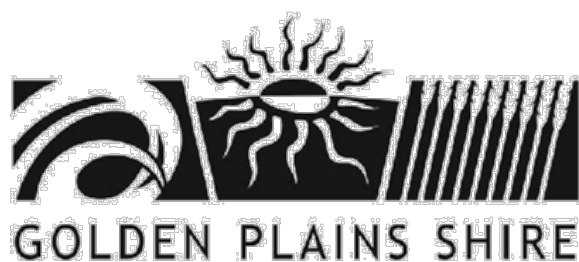
ATTACHMENTS

**Under Separate Cover
Council Meeting**

6.00pm Tuesday 25 August 2020

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Golden Plains Shire Council

Local Law No.2 General Public Amenity 2021

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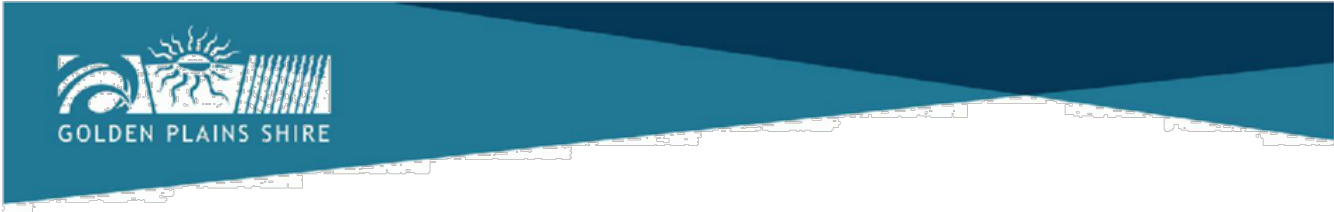


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PART 1 - PRELIMINARY

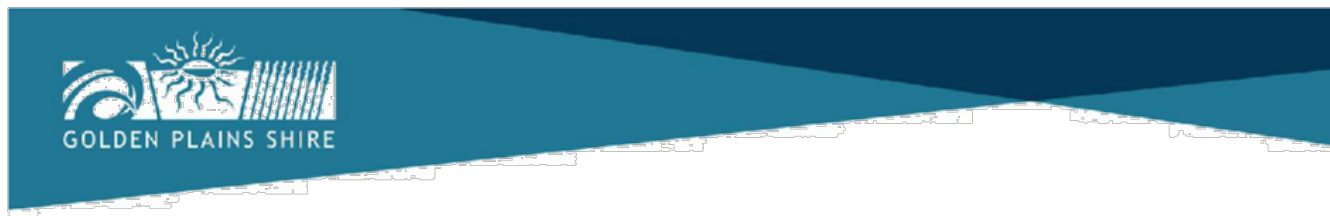
1. TITLE

This Local Law is titled Local Law No. 2 - 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) Control the use of various types of vehicles and animals for the safety and convenience of road users;
- (h) Provide for the preservation and protection of Council's assets from damage that may be caused from extraordinary use of roads;
- (i) Control and regulate secondary activities on roads, including trading, the placing of goods and equipment, parties, festivals, processions, collections, and droving;
- (j) Facilitate free and safe access for people with sight and movement impairment or disabilities;



- (k) Provide for the management and control of parking to minimise disruption, danger or nuisance to the users of Council's parking facilities;
- (l) Control the use of Council-operated standpipes;
- (m) Revoke Local Law No. 2 of 2017 TBC; and
- (n) 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 111 of the Act.

4. COMMENCEMENT AND REVOCATIONS

This Local Law comes into operation on TBC

The following Local Laws of the Council are revoked:

Local Law No. 2 of 2017 TBC

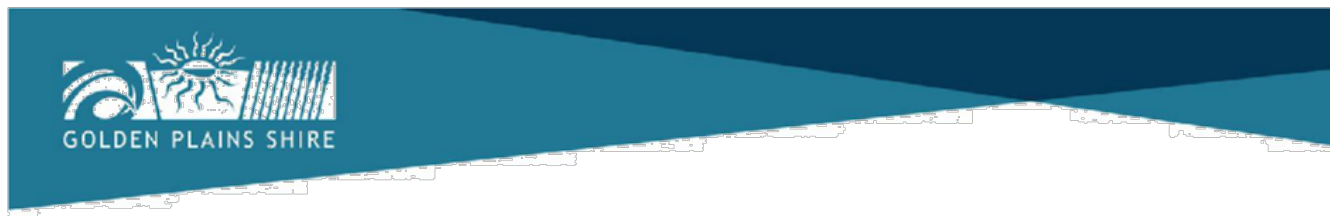
5. PENALTY UNITS

Section 110 of the Act sets the value of one penalty unit in a Local Law as \$100.

6. DEFINITIONS

Expressions used in this Local Law have the same meaning as in the Act, unless otherwise defined.

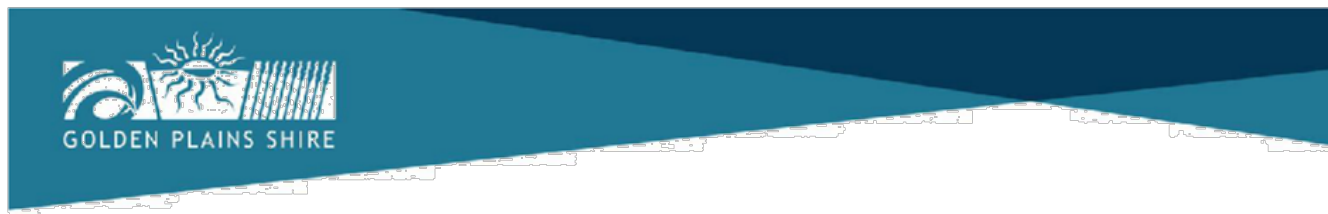
Act	means the <i>Local Government Act 1989</i> (as amended from time to time).
Advertising Sign	means any board, notice, structure, banner or other similar device that is used to solicit sales or notify people of the presence of an adjacent property where goods or services may be obtained.
Appropriate 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 Act.
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.



