



DRAFT LOCAL LAW NO. 2
ENVIRONMENTAL

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DRAFT

INDIGO SHIRE COUNCIL
LOCAL LAW NO. 2 – ENVIRONMENTAL

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INDIGO SHIRE COUNCIL

LOCAL LAW NO. 2 - ENVIRONMENTAL

1 Power to make this Local Law

The Council's authority to make this Local Law is contained in Section 111 (1) of the Local Government Act 1989.

2 Commencement

This Local Law operates from the day following its making.

3 Cessation of operation of this Local Law

Unless this Local Law is revoked sooner, its operation will cease on the 10th anniversary of its making.

4 Scope of this Local Law

This Local Law applies to the whole of the municipal district except when it is apparent from its wording that it only applies to a specified area or areas. Where it applies to a road, it applies to all parts of the road reserve. Its provisions apply to the extent that they are not inconsistent with any Act, regulation or planning scheme applicable to the Council or its municipal district.

5 Definitions

In this Local Law, unless inconsistent with the context:

"Act"	means the Local Government Act 1989.
"Appropriate fee"	means the appropriate fee determined by the Council in accordance with this Local Law.
"Adjacent"	means adjoining or abutting.
"Alcoholic beverage"	means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees celsius.
"Audible bird scaring device"	means a device designed to scare birds from attacking crops and includes a bird scare gun, gas scare gun or an electronic bird scaring device or other similar noise-generating device but does not include a firearm.
"Authorised Officer"	means an Authorised Officer under section 224 of the Act.
"Barbeque"	means a device for cooking food outdoors, constructed predominantly of metal or other non-flammable material, however powered, and includes a device for spit roasting when used outdoors.
"Caravan"	means a vehicle on which people may live whether temporarily or on site and designed to be drawn by a motor vehicle.

"Cattle"	means any bull, cow, ox, steer, bullock, heifer, calf or buffalo.
"Council"	means Indigo Shire Council.
"Council land"	means land vested in or under the control of the Council, including roads, streets, reserves, watercourses, reservations and the like.
"Commercial"	means Business 1 zone in the Indigo Planning Scheme.
"Domestic Birds"	means small birds such as canaries, finches, budgerigars and the like.
"Electronic bird scarer"	means a noise-emitting device with a sound recording and speakers that is used to scare birds away from crops.
"Environmental Health Officer"	means the Environmental Health Officer(s) appointed by the Council.
"Gas gun"	means a device that emits a blast or multiple blasts or other similar device (but does not include a firearm) in order to scare away birds from crops.
"Large birds"	means any cockatoo, parrot and other similar sized bird but does not include poultry, pigeons or domestic birds.
"Licensed premises"	has the same meaning as in the Liquor Control Reform Act 1998.
"Lost property register"	means a book or document into which is entered records of property, not the property of the Council, which appears to have been lost and is in the possession of the Council.
"Motor vehicle"	has the same meaning as in the Road Safety Act 1986.
"Municipal district"	means the municipal district of the Council.
"Municipal property"	means any property under the control of the Council.
"Municipal building"	means any building in the possession or control of the Council.
"Municipal place"	means a public place which is owned or occupied by, or vested in, the Council in respect of which the Council has the care and management, to which the public has access (whether or not on payment of an admittance fee).
"Notice to Comply"	means a Notice to Comply referred to in this Local Law.
"Penalty unit"	means the amount payable for fines relating to an offence. This amount is indexed annually as set out in the <i>Monetary Units Act 2004</i> .
"Permit"	in relation to an activity, means a permit issued under this Local Law which authorises that activity.

"Poultry"	means a fowl of any age including ducks, geese, pheasants, turkeys, & guinea fowl.
"Planning scheme"	means the applicable planning scheme under the Planning and Environment Act 1987.
"Pound"	has the meaning ascribed to in the Impounding of Livestock Act 1994 and Domestic Animals Act 1994.
"Prohibited drug"	has the meaning ascribed to in Section 12A (1) (b) of the Drugs Poisons and Controlled Substances Act 1981 a list of any of the substances in Schedule 1 of the Poisons List or Schedules 2 to 9 of the Commonwealth standard or the Appendices to the Commonwealth standard that are not for general sale by retail but can only be supplied to persons specifically authorised by this Act or the Regulations, or with a permit or warrant under this Act, to obtain them.
"Public place"	has the same meaning as in the Summary Offences Act 1966.
"Putrescible waste"	means waste capable of decaying or rotting.
"Recreational vehicle"	means any mini bike, motor bike, motor scooter, go-kart or other vehicle propelled by a motor which is used for recreational purposes but excludes vehicles in use in farming purposes.
"Recyclable material"	means material in respect of which a separate Council, or Council authorised collection service applies.
"Reserve"	means a parcel of land which is primarily used for recreational purposes and includes a streamside reserve, public playground and sports ground.
"Road"	includes- <ul style="list-style-type: none"> (a) a street; and (b) a right of way; and (c) any land reserved or proclaimed as a street or road under the Crown Land (Reserves) Act 1978 or the Land Act 1958; and (d) a passage; and (e) a cul-de-sac; and (f) a by-pass; and (g) a footpath, bicycle path or nature strip; and (h) any culvert or kerbing or other land or works forming part of the road.
"Street"	means road.
"Total Fire Ban Day"	means a day declared either totally or partially in accordance with the Country Fire Act 1958 or the Metropolitan Fire Brigades Act 1958.
"Township area"	means land which is in a residential zone or area developed mainly for housing and which abuts a road or roads with a

	speed limit of 50 kilometres per hour or lower.
"Toy vehicle"	means a vehicle (as defined by the Road Safety Act 1986) which is designed or manufactured as an article of amusement and includes a bicycle, tricycle, scooter, skateboard, roller skates and roller blades.
"Trade Waste"	means – (a) any waste arising from commercial or industrial or trade activities, or from laboratories or from hospitals; or (b) any waste containing substances or materials which are potentially harmful to human beings or equipment.
"Vehicle"	has the same meaning as in the Road Safety Act 1986.
"Wasp"	means an English or European wasp (<i>Vespula Vulgaris</i> or <i>Vespula Germanica</i> are commonly known as English or European Wasps).

Part 1 – Preliminary

6 Title

This Local Law is the Indigo Shire Council's Local Law No. 2 Environmental and is referred to subsequently as this Local Law.

7 Objectives

The principal objectives of this Local Law are:

- 7.1 to ensure a safe and healthy environment for the municipal residents by regulating or controlling activities which may be dangerous or unsafe or be a nuisance; and
- 7.2 in a way consistent with and further to the objective specified in paragraph 7.1 to prohibit, regulate and control activities and circumstances associated with:
- audible bird scaring devices
 - fire hazards
 - dangerous and unsightly land
 - emissions from chimneys
 - fires in the open air
 - burning of offensive materials
 - recreation vehicles
 - advertising, bill posting and junk mail
 - noise in a public place
 - audible intruder alarms
 - camping
 - circuses and carnivals
 - keeping of animals
 - waste
 - non compliance with public signs
 - consumption and possession of alcohol

- behaviour
- municipal buildings
- municipal swimming pools
- reserves

7.3 to provide for peace, order and good government of the municipal district; and

7.4 to provide for the administration of the Council's powers and functions.