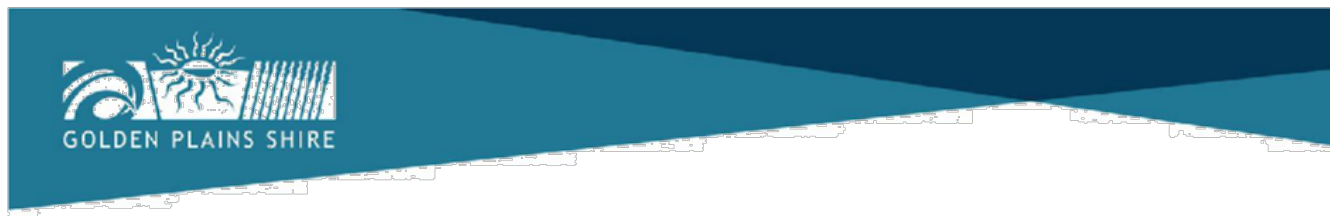
Camping (to camp)	means the occupation or use of a tent, makeshift structure, caravan, campervan, mobile home or any other vehicle (including under the vehicle) for sleeping all or part of a night or as temporary accommodation and does not include brief 'power napping' in a vehicle beside a highway.
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.
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 as 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.



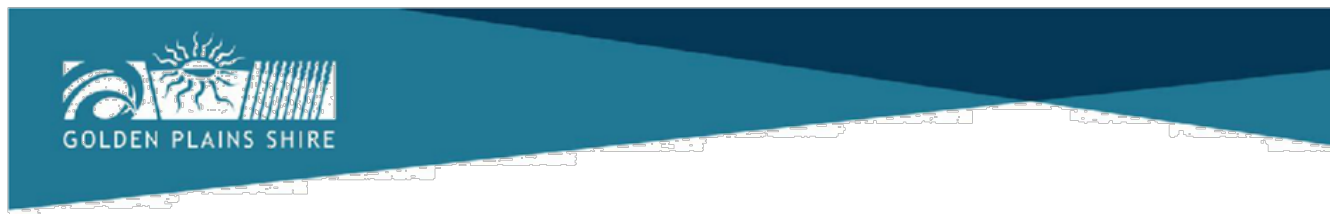
Disease	means any contagious or infectious disease or any condition to which livestock is subject, or an exotic disease as declared by the Governor in Council for the purposes of the <i>Livestock Diseases Control Act 1994</i> (as amended from time to time).
Domestic Waste	means material that Council 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 through 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, the owner retains a clear and unobstructed view of the dog, and that it does not bother, attack, worry or interfere with other people or animals.
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.
Footpath	has the same meaning as 'Pathway' in the Road Management Act 2004 (as amended from time to time).
General Residential Zone	as defined in the Golden Plains Planning Scheme.
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.



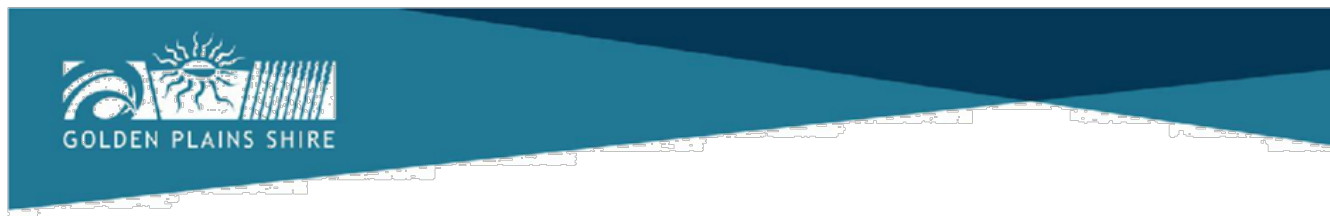
Heavy Vehicle	means any vehicle over 4.5 tonnes gross vehicle mass.
Livestock	has the same meaning as the definition of livestock in section 3 of the <i>Impounding of Livestock Act 1994</i> (as amended from time to time).
Low Density Residential Zone	as defined in the Golden Plains Planning Scheme.
Machinery	means any machine and/or the parts of a machine (working or not).
Movement of Livestock	means: <ul style="list-style-type: none"> (a) one-off or regular Movement of Livestock; (b) movement as part of normal farm management operations of a Single Farming Enterprise but not for purposes of grazing; (c) movement from one property within the Shire to another property within the Shire or from or to one property in the Shire to or from a property within an adjacent Shire; (d) movement at the rate of not less than one kilometre per hour in the direction of movement between two properties either within the Shire or to or from one property within the Shire from or to a property in an adjacent municipal area; (e) movement where the properties concerned are controlled or occupied by a Single Farming Enterprise; and (f) 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, electricity or any other power and which is normally used for recreational purposes but does not include a pedal powered vehicle. But excludes: <ul style="list-style-type: none"> (a) a motorised wheelchair, or other aid used by a Person with a disability or limited mobility; (b) a motorised farm vehicle that is being used for farming purposes within Farming and Rural Activity Zone; and (c) a motorised bicycle with a maximum capacity of 22 watt aggregate power.
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 side 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 level of personal discomfort that a reasonable person would not expect to endure, or results in an unreasonable disruption to normal living activity.
Outdoor Eating Facility	means tables, with or without chairs, located outside at which food or drink is served and 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.
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.
Restoration	returning something to a former condition
Road	has the same meaning as in the <i>Road Safety Act 1986</i> (as amended from time to time) and also means a road within the Shire.
Rural Activity Zone	as defined in the Golden Plains 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 Golden Plains Planning Scheme.
Rural Living Zone	as defined in the Golden Plains Planning Scheme.
Schedule	means a schedule to this Local Law.
Senior Officer	has the meaning ascribed to it in section 3 of the Act.
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 Golden Plains Planning Scheme.
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 and kitchen.



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 is deemed to be unsightly or detrimental to the amenity of the neighbourhood in which the land is located if the land:
- (a) Contravene any relevant Council Policy; or
 - (b) Has upon it, in view of the street, public land or from neighbouring properties, 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) more than two (2) unregistered vehicles;
 - (vii) a building that remains partially completed or partially demolished for a period of two hundred and forty (240) days or more;
 - (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;
 - (ix) Vermin or is likely to harbour Vermin; or
 - (x) Any other thing making the land visually offensive
- (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.

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- (8) For the purposes of clause 7(2)(v) and (vi), this does not apply to Rural and Farming areas where the disused machinery is associated with agriculture.

8. DILAPIDATED BUILDINGS

- (1) The owner or occupier of premises must not cause or 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 or permit

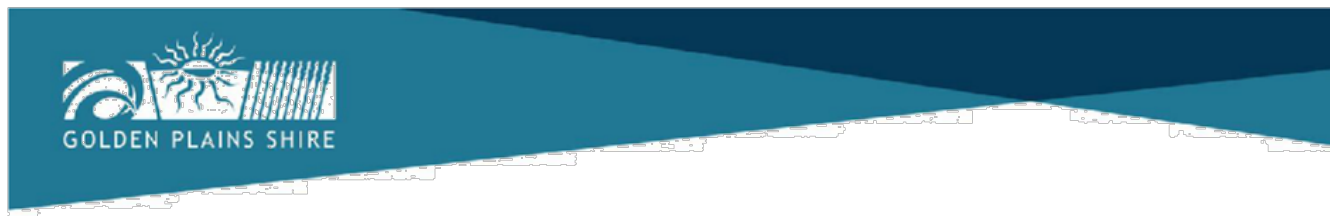
9. DANGEROUS PREMISES

- (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 the:
- (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;
 - (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 are offensive:

- (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 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 staff members and any Person contracted or authorised by Council, including Country Fire Authority for the purpose may, without a Permit, undertake controlled burning off as a part of normal reserve maintenance on any Municipal Land or Road;

11. OPEN AIR BURNING AND USE OF INCINERATORS

- (1) Unless exempt under clause 11(4) and 11(5), A person must not, without a permit, within 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) Unless exempt under clause 11(3), 11(4) and 11(5), a person must not within the Township Zone, Low Density Residential Zone and the Rural Living Zone, without a permit, burn or cause or allow to burn any material in the open air or in any built or manufactured Incinerator or similar device.
- (3) Subclause (2) does not apply when:
- (a) The burning off occurs no more than two days per week and material being burnt is a windrow/heap less than 3 metres cubed (3 m³);
 - (b) stubble burning for farming and agricultural purposes; and
 - (c) Country Fire Authority, Council or contractors are engaged in prescribed burning.

Infringement: 5 Penalty Units

Maximum Penalty: 20 Penalty Units

- (5) The use of a barbeque, pizza oven or other properly constructed appliance while it is being used for cooking food is exempt from clause 11(1) and (2).
- (6) The use of a properly constructed or commercially available fire pit 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).
- (7) Nothing in subclause (1) and (2) permits a person to light a fire or allow a fire to continue to burn during a Fire Danger Period or Total Fire Band Day unless otherwise permitted by the Country Fire Authority.
- (8) A person responsible for burning or lighting a fire on any land in the open air must ensure that:
- (a) it does not offend or cause a nuisance to another person in the vicinity or beyond the property boundary; and
 - (b) Country Fire Authority have been notified.

Infringement: 5 Penalty Units

Maximum Penalty: 20 Penalty Units

- (9) A person who has lit or allowed a fire to remain alight contrary to the provisions in this section or any condition contained in a permit must extinguish the fire immediately on being directed to do so by:
- (a) an Authorised Officer; or
 - (b) a member of Victoria Police or the Country Fire Authority.

Infringement: 5 Penalty Units

Maximum Penalty: 20 Penalty Units

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 not allow their land to contain noxious weeds or pest animals.



Explanatory note: Under the Catchment and Land Protection Act 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.

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

- (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 within land located in General Residential Zone;
- (b) a Motorised Recreational Vehicle for more than one hour per day in land located in Low Density Residential Zone and Township Zone;
- (c) a Motorised Recreational Vehicle for more than two hours per day in all Rural and Farming Zones;
- (d) more than two Motorised Recreational Vehicles on land less than 2 hectares;
- (e) more than four Motorised Recreational Vehicles on land between 2 hectares and 20 hectares;
- (f) a Motorised Recreational Vehicle unless such vehicle is fitted with an effective muffler and spark arrestor in compliance with the appropriate Australian Design Rules for muffling external noise of motor vehicles or external noise of motor cycles; and
- (g) a Motorised Recreational Vehicle except within the hours of 10.00am to 6.00pm on any day.

Infringement: 3 Penalty Units

Maximum Penalty: 15 Penalty Units

- (3) 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;

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- (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 must be obtained and supplied to Council);
- (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.

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 Golden Plains Planning Scheme.

If a permit is granted pursuant to clause 12(3), no more than two Motorised Recreational Vehicles will be permitted on land less than 2 hectares whilst no more than four Motorised Recreational Vehicles will be permitted on land between 2 hectares and 20 hectares.