Part 2 – Safety and Amenity – People and Property

8 Fire hazards

An owner or occupier of land must ensure that reasonable steps are taken to prevent fires and minimize the possibility of the spread of fire.

Penalty Units: 5

9 Dangerous land

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

9.1 which is liable to afford harbourage for vermin; or

9.2 in which there exists a nest of *Vespula Vulgaris* or *Vespula Germanica* commonly known as English or European Wasps; or

9.3 which is used without a permit for the storage of any substance, which in the opinion of an Authorised Officer is dangerous or is likely to cause danger to life or property; or

9.4 which is in any condition determined by the Council from time to time to be dangerous or likely to cause danger to life or property and notification has been made by the Council to the owner.

Penalty Units: 5

10 Nature strips

10.1 A person must not allow to remain on the nature strip abutting land owned or occupied by that person any vegetative or other material (including but not limited to combustible waste, packaging, equipment, tyres or other substances) which constitutes or is likely to constitute a danger to persons or property.

Penalty Units: 5

10.2 Where an Authorised Officer is of the opinion that the condition of any land is dangerous or likely to cause danger to life or property, he or she may serve a Notice to Comply on the owner or occupier of the land.

11 Unsightly land

11.1 An owner or occupier of land must not allow or permit the land to be kept in a manner which is unsightly or detrimental to the general amenity of the neighbourhood, and without limiting the generality of this clause may include land which:

11.1.1 harbours unconstrained rubbish;

- 11.1.2 contains a disused excavation or waste material; or
- 11.1.3 is used for storage of machinery (including motor vehicles) or second hand goods of any kind or for the assembly or dismantling of such machinery or goods.

Penalty Units: 5

- 11.2 Where an Authorised Officer is of the opinion that the condition of any land is unsightly or detrimental to the general amenity of the neighbourhood it may serve a Notice to Comply on the owner or occupier of the land.

12 Drainage

12.1 Drains on private land

- 12.1.1 An owner or occupier of land must not allow any privately maintained drain on his or her land to remain in an offensive condition, including drains that:

- 12.1.1.1 give rise to unpleasant odours;
- 12.1.1.2 constitute a danger to public health; or
- 12.1.1.3 are otherwise deemed offensive by Council.

Penalty Units: 5

- 12.1.2 Where the Council is of the opinion that the condition of any drain is offensive, it may serve a Notice to Comply on the owner or occupier of the land.

12.2 Drainage tapings

- 12.2.1 A person must not without a written permit from the Council tap into or interfere with any drain under the control of the Council.

Penalty units: 5

- 12.2.2 Sub clause (12.2.1) does not apply where the Council has certified a plan of subdivision or given its approval for the drain to be tapped under any other legislation administered by it.

13 Chimneys

- 13.1 An owner or occupier of land must not cause or allow any chimney to discharge dust, grit, ashes or smoke to such an extent that it is dangerous to health or is offensive to another person.

- 13.2 Where Council is of the opinion that a chimney is discharging dust, grit, ashes or smoke which is dangerous to health or is offensive to another person, an Authorised Officer may serve a Notice to Comply on the owner or occupier of the land.

Penalty Units: 2

14 Fires in the open air

Note: Clause 14 of this Local Law only applies to township areas.

A person must not, without a permit, light, allow to be lit or remain alight, any fire in the open air other than in a barbeque.

Penalty Units: 5

15 Burning of offensive materials

- 15.1 A person must not, without a permit, burn or cause to burn any offensive materials in any part of the municipal district.
- 15.2 For the purpose of sub-clause (15.1) any materials containing the following substances are offensive:
- 15.2.1 manufactured chemical;
 - 15.2.1 rubber or plastic;
 - 15.2.2 petroleum or oil;
 - 15.2.3 paint or receptacle which contains or which contained paint;
 - 15.2.4 food waste, fish or other offensive or noxious matter; and
 - 15.2.5 other material as determined by the Council from time to time.

Penalty units: 5

- 15.3 In deciding whether to grant a permit, the Council must have taken into consideration:
- 15.3.1 the location of the proposed burning in proximity to adjoining land;
 - 15.3.2 the zoning of the land on which the burning is to take place;
 - 15.3.3 any alternative means of disposal;
 - 15.3.4 any adequate means of supervising the burning;
 - 15.3.5 any adequate means of controlling and extinguishing the spread of fire;
 - 15.3.6 the degree to which the material to be burned may produce offensive, toxic or unpleasant smells or smoke;
 - 15.3.7 any policies of the Environment Protection Authority; and
 - 15.3.8 any other matter relevant to the circumstances associated with the application.

16 Recreational vehicle

- 16.1 A person must not without a permit use a recreational vehicle on any Council land or reserve (other than a local road located outside of built up areas) unless the land or reserve has been designated for that purpose.

Penalty Units: 2

- 16.2 In deciding whether to grant a permit, the Council must take into consideration:
- 16.2.1 the location of the land where the recreation vehicle is to be used;
 - 16.2.2 the suitability of the land for use by recreation vehicles;
 - 16.2.3 the number of vehicles for which the permit is required;
 - 16.2.4 the days, times and hours the vehicles are to be used;

- 16.2.5 the likely damage which may be caused to any Council land;
- 16.2.6 the likely nuisance to occupiers of neighbouring property; and
- 16.2.7 any other matter relevant to the circumstances associated with the application.

17 Advertising, bill posting and junk mail

- 17.1 A person must not without a permit write, place or affix any letter, figure, device, poster, sign or advertisement on any building, fence or other property under the control of or vested in the Council except for designated community noticeboards.

Penalty Units: 5

- 17.2 In deciding whether to grant a permit, the Council must take into consideration:

- 17.2.1 the nature of the material;
- 17.2.2 the proposed location;
- 17.2.3 the likely interference with the free passage of any pedestrian or vehicle;
- 17.2.4 the likely nuisance to be caused;
- 17.2.5 the likely detriment to be caused; and
- 17.2.6 any other matter relevant to the circumstances associated with the application.

- 17.3 A person other than the Council must not place in or on any letter box, gate, fence, or generally leave or distribute to any property in the municipal district, any handbill, poster, pamphlet, flyer or other form of advertising or promotional material, where there is clearly displayed a sign or notice which states "no junk mail" or words of similar effect.

Penalty Units: 3

- 17.4 Sub-clause (17.3) does not apply to:

- 17.4.1 delivery of articles by Australia Post;
- 17.4.2 documents issued under or for the purposes of an Act of Parliament;
- 17.4.3 an Authorised Officer or member of the Police Force acting in the course of duties;
- 17.4.4 electoral material;
- 17.4.5 newspapers, or material folded or inserted into a newspaper; or
- 17.4.6 legal process.