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 offender.

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 allotment.

Infringement: 5 Penalty Units

Maximum Penalty: 20 Penalty Units



- (2) An owner or occupier of land must not discharge wastewater into stormwater systems, waterways, dams, lakes, creeks, rivers, reservoirs, estuaries or wetlands.

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 12(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.

- (3) For the purposes of Clause 16(1), the placement of election and candidate signs on Council managed land will not be supported.

- (4) An owner or occupier of private land, or the person responsible for installation of signage, must not allow political, election or candidate signage to remain placed on the subject land for a period of seven days after an election has concluded.

Infringement: 2 Penalty Units

Maximum Penalty: 10 Penalty Units

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), or in a public place:
- (a) consume any alcohol; or
 - (b) Have in his or her 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; and
- (d) Dispose of the contents of the container.

(5) A person must comply with a direction given under clause 15(4)

Infringement: 5 Penalty Units

Maximum Penalty: 20 Penalty Units

- (6) If a person does not comply with a direction given under clause 15(4), an Authorised Officer may confiscate and dispose of any unsealed container of alcohol associated with the contravention.

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 which has entered into 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 or allow any person to occupy any caravan, tent or motor home 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 situated within a zone is not 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 a permit in respect of clause 19(1), Council must consider the following:
- (a) a maximum 12 month permit can be issued;
 - (b) the location of the land;
 - (c) the land-use of the applicant's land and that of adjoining allotments;
 - (d) the suitability of the land for Camping including extent of screening from neighbours;
 - (e) the number of tents or other structures to be located on the land;
 - (f) the length of time the tents and other structures will be erected on the land;
 - (g) on properties of less than 0.5 hectares, only one caravan or campervan may be placed on the land for Camping purposes;
 - (h) the availability of sanitation and laundry facilities to the land;
 - (i) waste water 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;
 - (j) any likely damage to be caused; and
 - (k) any other matter the Authorised Officer or delegated officer reasonably believes is relevant to the application.
- (3) In determining whether to re-issue, extend, vary or cancel a permit to camp or occupy a campsite on any land other than Municipal land or a road the Council or an Authorised Officer or a delegated officer must, where relevant, have regard to where Camping is on vacant land unsupervised by the occupier whether the applicant campers are compliant with the following campsite guidelines:
- (a) at all times maintaining the campsite in a clean and tidy condition including but not limited to no unconstrained rubbish which is likely to become litter;
 - (b) prior to vacating the campsite, removing all litter (including remnant human excreta and toilet paper) and other refuse from the campsite to a Council authorised disposal point;
 - (c) providing approved toilet facilities;
 - (d) any other matter the Authorised Officer or the 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 will 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 or allow any person to occupy any caravan, tent or motor home 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 or charge is paid by any person in respect to the occupation;

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- (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) Waste water 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, erected tent or motor home on vacant land.
- (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) days.

Infringement: 3 Penalty Units

Maximum Penalty: 15 Penalty Units

22. SHIPPING CONTAINERS

- (1) An owner or occupier of any Residential land, Industrial Zoned land and land located within Rural Living Zone must not cause or allow a shipping container to be placed on the land, without:
 - (a) A permit issued or written advice from Council advising a permit is not required in accordance with the Golden Plains Planning Scheme; and
 - (b) A building permit issued by a Private Building Surveyor; and
 - (c) A permit issued under this Local Law.

Infringement: 3 Penalty Units

Maximum Penalty: 15 Penalty Units

- (2) An owner or occupier of any land located in Farming Zone, Rural Activity Zone and Rural Conservation Zone must not cause or allow a shipping container to be placed on the land, unless:
 - (a) A permit issued or written advice from Council advising a permit is not required in accordance with the Golden Plains Planning Scheme;
 - (b) A building permit issued by a Private Building Surveyor; and
 - (c) The shipping container is situated at least 100 metres from all property boundaries.

Infringement: 3 Penalty Units

Maximum Penalty: 15 Penalty Units



- (3) In considering whether to approve a permit for a shipping container or a temporary shipping container (not exceeding 6 months), Council must consider the following:
- (a) whether the shipping container on private land is for the purposes of on-site storage of building materials and equipment, prior to and during construction of a permanent dwelling on the land;
 - (b) whether a copy of the building permit applicable for the shipping container has been supplied;
 - (c) the suitability of the land and whether the shipping container can be appropriately located and screened or painted in muted, non-reflective tones so as to minimise the visual impact on the amenity of the area;
 - (d) any covenants relating to the land;
 - (e) the land-use of the applicant's land and that of adjoining allotments;
 - (f) the suitability of the land for a shipping container;
 - (g) any likely damage to be caused; and
 - (h) any other matter the Authorised Officer or delegated officer reasonably believes is relevant to the application.

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

23. DISPOSAL OF DEAD LIVESTOCK

- (1) A person 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 allow dead livestock to remain within a watercourse.

Infringement: 2 Penalty Units

Maximum Penalty: 10 Penalty Units

- (3) A person 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

24. LAWFUL DIRECTIONS ON SIGNS

- (1) A person, when on Municipal land, must at all times comply with a requirement set out in a Sign erected legally by Council.

Infringement: 2 Penalty Units

Maximum Penalty: 10 Penalty Units



PART 3 - ANIMALS

25. 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 species of animal from Category 1 of Table 1; and
 - (c) for land in Column B no more than a total of 2 species of animal from Category 2 of Table 1.

Infringement: 2 Penalty Units

Maximum Penalty: 10 Penalty Units

- (2) Clause 23(1) does not apply where a planning permit has been obtained for land used for the purposes of animal boarding, training or breeding.
- (3) Clause 23(1) does not apply to dogs kept exclusively for droving or drafting livestock in a Farming Zone.
- (4) Clause 23(1) does not apply to bees
- (5) 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.
- (6) In deciding whether to grant a permit in respect of sub clause 23(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: Animal Keeping on Private Land (Smaller sized animals)

Smaller Sized Domestic Animals - Types and Numbers					
Column	1	2	3	4	5
Type of Animal	In Flats, Units or Townhouses	On Land Less than 0.4 Ha (.99 Acre) in a Residential Zoned Areas	On Land Between 0.4 Ha. (1 Acre) and 2 Ha. (4.94 Acres)	On Land Between 2 Ha (4.94 Acres) and Less than 6 Ha. (14.8 Acres)	On Land equal to or greater than 6 Ha. (14.8 Acres)
Dogs (Small = adult dog up to 10 kg)	2 small or 1 large	2	2	2	5
Cats	2	2	2	2	5
Poultry (excluding Roosters)	0	12	24	No Local Law Permit Required	No Local Law Permit Required
Large and/or Noisy Birds (including Roosters)	0	0	1	5	No Local Law Permit Required
Pigeons	0	60 pairs	60 Pairs	No Local Law Permit Required	No Local Law Permit Required
Domestic Birds (caged, excluding Large and/or Noisy Birds)	6	30	No Local Law Permit Required	No Local Law Permit Required	No Local Law Permit Required
Domestic Rabbits, Guinea Pigs, Ferrets and Mice	2	6	No Local Law Permit Required	No Local Law Permit Required	No Local Law Permit Required

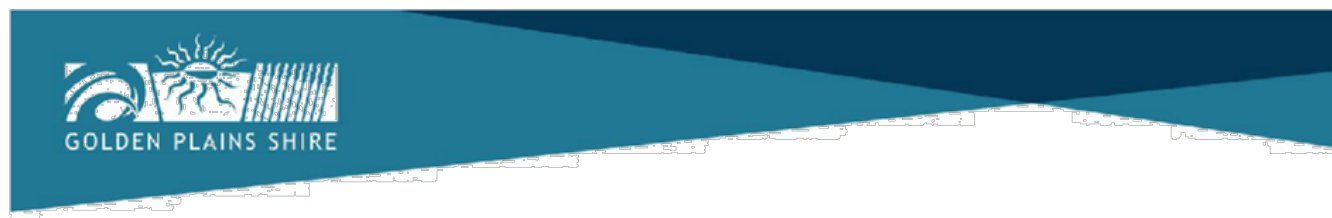


Table 2: Animal Keeping on Private Land (Larger sized animals)

Larger Sized Animals and Livestock Types and Numbers					
Column	1	2	3	4	5
Type of Animal (Species)	In Flats, Units or Townhouses	On Land Less than 0.4 Ha (.99 Acre)	On Land Between 0.4 (.99 Acre) and 2 Ha. (4.94 Acres) A minimum 1000 sqm of useable land is required for each horse, donkey and/or cattle.	On Land Between 2 Ha (4.94 Acres) and Less than 6 Ha. (14.8 Acres)	On Land equal to or greater than 6 Ha. (14.8 Acres)
Horses and donkeys	Not Permitted	Permit Required	2 ***	4 ***	No Local Law Permit Required
Cattle	Not Permitted	Permit Required	2 ***	2 ***	No Local Law Permit Required
Sheep, goats and alpacas	Not Permitted	Permit Required	6 ***	8 ***	No Local Law Permit Required
Pigs	Not Permitted	Permit Required	3 ***	3 ***	No Local Law Permit Required
Any other Livestock	Not Permitted	Permit Required	2 ***	2 ***	No Local Law Permit Required
*** Maximum total number of all livestock	0	To be assessed upon application for permit	8 *** Maximum of two species.	12 ***	No Local Law Permit Required
0.4 hectares = 0.99 acres 2 hectares = 4.94 acres * Only two species of animals are permitted in properties located in Column 3 Animal numbers and breeding of animals on any private property are subject to restrictions applicable under the Golden Plains Planning Scheme. Please check with Council's Planning Department regarding Animal Husbandry.					

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.

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**26. ANIMAL NUISANCES**

- (1) An owner or occupier of land in a residential area must not allow any animal to be kept in such a way as to create a nuisance or offence 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 an Delegated or Authorised Officer to be a nuisance or offence.

Infringement: 2 Penalty Units

Maximum Penalty: 10 Penalty Units

27. ANIMAL ENCLOSURES AND AGISTMENT

- (1) The occupier of land must keep any animal on the land in a kennel, house, aviary, shelter, enclosure or confined in a manner that complies with all of the following:
- (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; and
 - (e) Is maintained in good repair at all times.

Infringement: 2 Penalty Units

Maximum Penalty: 10 Penalty Units

Clause 27(1) does not apply to apiarists housing bees complying with the Golden Plains Planning Scheme and the Apiary Code of Practice.

- (2) 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 constructed to the reasonable satisfaction of an Delegated or Authorised Officer in order to:
- (a) Prevent, as far as practicable, the wandering or escape of such animal beyond the boundaries of the premises; and
 - (b) is maintained in good repair at all times.

Infringement: 2 Penalty Units

Maximum Penalty: 10 Penalty Units

- (3) 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

- (4) 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.

28. RESTRAINT OF DOGS IN A PUBLIC PLACE

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

Infringement: 2 Penalty Units

Maximum Penalty: 10 Penalty Units

- (2) Dogs allowed off the lead, in public places 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

For the purposes of clause 28 (2), Effective control means a dog will return to its owner upon command, the owner retains a clear and unobstructed view of the dog, and that it does not bother, attack, worry or interfere with other people or animals.