18 Noise in a public place

18.1 A person must not, without a permit, in a public place:

18.1.1 sound or play a musical or noise instrument;

18.1.2 sound, play, control, operate or use a loudspeaker, amplifier, microphone, wireless receiving set or broadcasting set or other like device capable of being used for making or amplifying sounds or noise; or

18.1.3 shout, sing or harangue.

Penalty Units: 3

18.2 Sub-clause (18.1) does not apply to:

18.2.1 a device used in a manner and for a purpose permitted under the Road Safety Act 1986;

18.2.2 a warning which is reasonable in the circumstances;

18.2.3 an action on occupied land which is consistent with authority given by the occupier of that land;

18.2.4 sounds within a motor vehicle which cannot be heard outside the vehicle;

18.2.5 sound or noise conveyed through headphones which is not audible to a person other than the wearer of the headphones;

18.2.6 activities in any church, school, hall, theatre, market, auction room, licensed premises, or sportsground conducted or undertaken with the approval of the occupier or person responsible for the management of such premises;

18.2.7 activities associated with Anzac Day and Remembrance Day ceremonies;

18.2.8 festivals, where a permit to conduct that festival has been approved; or

18.2.9 a street performer or busker, where a permit has been issued by Council.

19 Audible intruder alarms

19.1 An owner or occupier of any premises must not install or permit or allow to be installed or cause to be retained in an active state at or upon any such premises any intruder alarm which emits a noise audible beyond the boundary of such premises unless such an alarm is so constructed or regulated as to ensure that –

19.1.1 whenever a detection device is activated, the audible intruder alarm is automatically rendered inaudible beyond the boundary of the premises within 5 minutes of the device being activated;

19.1.2 the audible intruder alarm cannot reactivate until the device has been manually reset.

Penalty Units: 9

19.2 Despite the above provisions an audible intruder alarm may operate for a further period of 5 minutes should an alarm be activated by a different detection device following the cessation of the audible intruder alarm in accordance with subclause 19.1.1 and 19.1.2.

19.3 Where the Council receives any complaint that an audible intruder alarm operates in any premises in a way which does not comply with sub-clause 19.1.1 (whether modified by sub-clause 19.1.2 or not), it may investigate the complaint.

19.4 If the owner or occupier of the property housing the audible intruder alarm or other evidence confirms a complaint, an Authorised Officer may by Notice to Comply require that the audible intruder alarm be:

19.4.1 adjusted to comply with this clause;

19.4.2 replaced with a complying audible intruder alarm;

19.4.3 switched off; or

19.4.4 disconnected.

20 Audible bird scaring devices (gas guns, electronic bird scarers or other similar devices)

20.1 A person must not use an audible bird scaring device unless all of the following are satisfied:

20.1.1 other types of bird scaring devices including non-audible devices and visual bird control measures have first been considered and evaluated for their effectiveness;

20.1.2 the audible bird scaring device is located as far away as possible from any dwelling on neighbouring properties;

20.1.3 whenever possible the shielding effects of natural features, buildings or the like are used to reduce the level of noise from the device at any dwelling on neighbouring properties;

20.1.4 the audible bird scaring device is located so that it is not directing noise at or facing any dwelling on neighbouring properties;

20.1.5 the audible bird scaring device is not operated before 7am or after sunset on any day;

20.1.6 a scaregun must not be used if the distance between the scaregun and any dwelling on neighbouring properties is less than 300 metres (refer to Note 1 page 17);

20.1.7 an electronic bird scarer or other similar device shall not be used if the distance between the device (which includes speakers) and any dwelling on neighbouring properties is less than 200 metres;

20.1.8 a scaregun must not be used if the distance in a straight line between a scaregun and another scaregun in use (whether located on the same or another property) is 150 metres or less;

20.1.9 no more than one (1) scaregun is to be used for every four (4) hectares of area under crop;

20.1.10 blasts from a single shot scaregun, must not be less than five (5) minutes apart;

20.1.11 a scaregun must not emit more than seventy (70) blasts per day;

- 20.1.12 the total time of operation of a scaregun must not exceed twelve (12) hours in any one day. However, the time of operation may be divided into two separate periods, provided the interval between blasts is not less than six (6) minutes;
- 20.1.13 multiple shot scareguns (up to 3 blasts) must complete their firing sequence within thirty (30) seconds and the firing sequences must not be less than five (5) minutes apart; (refer to Note 4 page 17)
- 20.1.14 the maximum noise level from any shot from a scaregun when measured at any dwelling on neighbouring properties, when the weather favours noise propagation (refer to Note 2 below) must not exceed an average maximum level of 100dB LIN Peak of the loudest 20 per cent of blasts (refer to Note 3 below).

NOTES

1. Where the level of the blast from a scaregun can be adjusted then the distance between the scaregun and any dwelling on a neighbouring property may be less than 300 metres. In this case the adjusting mechanism must be permanently fixed such that the average maximum level of the blasts at the dwelling on the neighbouring property does not exceed 100 dB LIN Peak (Note 3).
2. Weather conditions affect the propagation of noise. Received levels are loudest when the wind blows from the source to the receiver. Temperature inversions which often occur in the early mornings after a clear night also increase noise propagation.
3. The dB LIN Peak is measured with the sound level meter set to linear ('Z') frequency weighting and Peak ('P') time weighting.
4. For the purposes of an assessment under clause 17.7 each blast in a sequence from a multiple shot scaregun shall be counted as one blast.

COUNCIL PROCESS

In the event that Council is required to assess a complaint on bird scare activities, the steps set out below are followed:-

- an assessment is carried out under responsibilities of the Public Health and Wellbeing Act 2008;
- if a nuisance is proven then action is undertaken by Council in accordance with the Act or as provided for in the Act the matter may be best handled between the parties concerned;
- if no nuisance is determined under the Public Health and Wellbeing Act 2008 then an assessment is made under the provisions of the Local Law;
- if the activity complies with the Local Law yet the complainant remains dissatisfied then they are referred to the EPA;
- if the activity fails to comply with this Local Law then action is required by Council.

21 Camping

21.1 Except at a registered caravan park, a person must not, without a permit, camp or otherwise reside on or in any tent, caravan, or temporary or makeshift structure.

Penalty Units: 2

21.2 Nothing in the above clause shall require a permit to be obtained if an owner or occupier of land places, or causes to be placed, a tent, caravan or temporary or makeshift structure on that land for occupation by:

21.2.1 a person who ordinarily resides elsewhere on the land; or

21.2.2 a temporary visitor;

for a total period not exceeding 28 days in any period of one (1) year if proper sanitary facilities are maintained to the satisfaction of an Authorised Officer for use by such person or temporary visitor.

21.3 In deciding whether to grant a permit, the Council must take into consideration:

21.3.1 the location of the land;

21.3.2 the zoning of the land;

21.3.3 the suitability of the land for camping;

21.3.4 the number of tents or caravans and other structures to be located on the land;

21.3.5 the length of time the tents or caravans and other structures will be erected on the land;

21.3.6 the availability of sanitary facilities to the land;

21.3.7 the likely damage to be caused; and

21.3.8 any other matter relevant to the circumstances associated with the application.