29. ANIMAL LITTER

- (1) Any Person who has the control of an animal (including a dog) on Municipal land or in a public place (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 from that animal.
- (2) A Person who owns or controls or is in charge of an animal (including a dog) must immediately remove and as soon as possible place in a receptacle designed for disposal of waste any excrement of that animal.

Infringement: 2 Penalty Units

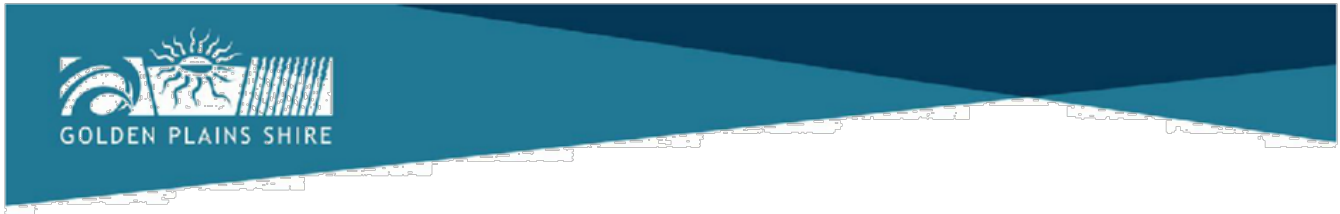
Maximum Penalty: 10 Penalty Units

30. BEES AND WASPS

- (1) An owner or occupier of any land who keeps bees on that land must do so in accordance with the Golden Plains Planning Scheme and the relevant Apiary Code of Practice.

For the purposes of clause 30(1), Council will issue a Notice to Comply or undertake a Planning Investigation if any breaches are identified.

- (2) An owner or occupier of land who is aware that there is a European or English Wasp nest on the land must have the nest removed.



Infringement: Penalty Units

Maximum Penalty: 5 Penalty Units

- (2) The owner or occupier of any land must not allow any feral European honey bees on that land to cause, or be likely to cause, a nuisance to any person.
- (3) For the purposes of clause 30(3), 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 - DISPOSAL OF WASTE

31. 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) slops or liquid waste; or
- (b) moist refuse unless the moist refuse has previously been strained and securely wrapped in paper so as to prevent its escape or leakage; or
- (c) dust from any vacuum cleaner, hair or other like substance unless the dust, hair or other substance has first been securely wrapped in paper so as to prevent its escape; or
- (d) ashes or other like substance unless the ashes are or other substance is non-combustible and free from any heat-generating particles; or
- (e) window glass or other sharp object unless the window glass or other sharp object is wrapped or secured in such a manner as to render it harmless and inoffensive; or
- (f) commercial or domestic building waste, such as brick, rubble, concrete, timber, plaster, tiles or soil; or
- (g) hazardous chemical or material, such as asbestos; or
- (h) volatile, explosive or flammable substance; or
- (i) nightsoil; or
- (j) oil, paints, solvents or like substances; or
- (k) waste of a shape, size or weight that cannot be contained in such a Council-Provided Mobile Bin; or
- (l) Household Refuse or waste matter of any kind, the combined weight of which, in the case of a Council-Provided Mobile Bin, exceeds 70 kilograms; or
- (m) needle, syringe or medical waste; or
- (n) Industrial Waste; or
- (o) other object 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 waste collection by Council shall be placed in an approved container.

Infringement: 1 Penalty Unit

Maximum Penalty: 5 Penalty Units

(3) All material for Domestic Waste collection by Council must be placed in an approved container.

Infringement: 1 Penalty Unit

Maximum Penalty: 5 Penalty Units



(4) Containers must be placed outside the land for collection in accordance with directions given by the Council and returned to the land by the owner or occupier when emptied.

Infringement: 1 Penalty Unit

Maximum Penalty: 5 Penalty Units

(5) A owner of occupier of a dwelling or other land in 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

(6) An owner of occupier of a dwelling or other land in which Council provides a waste collection service (including recyclable waste) must place all 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

(7) A owner of occupier of a dwelling or other land in which Council provides a waste collection service (including recyclable waste) 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

(8) 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

(9) 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

(10) A person must not place Contaminated Material in a Domestic Waste container for collection by the Council.

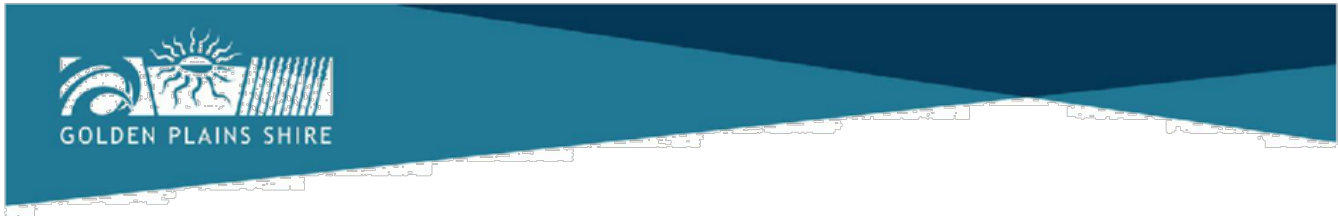
Infringement: 1 Penalty Unit

Maximum Penalty: 5 Penalty Units

(11) 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



(12)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

(11)No more than one garbage bin and recycling 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

(12)Containers must be maintained by the owner and occupier of premises in a clean, tidy and safe condition so as: not to cause a health threat or offence to any person; and to remain vermin proof

Infringement: 1 Penalty Unit

Maximum Penalty: 5 Penalty Units

(13)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

(14)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

(15)The owner or occupier of a property must remove any materials which have spilled onto a road, or any other municipal place from the properties waste or recycling bins.

Infringement: 1 Penalty Unit

Maximum Penalty: 5 Penalty Units

(16)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 place from the properties waste or recycling bins as described in clause 25(13) and that person must do so.

Infringement: 1 Penalty Unit

Maximum Penalty: 5 Penalty Units



Clause 31(8) 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.

32. PUBLIC LITTER

(1) A person must not, without a permit:

- (a) cause or permit rubbish, litter or waste to be placed or dumped on any Municipal land, unless as part of a hard waste collection as described in clause 32.

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) burning materials.

Infringement: 2 Penalty Units

Maximum Penalty: 5 Penalty Units

33. 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.
- (a) 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.
- (b) 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.
- (c) Ensure that the facility is emptied whenever full and if necessary provide a replacement during the emptying process.



- (d) 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.
- (e) Be responsible for the tidiness of an abutting nature strip.
- (f) Ensure that no materials, vehicles or items are placed on nature strips or other Municipal land unless approved by Council.
- (g) Ensure that the Footpath adjacent to the land to which the building permit relates is kept clear of mud and dirt at all times.
- (h) 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.
- (i) 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

34. 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 road or street in the Shire.

Infringement: 3 Penalty Units

Maximum Penalty: 15 Penalty Units

35. USE OF MUNICIPAL TRANSFER STATION

- (1) The municipal transfer station located in the Shire is available for the disposal of waste, subject to the fees, charges, terms and conditions as determined by Council from time to time.
- (2) Any person using the municipal transfer station 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

- (3) 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.
- (4) 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

**36. 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 vested in the Council any waste material other than stormwater.

Infringement: 5 Penalty Units

Maximum Penalty: 20 Penalty Units

Clause 36(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 - MATTERS CONCERNING GENERAL ACTIVITIES ON ROADS AND ROADSIDES

37. FIREWOOD COLLECTION

- (1) A person must not, without a permit, remove firewood, including dead trees and fallen branches, from a roadside or municipal place.

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 normally associated with the lawful occupation of land.

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

Clause 39(1) does not apply 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. 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.

- (3) A person who commits an offence under clause 39(1) must remove and rectify any change made to Municipal land or any Road as a result of the unauthorised occupation within one month or other reasonable time determined by the Council.

Infringement: Penalty Units

Maximum Penalty: 20 Penalty Units

- (4) If a person fails to remove and rectify any change to Municipal land or any Road under clause 39(1) and (2) Council may remove and rectify the change and recover the cost of the removal and rectification from the offender.
- (5) A person employed, contracted or authorised by the Council for the purpose is exempted from clauses 39(1), 39(2) and 38(3).
- (6) Mowing a nature strip is excluded from clause 39(1).

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 VicRoads/Regional Roads Victoria 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 sufficient 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
 - (b) charge any associated costs for such works to 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 useda second or subsequent Vehicle Crossing.



For the purposes of clause 43(1) and (2), a maximum of two (2) Vehicle Crossings are permitted within any residential zone.

Infringement: 5 Penalty Units

Maximum Penalty: 20 Penalty Units

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, 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

- (1) Where works on a property involve the relocation or closure of a Vehicle Crossing 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) Council may require the owner or occupier of a property to remove any part or all of a vehicle crossing for which there is no effective point of vehicle access and to reinstate the road.

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

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- (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; or
 - (b) Sell or offer to sell goods or services on a road.
 - (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;
 - (b) Whether the applicant meets the requirements of the Food Act 1984.
 - (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 waste water disposal, litter and garbage disposal, lighting and Advertising Signs;
 - (f) Whether the consent of VicRoads/Regional Roads Victoria 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;

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- (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. IMPOUNDING OF GOODS AND EQUIPMENT

- (1) An Authorised Officer may remove and impound any goods and associated equipment from a site if there has been a breach of a 'Notice to Comply'

50. LOCATING GOODS FOR SALE

- (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 50(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.

51. 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 51(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 are registered in accordance with the *Food Act 1984*;



- (c) Whether the facility is likely to obstruct the visibility at an intersection;
 - (d) Whether appropriate and safe pedestrian access can be maintained;
 - (e) Whether the tables, chairs and other equipment to be used will be a hazard;
 - (f) Whether any person who may be liable for injury caused by the placing of the sign is insured against that risk;
 - (g) Whether the application meets other requirements associated with general amenities of the establishment (eg. Ratio of people to available toilets)
 - (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.
- (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.

52. 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 for reasons of public safety.

Infringement: 5 Penalty Units

Maximum Penalty: 20 Penalty Units

53. 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 53(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 contravene 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 53(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 53(1), any Person who is concerned in 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 53(1).

54. ROAD OCCUPATION FOR WORKS

- (1) A person on a Council-controlled road must not, without a permit:
- (a) Carry out works on the road; or
 - (b) Do anything in relation to works, which affects or is likely to affect the use of the road.

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) Whether any person who may be liable for injury caused by the works 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) 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.



55. STREET PARTIES, STREET FESTIVALS AND PROCESSIONS

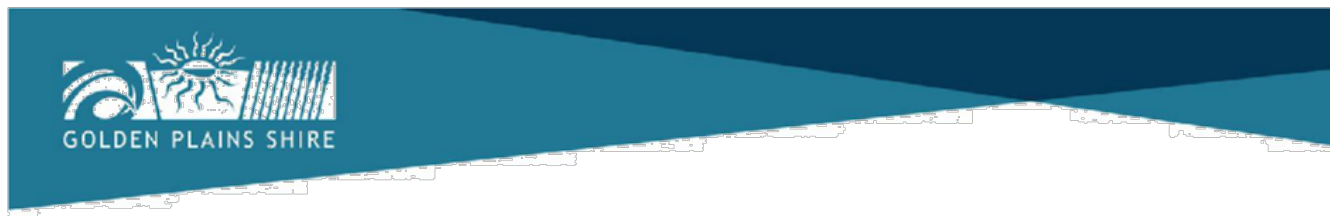
- (1) A person must not, without a permit, hold a Street Party, Street Festival or Procession on a Road.