22 Camping on roads and Council land

A person must not leave standing on any road, or land owned or occupied by Council any:

22.1 unregistered caravan or mobile home; or

22.2 registered caravan or mobile home for a period exceeding 24 hours.

Penalty Units: 2

23 Circuses and carnivals

23.1 A person must not, without a permit, conduct a circus, carnival or other similar event.

Penalty Units: 10

23.2 Sub-clause 23.1 does not apply where the Council's planning scheme allows a circus or other similar event to be held subject to a planning permit being obtained.

23.3 In deciding whether to grant a permit the Council must take into consideration:

- 23.3.1 the location of the land;
- 23.3.2 the suitability of the land;
- 23.3.3 the duration of the event;
- 23.3.4 the proposed hours of operation;
- 23.3.5 the availability of sanitary facilities to the land;
- 23.3.6 the likely damage to be caused;
- 23.3.7 the amenity of the area;
- 23.3.8 the availability of parking;
- 23.3.9 the likely effects on traffic in the area;
- 23.3.10 the impact of noise: and
- 23.3.11 any other matter relevant to the circumstances associated with the application.

Part 3 – Animals

24 Keeping animals

24.1 An owner or occupier of property in a township area must not without a permit keep or allow to be kept more than 4 different kinds of animals on any one property at any time nor keep or allow to be kept any more in number for each kind of animal than as set out in the following table:

Type of Animal	Maximum number allowed in township areas
Dogs	2
Cats	4
Pigeons	Permit required
Poultry	12 hens only (roosters prohibited)
Domestic birds	20
Large birds	2 (excluding peacocks)
Domestic rabbits	2
Horses/donkeys	Permit required
Cattle	Permit required
Sheep	Permit required
Goats	Permit required
Pigs	Not permitted
Other agricultural animals	Not permitted

Penalty Units: 2

24.2 Sub-clause 24.1 does not apply where a planning permit has been obtained for land used for the purposes of animal boarding or breeding; or a bird breeder's licence has been issued pursuant to the requirements of the Department of Sustainability and Environment.

24.3 In deciding whether to grant a permit the Council must take into consideration:

24.3.1 the zoning of the land;

24.3.2 the proximity to adjoining properties;

24.3.3 the amenity of the area;

24.3.4 the type and additional numbers of animals to be kept;

24.3.5 the likely effects on adjoining owners;

24.3.6 the adequacy of animal shelters; and

24.3.7 any other matter relevant to the circumstances associated with the application.

25 Animal housing

25.1 The owner or occupier of any land on which animals are kept must provide housing which is adequate and appropriate in the circumstances, taking into consideration:

25.1.1 the type of animals to be kept;

25.1.2 the height of the shelter;

25.1.3 the number of animals to be kept;

25.1.4 the capacity to maintain it in a sanitary and inoffensive condition;

25.1.5 the capacity to protect neighbours from noise from animals on the land; and

25.1.6 any other matters considered to be relevant.

25.2 All animal housing must be maintained so that:

25.2.1 all manure and other waste is removed and/or treated as often as necessary so that it does not cause a nuisance or offensive condition;

25.2.2 all manure and other waste is stored in a fly and vermin proof receptacle until removed from the premises or otherwise disposed of to the satisfaction of the Environmental Health Officer;

25.2.3 the ground surrounding the housing is drained to the satisfaction of the Environmental Health Officer;

25.2.4 the area of land within 3 metres of the area or structure in which the animal is kept must be kept free from dry grass, weeds, refuse, rubbish or other material capable of harbouring vermin;

25.2.5 all food, grain or chaff is kept in vermin proof receptacles; and

25.2.6 the area where animals are kept must be thoroughly cleaned and maintained at all times in a clean and sanitary manner to the satisfaction of the Environmental Health Officer.
Penalty Units: 2

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26 Animal excrement

26.1 A person in charge of an animal must not allow any part of the animal's excrement to remain on any road, street, nature strip, reserve or public or Council land in a township area.

Penalty Units: 2

26.2 A person in charge of an animal which litters a public place must immediately collect and then dispose of the droppings in a responsible manner.

Penalty Units: 2

27 Poultry

27.1 An occupier of land within a township area must not keep any poultry on the land unless the poultry are housed in a poultry house or similar structure approved by Council which is:

27.1.1 of a height not exceeding two (2) metres;

27.1.2 of an area not exceeding ten (10) square metres;

27.1.3 at least ten (10) metres from any road to which the land has a frontage;

27.1.4 at least three (3) metres from any other road;

27.1.5 at least one point two (1.2) metres from the boundary of any adjoining land;

27.1.6 at least ten (10) metres from any dwelling, whether on the land or any adjoining land; and

27.1.7 where poultry are free ranging they must be confined within the property boundaries.

27.2 An owner or occupier of land must not construct or allow to be constructed, reconstructed, or use any poultry house unless that poultry house:

27.2.1 has adequate roofing, drainage and a floor paved with impervious material to the satisfaction of an Authorised Officer; and

27.2.2 is constructed in such a manner as to be rat-proof.

Penalty Units: 2

28 Keeping of beehives

An owner or occupier of a property must not keep or allow to be kept any beehive on that property unless the person or one of them or another person permitted to use the property is a registered beekeeper and keeps the bees and hives in accordance with the Apiary Code of Practice.

Penalty Units: 3

29 Wasps' nests to be removed

An owner or occupier of a property who is aware that there are English or European wasps' nests on the property must take steps to cause them to be removed.

If the Council or an Authorised Officer is of the opinion that an English or European wasp nest is to be removed from a property, the Council or the Authorised Officer may serve a Notice to Comply on the owner or occupier of the property. In addition, the Council or Authorised Officer may arrange for the removal of the nest from the property by an exterminator at the owner or occupier's expense.

Penalty Units: 5

Part 4 - Waste

30 Removing or interfering with refuse or recyclable material

30.1 A person must not remove or interfere with refuse or recyclable material left on a road, or at any other collection point.

Penalty Units: 9

30.2 Sub-clause 30.1 does not apply to a person authorised by Council to remove such materials or an employee of such person acting in the course of employment, the person placing the materials for collection or an officer of Council acting in the course of their duties.

31 Domestic waste

31.1 This clause applies to the occupier of every dwelling or other property where the Council provides a garbage, recycling and green waste service.

31.2 The collection of refuse, green waste or recyclable goods shall only be by Council Officers or Council approved contractors, or Council recognised commercial collection providers.

31.3 All domestic waste must be placed in mobile garbage/recycling/greenwaste bins provided by Council ready for collection in accordance with Council requirements and on the days from time to time specified by the Council.

31.4 All mobile garbage/recycling/green waste bins shall remain the property of the Council and/or authorised contractor.

31.5 Sub-clause 31.2 does not apply to material which is recycled on the property in a manner which causes no nuisance to neighbours or kept on the property for recycling in accordance with a Council sponsored recycling program.