Infringement: 3 Penalty Units

Maximum Penalty: 15 Penalty Units

- (2) In deciding whether to grant a permit in respect of clause 55(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 by letter and given 7 days to comment or object;
 - (c) Whether a person on behalf of the applicant has been nominated 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 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 55 for a Street Party, a Street Festival or a 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 VicRoads/Regional Roads Victoria 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 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 55(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 55(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.

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56. 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 it is proposed to collect;
 - (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 VicRoads/Regional Roads Victoria (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 to clause 56(1), no fee will be charged to registered charity organisations.



PART 6 - MANAGEMENT OF PARKING

57. PARKING

- (1) A person must not, without a permit, park, keep, store or repair a Heavy Vehicle on:
 - (a) Any Road for which Council is the Responsible Road Authority for the purposes of the Road Management Act 2004 for more than two hours at any one time;
 - (b) Any land in a Township or General Residential Zone; and
 - (c) Any vacant land within a Low Density Residential Zone.

Infringement: 2 Penalty Units

Maximum Penalty: 10 Penalty Units

- (2) If a Heavy Vehicle breaks down and cannot be moved without some minor repair, then it is acceptable to make that repair if 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 by towing.

Infringement: 2 Penalty Units

Maximum Penalty: 10 Penalty Units

- (4) In deciding whether to grant a permit in respect of Clause 57(1) Council must consider the following:
 - (a) The location of the premises
 - (b) the proximity to adjoining premises;
 - (c) 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;
 - (d) the type and number of Heavy Vehicles proposed to be parked, kept, stored, repaired, or allowed to remain;
 - (e) the location where the Heavy Vehicle is proposed to be parked, kept, stored, repaired, or allowed to remain in relation to surrounding dwellings;
 - (f) The traffic function, traffic volume and width of other roads in the vicinity;
 - (g) Whether the unobstructed sight distance when exiting from the property is capable of being at least 80 metres;
 - (h) 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;
 - (i) Any load limit restriction in force on the relevant road;
 - (j) Whether the property is of sufficient size and layout to enable the vehicle to be properly garaged;
 - (k) Council Policy; and



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

58. UNREGISTERED OR ABANDONED VEHICLES ON MUNICIPAL LAND

- (1) A person must not leave an unregistered vehicle or abandon a vehicle on a Road or other Public Place.

Infringement: 5 Penalty Units

Maximum Penalty: 20 Penalty Units

59. IMPOUNDING UNREGISTERED OR ABANDONED VEHICLES

- (1) Where a vehicle left standing on a road or other public place:
- (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.

60. 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 an added 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.

61. 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 unlawful obstruction; or
 - (b) A danger to road users; or
 - (c) Getting in the way of or likely to get in the way of traffic;

then the provisions of this Part relating to unlawfully parked vehicles apply, with any necessary modifications.

62. NOTICE TO OWNER

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

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**63. 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 as Council thinks fit.

- (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.
- (4) The title of the purchaser of a vehicle sold under this Part is not impeachable and the purchaser takes such vehicle free from any title, estate, interest or right of any other person.



PART 7 - LIVESTOCK ON ROADS

64. OFFENCES CONCERNING LIVESTOCK ON ROADS OR ROADSIDES

- (1) Subject to clause 64(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 person who is in charge of the Movement of Livestock on any road 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) Any person in charge of the grazing of livestock on a road must apply for a permit and must also:

- (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 in the Australian Standards for such purposes and any other signage necessary for road safety having regard to topography, conditions, livestock type and numbers.

65. 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.

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

- (1) 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 VicRoads/Regional Roads Victoria.



PART 8 – STANDPIPES

67. COUNCIL OPERATED STANDPIPES

(1) Any person taking water from a Council-operated standpipe must:

- (a) Have a valid permit on their person;
- (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 a CFA fire-fighting appliance is exempt from the requirements of clause 67(1) and 67(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 67(1) and 67(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 67(1) and 67(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

68. 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 Section 223 of the Act.
- (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.

69. 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 when applicable at the time of applying for a permit.

70. ISSUE OF PERMITS

- (1) Council may:
 - (a) Issue a permit, with or without conditions;
 - (b) Refuse to issue a permit; or
 - (c) Cancel or revoke a permit as provided by clause 66.

71. 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.

72. 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 deemed necessary;
 - (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

73. 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 significant error or misrepresentation in the application for the permit; or
 - (d) In 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 of the reason why it has been served.

74. CORRECTION OF PERMITS

- (1) Council may amend a permit 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.

**75. 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.

76. 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

77. DELEGATION

In accordance with Section 114 of the Act, 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.



DIVISION 2 - ENFORCEMENT

78. 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.

79. 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.

80. 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

81. 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 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:
 - (i) The person by whose default, permission or cause the situation has arisen; or
 - (ii) The owner or the occupier of the land affected; and



- (b) 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.

82. 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.

83. PENALTIES AND INFRINGEMENT NOTICES

- (1) The penalties indicated throughout this Local Law are the maximum penalties able to be imposed in the Magistrate's 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.

84. 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 will 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' is entitled to disregard the notice and defend the matter in a Court of Law.

85. 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 Amenity Local Law No.2 (2017)
- 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. 2 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. 2 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 XX of Local Law No. 2 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. 2 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. 2 General Public Amenity

Signature of Authorised Officer

DATE OF ISSUE: *****



SCHEDULE 4 – DOG ON LEAD AREAS