31.6 Bins must be placed for collection in the manner determined by Council from time to time.

31.7 A person must not place any waste, recyclables or green waste in a mobile bin, contrary to this Local Law.

31.8 The following material is prohibited from being placed in garbage/recycling/green waste bins for collection by the Council unless otherwise specified:

31.8.1 slops, liquid waste or offensive material;

- 31.8.2 dirt, dust, or other matter from any vacuum cleaner, ashes, hair or other similar matter or moist refuse, unless it has been securely wrapped in paper or some other impermeable cover or container to prevent its escape;
 - 31.8.3 ashes or other like matter unless they have been mixed with water to form a consistency of a stiff paste before being wrapped and placed in the bin;
 - 31.8.4 sharp objects unless they are properly contained or wrapped in such a way as to render them harmless and inoffensive and placed in a garbage bin;
 - 31.8.5 used needles and syringes;
 - 31.8.6 oil, paint, solvents or similar substance or any other substance which may damage the bin or reduce its strength or effectiveness;
 - 31.8.7 disposable napkins unless they have been cleaned of solids and securely wrapped in impervious material prior to being placed in the bin;
 - 31.8.8 trade wastes of any kind, including scrap metals;
 - 31.8.9 soil and masonry; and
 - 31.8.10 industrial, chemical and any other wastes defined as “prescribed wastes” by the EPA.
- 31.9 Once the waste has been collected by the Council or approved contractor, the empty bins must be returned within 48 hours to the property by the occupier and any waste which has spilled onto the road, nature-strip or surrounding area, must be removed by the occupier responsible for the bin, as soon as practicable and may be reported to the Council.

It shall be the responsibility of a property occupier to maintain the bins provided in a clean and tidy manner so as not to cause any health threat or which may be offensive to any person.

32 Hard garbage and green organics collection

Where the Council has notified occupiers of a hard garbage and green organics disposal program, the material to be disposed of must be brought to the disposal facility in accordance with the Council’s instructions.

33 Damage to or loss of a mobile garbage, recyclable bin or green waste bin

- 33.1 The Council must be advised within 24 hours if a mobile garbage bin, recycling or green waste bin develops defects, is damaged, or is stolen or missing.
- 33.2 If a mobile garbage bin, recycling or green waste bin is stolen or missing, the police should be notified within 24 hours.
- 33.3 Where a mobile garbage bin, recycling or green waste bin has been lost or stolen, the cost of a replacement bin may be borne by the householder.
- 33.4 Any property occupier, following due investigation by an Authorised Officer, found responsible for deliberate, wilful or material damage to a mobile garbage, recycling or green waste bin shall be required to pay to the Council an amount equivalent to the cost of a new mobile bin before a replacement mobile garbage, recyclable or green waste bin will be provided by the Council.

- 33.5 The loss of a mobile garbage, recyclable or greenwaste bin from a property resulting from a change of property ownership, occupier or tenant shall require the property owner (or his/her agent) at the time of the reported mobile garbage, recyclable or green waste bin loss to pay to the Council an amount equivalent to the cost of a new mobile garbage, recyclable or green waste bin before a replacement mobile garbage, recyclable or green waste bin will be provided by the Council.

34 Trade waste and bulk waste containers

- 34.1 An occupier of property who arranges for the collection of waste, including trade waste or for the placement of a bulk waste container must ensure that the requirements of this clause are complied with.
- 34.2 Trade waste and bulk waste containers used for the collection and storage of a waste bin on a road must have a permit and
- 34.2.1 be constructed of approved impervious material to the satisfaction of the Environmental Health Officer to prevent leakage, absorption or accumulation of any refuse or rubbish that may be deposited in it;
 - 34.2.2 be water-tight, fly and vermin proof;
 - 34.2.3 contain a removable drainage plug for the purpose of cleaning;
 - 34.2.4 when used for the temporary storage of putrescible wastes be fitted with a hand or foot operated roll top lid with rubber seals which must be continuously closed when not being accessed; and
 - 34.2.5 when used for the temporary storage of general wastes (not including putrescible refuse), be fitted with a close fitting lid with overlapping flanges which must be kept continuously closed when not being accessed.
- 34.3 Trade waste and bulk waste containers located in a township area or land included in a Special Use Zone under a planning scheme must be emptied at least weekly or more regularly if the contents become offensive. The disposal of putrescible waste must be undertaken as directed by the Environmental Health Officer.
- 34.4 The occupier must ensure that:
- 34.4.1 the bin is stored and maintained in a clean, sanitary and inoffensive condition and at all times keep clean any footway, pavement or ground adjoining the storage area, to the satisfaction of the Environmental Health Officer;
 - 34.4.2 the surface upon which the bin is stored, is impervious, graded and drained to the sewer or an approved outlet with such silt traps or other treatment devices as required by the Environmental Health Officer;
 - 34.4.3 the storage site is supplied with a tap connection and hose of a size approved by an Environmental Health Officer;
 - 34.4.4 the bin is screened in such a way and with such material as approved by an Environmental Health Officer;
 - 34.4.5 the bin is adequately fenced or constructed in such a way so as to deny access to the public; and

34.4.6 the bin is cleaned thoroughly after each emptying.

34.5 Trade waste and bulk waste containers used for the collection of waste material must display a notice indicating the type of waste or material which is permitted and stating that it is an offence to deposit any material contrary to the notice.

34.6 A person must not place any waste or material in a trade waste, and bulk waste containers contrary to the notice on it.

34.7 The following material is prohibited from being placed in bins used for the collection of trade waste materials:

34.7.1 acids;

34.7.2 poisons; and

34.7.3 volatile or explosive matter.

Penalty Units: 5

34.8 The owner of land placing a bulk waste container on the property must maintain the vehicular crossing so that it is safe to use and carries out the function for which it is was constructed.

Penalty Units: 1

34.9 If the Council or an Authorised Officer is of the opinion that a vehicle crossing is in a state of disrepair or otherwise is in an unsatisfactory condition, as a result of the placement of bulk waste containers, the Council or the Authorised Officer may serve a Notice to Comply on the owner or occupier of the property to be served by the crossing.

35 Transportation of waste

35.1 No person shall undertake the collection and disposal of trade waste within the municipality without the prior written consent of Council.

35.2 A person must not convey or cause to be conveyed in any vehicle on any road in the municipal district, any manure, dead animal or animal remains, offal, bones, hides, skins, offensive matter, refuse, rubbish or other waste matter unless the vehicle is constructed, fitted, loaded and covered where necessary so that:

35.2.1 no leakage occurs or other material is dropped or deposited on any street or road or adjacent area from the vehicle; and

35.2.2 the possibility of escape of offensive odours is reduced.

Penalty Units: 5

36 Use of transfer station

36.1 Any municipal transfer station is available for the disposal of waste and collection of recyclables, subject to the fees, charges, terms and conditions as determined by the Council from time to time.

36.2 Any person using a transfer station must comply with the conditions determined by Council and must pay any applicable fees and charges.

36.3 The Council may refuse entry to a person who fails to pay the required fee or charge or who fails to comply with the terms and conditions of use of the transfer station.

Penalty Units: 2

37 Depositing of waste recyclables and green waste at transfer stations

A person who uses a transfer station must deposit waste and recyclables in accordance with the directions of the attendant and any notice signs.

Penalty Units: 2

38 Dumping of ice chests, trunks or similar containers

A person must not place or leave or allow to remain a disused refrigerator, ice-chest, icebox, trunk, chest or any other similar article having a compartment which has a capacity of 0.04 cubic metres or more at any transfer station in the municipal district without first:

- 38.1 ensuring any CFC gases are removed by a licensed person; and
- 38.2 removing every door and lid; or
- 38.3 removing every lock, catch and hinge attached to a door or lid; or
- 38.4 otherwise rendering every door and lid incapable of being fastened.

Penalty Units: 5

39 Removal of material from transfer stations

39.1 A person must not, without approval, remove material of any kind which has been deposited at the transfer station.

Penalty Units: 5

39.2 In deciding whether to grant approval the Authorised Officer must take into consideration:

- 39.2.1 the nature of the material to be removed;
- 39.2.2 the recyclable value of the materials to the Council; and
- 39.2.3 any other matter relevant to the circumstances associated with the application.

Part 5 - Non compliance with Public Signs

40 Comply with signs

A person must not, except with a permit, do anything contrary to any sign erected by Council at any public place which prohibits the action or behaviour.

Penalty Units: 5

Part 6 – Consumption and Possession of Alcohol

41 Public places where alcohol beverages may not be consumed

41.1 A person must not without a permit, nor otherwise in accordance with the conditions of such permit, at any time on any road within the municipality:

- 41.1.1 consume an alcoholic beverage; or

41.1.2 have in his possession or control any alcoholic beverage other than in a sealed container.

Penalty Units: 5

41.2 A licensee of licensed premises must not cause or permit liquor purchased at the licensed premises to be consumed on a road adjacent to the licensed premises.

Penalty Units: 5

41.3 Sub-clause 41.2 does not apply if the licensee of the licensed premises is the holder of a permit for the consumption of liquor on a road granted under this Local Law.

42 Consumption and possession of alcohol on public reserves

A person must not without a permit in any public reserve or in any motor vehicle on any public reserve between sunset and sunrise:

42.1 consume any liquor; or

42.2 have in their possession or control, any liquor other than liquor in a sealed container.

Penalty Units: 5

43 Exemptions

The Council may grant a permit for the consumption of any liquor or for the possession of liquor in unsealed containers in any municipal place.

43.1 In deciding whether to grant a permit the Council must take into consideration:

43.1.1 the nature, duration and location of the event;

43.1.2 the effect on the quiet enjoyment of people in the municipal district;

43.1.3 the comments in any submissions received; and

43.1.4 any other matter relevant to the application.

Part 7 – Behaviour

44 Behaviour in municipal places

44.1 A person must not, in any municipal place, behave in a manner which is boisterous or harmful and which would cause interference with the quiet enjoyment by any person using the municipal place.

Penalty Units: 5

44.2 A person must not, in any municipal place, behave in a way which would be detrimental to the municipal place or other public asset.

Penalty Units: 5

44.3 A person must not enter or remain in a municipal place while in a drunken or intoxicated condition, or under the influence of any hallucinatory or prohibited drug.

Penalty Units: 5

44.4 A person who owns or occupies land in the municipal district must not cause or allow trees, plants or any other matter on that land to cause damage to or interference with a municipal place.

Penalty Units: 5

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45 Prohibited behaviour

- 45.1 A person must not use language or behave in a manner which is indecent, offensive or abusive and which annoys, disturbs, interrupts, molests or obstructs any person's enjoyment of a public place.
- 45.2 A person must not commit any nuisance.
- 45.3 A person must not act in a way which endangers any person.
- 45.4 A person must not use any volatile, explosive or flammable material.
- 45.5 A person must not damage, destroy, write on, interfere with, remove or affix anything to any building, improvement or other structure of any kind unless lawfully permitted by the owner.
- 45.6 A person must not carry firearms unless specifically authorised to do so, being a person who is a Police Officer acting in the course of duty or another person referred to in Section 29D (4) of the Firearms Act 1996.
- 45.7 A person must not shoot, snare, molest, injure or in any way harm or interfere with any bird or animal.
- 45.8 A person must not use any life saving or fire fighting device unless during an emergency or with the approval of a person in charge or an Authorised Officer.
- 45.9 A person must not act contrary to any conditions of use which apply.
- 45.10 A person must not deposit any litter in a municipal place, except in a receptacle provided for that purpose.
- 45.11 A person must not except for a child under the age of seven (7) years in the care of a responsible person, enter or use any dressing room, shower, convenience or other area in a municipal place which has been appropriated for persons of the opposite gender.
- 45.12 A person must not sell any goods or services in a municipal place without a permit issued by Council or an Authorised Officer.
- 45.13 A person must not erect, effect or place any advertisement in a municipal place without a permit issued by Council or an Authorised Officer.
- 45.14 A person must not erect, operate or cause to be erected or operated any amusement in a municipal place without the consent of Council or an Authorised Officer.
- 45.15 A person must not obstruct, hinder or interfere with any member of staff of Council in the performance of his or her duties at a municipal place.
- 45.16 A person must not act contrary to any lawful direction of an Authorised Officer or member of staff of Council given in a municipal place, including, without limitation, a direction to leave the municipal place whether or not a fee for admission to the municipal place has been paid.

Penalty Units: 5

Part 8 – Municipal Buildings

46 Behaviour in municipal buildings

- 46.1 A person must not, without the consent of Council or an Authorised Officer:
- 46.1.1 conduct any function or event in a municipal building;
 - 46.1.2 bring any animal into, or allow any animal under his or her control to remain in, a municipal building (other than the municipal pound) except a guide dog being used by a visually impaired person;
 - 46.1.3 eat or drink in a municipal building except in areas designated for these purposes;
 - 46.1.4 bring any vehicle, toy vehicle or bicycle into a municipal building, unless it is a –
 - 46.1.4.1 pram or pusher being used by a child; or
 - 46.1.4.2 wheelchair being used by a disabled person; or
 - 46.1.5 bring into a municipal building any object, substance or liquid which may;
 - 46.1.5.1 be dangerous or injurious to health; or
 - 46.1.5.2 have the potential to foul, pollute or soil any part of the municipal building.

Penalty Units: 2

- 46.2 An Authorised Officer or person authorised by Council may refuse any person access to a municipal building if:
- 46.2.1 the person appears intoxicated or under the influence of a drug;
 - 46.2.2 except in the case of a person who is in control of a guide dog, the person has with him or her an animal;
 - 46.2.3 the person is carrying an object which could be used as a weapon (unless that person is a member of the Victoria Police or is a security guard engaged by Council);
 - 46.2.4 the person is not decently attired; or
 - 46.2.5 the Authorised Officer or person authorised by Council is reasonably satisfied that the person may behave in an offensive manner or may cause a nuisance or endanger any other person in the Municipal Building.

Part 9 – Municipal Swimming Pools

47 Municipal swimming pools

- 47.1 At a municipal swimming pool, a person must not:
- 47.1.1 enter or remain in a swimming pool unless a swimming pool attendant is present;
 - 47.1.2 permit a child under the age of 10 years, who is under his or her care or control, to enter or remain in a swimming pool, unless under the direct supervision of a responsible adult;
 - 47.1.3 enter or remain in any swimming pool beyond his or her depth, if he or she is unable to swim;
 - 47.1.4 enter or remain in any swimming pool after nightfall, unless the swimming pool and surrounds are properly lit;
 - 47.1.5 roll or throw stones or any other articles into or upon any part of the municipal swimming pool, unless in the course of a game or activity approved by an Authorised Officer or swimming pool attendant;
 - 47.1.6 interfere with or obstruct any person who is attempting to, or in the process of, rendering assistance to any person in distress or difficulty in a swimming pool;
 - 47.1.7 enter or remain in a toddler's swimming pool if over the age of five (5) years, unless that person is in charge of a child under the age of five (5) years;
 - 47.1.8 enter or remain in any swimming pool while in an unclean condition;
 - 47.1.9 enter any swimming pool without having first showered at the municipal swimming pool;
 - 47.1.10 spit, spout water or blow his or her nose, urinate or defecate in a swimming pool or perform any other act likely to result in discharges from the body entering a swimming pool;
 - 47.1.11 use any substance or preparation which may discolour or otherwise render unfit for use, any shower or swimming pool;
 - 47.1.12 use soap other than in a shower;
 - 47.1.13 foul, pollute or wilfully or improperly soil any part of the municipal swimming pool;
 - 47.1.14 enter into the swimming pool with swimming or play equipment (e.g. floatation devices, flippers, beach balls, bats, balls etc) unless at the discretion and judgment of an Authorised Officer or Swimming Pool Attendant based on consideration of perceived, potential and real risks to the patron, other patrons, and general amenity of the swimming pool environment.

- 47.1.15 enter or remain in the municipal swimming pool unless clad in a clean swimming costume that preserves public decency to the satisfaction of an Authorised Officer.

Any person not complying with the above section will be asked to leave the swimming pool grounds by the Authorised Officer or Swimming Pool Attendant.

48 Lost and found articles

- 48.1 At each municipal swimming pool there must be kept by a swimming pool attendant a Lost Property Register.
- 48.2 Any person who finds an article left in a municipal swimming pool must deliver it to a swimming pool attendant.
- 48.3 On receiving any article delivered to him or her under Clause 48.1, the swimming pool attendant must take charge of the article and enter in the Lost Property Register a description of the article, the time and date of its receipt and the name of the finder.
- 48.4 The swimming pool attendant may release an article, of which particulars have been entered in the Lost Property Register, to a person upon:
- 48.4.1 being satisfied that the person is the owner or an agent of the owner of the article; and
 - 48.4.2 payment of any fee fixed by Resolution of Council.
- 48.5 The owner or person claiming to be the owner of any property who receives an article under Clause 48.4 must acknowledge receipt of the article in the Lost Property Register.
- 48.6 If, within four (4) weeks of the particulars of an article being entered in the Lost Property Register, the item has not been released under Clause 48.4 Council may:
- 48.6.1 sell
 - 48.6.2 destroy;
 - 48.6.3 give away; or
 - 48.6.4 otherwise dispose of the item of lost property as it deems fit.

Part 10 – Reserves

49 Activities prohibited in reserves

- 49.1 In a Reserve, a person must not:
- 49.1.1 unless he or she is a player, official or attending to a player in a game or sport, enter upon or remain on any area set aside for the game or sport while the game or sport is being played;
 - 49.1.2 carry any firearm, bow, cross-bow or offensive weapon without the consent of Council or an Authorised Officer;

- 49.1.3 destroy, damage or interfere with any flora or kill, injure or interfere with any fauna, without the consent of Council or an Authorised Officer;
- 49.1.4 climb, jump or get upon or over any wall, fence, gate, seat or other structure;
- 49.1.5 throw any stones or missiles;
- 49.1.6 spit upon or otherwise foul any path or structure;
- 49.1.7 use an amplifier or electronic device other than in a manner and location permitted by Council or an Authorised Officer;
- 49.1.8 use any children's playground equipment other than for the purpose for which it was provided;
- 49.1.9 swim, paddle, dive, jump into or enter any wetland, pond or fountain unless in an area designated for such purpose by Council;
- 49.1.10 throw, place or cause or allow to be thrown or placed any liquid, stone, stick, paper, dirt, rubbish or any other object, substance or thing into any wetland, lake, pond or fountain;
- 49.1.11 jump or dive from any bridge or other structure into any wetland, lake, pond, or fountain unless in an area designated for such purpose by Council;
- 49.1.12 play, engage in or practice any game or sport, whether or not in accordance with a permit issued under this Local Law, in a manner that is;
 - 49.1.12.1 dangerous to any other person in a Reserve; or
 - 49.1.12.2 likely to interfere with the reasonable use and enjoyment of any other person in a Reserve.
- 49.1.13 walk on any plot, bed, border or other area set aside for plants in a Reserve, without the consent of Council or an Authorised Officer; or
- 49.1.14 post bills or advertisements on any fence, gate, wall, seat or other structure.

50 Activities which may not be permitted

50.1 In a Reserve, a person must not, without the authority of Council or a permit;

50.1.1 fly or permit to be flown any powered model aeroplane;

Penalty Units: 5

50.1.2 ride or drive a vehicle or horse except for –

- 50.1.2.1 the parking of a vehicle in a parking area established for that purpose;
- 50.1.2.2 the wheeling of a bicycle, pram, baby or child carriage, wheelchair or children's toy along a footpath;
- 50.1.2.3 the riding of a bicycle in a manner that does not interfere with the use or enjoyment of a Reserve by any other person;
- 50.1.2.4 any staff member of Council (or other person authorised by Council for this purpose) acting in the course of his or her duties;

50.1.2.5 the riding or driving of a vehicle or horse on a road or bicycle path in accordance with any applicable Acts or Regulations; or

50.1.2.6 the riding of horses in a Reserve where permitted.

Penalty Units: 5

50.1.3 light a fire or permit any fire to remain alight except in a barbeque provided by Council;

Penalty Units: 5

50.1.4 play, organise, practise or engage in any competitive sport or game;

Penalty Units: 5

50.1.5 camp or pitch, erect or occupy any camp, tent, caravan or temporary structure;

Penalty Units: 2

50.1.6 play, or practise golf;

Penalty Units: 5

50.1.7 hold any circus, carnival or fair;

Penalty Units: 10

50.1.8 conduct or celebrate a wedding; or

Penalty Units: 5

50.1.9 organise, conduct or attend any rally, procession, demonstration or other public gathering.

Penalty Units: 5

Part 11 – Administration

Division 1 – Permits, fees and delegations

51 Applying for a permit

51.1 A person who wishes to apply for a permit may do so by:

51.1.1 lodging with the Council an application, in a form approved by the Council; and

51.1.2 paying to the Council the appropriate application fee.

51.2 The Council may require an applicant to provide additional information before dealing with an application for a permit or for exemption.

51.3 The Council may require a person making an application for a permit to:

51.3.1 give public notice which will entitle any person to make a submission and to be heard in support of this submission;

51.3.2 give notice of the application to any persons whom Council considers may be detrimentally affected by the grant of the application; and

51.3.3 where Council has required the giving or publishing of a notice it must not further consider the application until:

- 51.3.3.1 it is satisfied that the applicant has given and/or published the notice in the required manner; and
- 51.3.3.2 at least 14 days have elapsed since the giving or publishing of the notice.

51.4 Council must consider all written submissions received within the 14 day period.

51.5 In determining whether to grant a permit, the matters to which Council may have regard include whether the application complies with any policy adopted by Council.

52 Fees

52.1 The Council may, from time to time, by resolution determine fees for the purposes of this Local Law.

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

52.3 The Council may waive, reduce or alter a fee with or without conditions.

53 Issue of permits

The Council may:

53.1 issue a permit, with or without conditions; or

53.2 refuse to issue a permit.

54 Duration of permits

54.1 A permit is in force until the expiry date indicated on the permit, unless it is cancelled before the expiry date.

54.2 If no expiry date is indicated on the permit, the permit expires on 30 June next after the day on which it is issued.

54.3 A permit holder must not assign, transfer or encumber his or her permit.

55 Conditional permits

55.1 A permit may be issued subject to conditions which the Council considers to be appropriate in the circumstances, including conditions as to:

55.1.1 the payment of a fee or charge;

55.1.2 a time limit to be applied, either specifying the duration, commencement or completion date;

55.1.3 the happening of an event;

55.1.4 the rectification, remedying or restoration of a situation or circumstance;

55.1.5 where the applicant is not the owner of the subject property, the consent of the owner; and

55.1.6 the granting of some other permit or authorisation.

55.2 The conditions of a permit must be set out in the permit.

55.3 The 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.

55.4 A person who undertakes an activity for which the Council has issued a permit must comply with the conditions of the permit.

Penalty Units: 2

56 Cancellation of a permit

56.1 The Council may cancel a permit if it considers that:

56.1.1 there has been a serious or ongoing breach of the conditions of the permit;

56.1.2 a Notice to Comply has been issued, but not complied with within seven days after the time specified in the notice for compliance;

56.1.3 there was a significant error or misrepresentation in the application for the permit;
or

56.1.4 in the circumstances, the permit should be cancelled.

56.2 Before it cancels a permit, the Council must provide to the permit holder an opportunity to make comment on the proposed cancellation.

56.3 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.

57 Correction of permits

57.1 The Council may correct a permit in relation to:

57.1.1 an unintentional error or an omission; or

57.1.2 an evident material miscalculation or an evident material mistake of description of a person, thing or property.

57.2 The Council must notify a permit holder in writing of any correction.

57.3 If the 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 correction to a permit.

58 Registers

58.1 The Council must maintain a record of permits, including details of corrections and cancellations.

58.2 The Council must maintain a register of determinations made, and of guidelines prepared, for the purposes of this Local Law.

58.3 The Council must ensure that the registers are available for public inspection at the office of the Council during normal business hours.

59 Service authorities

59.1 A service authority or a person employed by or acting on behalf of a service authority is not required to obtain a permit in respect of work which is for the purposes of the service authority.

59.2 A person who would, but for this clause, be required to obtain a permit in respect of any activity must notify the Council of the activity prior to its commencement.

60 Exemptions

60.1 The Council may by written notice exempt any person or class of persons from the requirement to have a permit, either generally or at specified times.

60.2 An exemption may be granted subject to conditions.

60.3 A person must comply with the conditions of an exemption.

Penalty Units: 2

60.4 An exemption may be cancelled or corrected as if it were a permit.

61 False representation or omission in application

A person must not make a false representation or omission in an application for a permit or exemption.

62 Offences

62.1 A person who contravenes or fails to comply with this Local Law is guilty of an offence, and liable to a penalty.

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

Penalty Units: 9

63 Delegation

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

63.1.1 delegates to the Chief Executive Officer and to any person for the time being acting for such person 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 the Council; and

63.1.2 delegates to the Director Planning and Corporate Services, the Director Infrastructure, the Manager Planning and Statutory Services, the Executive Manager People and Governance, the Environmental Health Officers and the Team Leader Enforcement Services, and to any person for the time being acting for those

persons the power to issue or refuse permits and apply conditions, exercise discretions and require additional information.

Note: The roles referred to in Clause 63.1.2 relate to that role or its successor role

Division 2 — Enforcement

64 Power of Authorised Officers to direct Notice to Comply

An Authorised Officer may, by a written Notice to Comply given to a person who appears to be in breach of this Local Law direct that person to remedy any situation which constitutes a breach under this Local Law.

65 Time to comply

- 65.1 A Notice to Comply must state the time and date by which the situation must be remedied.
- 65.2 The time required by a Notice to Comply must be reasonable in the circumstances having regard to:
- 65.2.1 the amount of work involved;
 - 65.2.2 the degree of difficulty;
 - 65.2.3 the availability of necessary materials or other necessary items;
 - 65.2.4 climatic conditions;
 - 65.2.5 the degree of risk or potential risk; and
 - 65.2.6 any other relevant factor.

66 Failure to comply with a Notice to Comply

A person who fails to comply with a Notice to Comply served on them is guilty of an offence.

Penalty Units: 2

67 Power of Authorised Officer to act in urgent circumstances

- 67.1 In urgent circumstances arising as a result of a failure to comply with this Local Law, an Authorised Officer may take action to remove, remedy or rectify a situation without first serving a Notice to Comply if:
- 67.1.1 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
 - 67.1.2 wherever practicable, a senior officer is given prior notice of the proposed action.
- 67.2 In deciding whether circumstances are urgent, an Authorised Officer must take into consideration, to the extent relevant:
- 67.2.1 whether it is practicable to contact:

- 67.2.1.1 the person by whose default, permission or sufferance the situation has arisen; or
 - 67.2.1.2 the owner or the occupier of the premises or property affected; and
- 67.2.2 whether there is an urgent risk or threat to public health, public safety, the environment or animal welfare.
- 67.3 The action taken by an Authorised Officer under sub clause (67.1) must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
- 67.4 An Authorised Officer who takes action under sub-clause 67.1 must ensure that, as soon as practicable:
- 67.4.1 details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and
 - 67.4.2 a report of the action taken is submitted to the Chief Executive Officer.

68 Power of Authorised Officer to impound

- 68.1 If an Authorised Officer finds a person contravening or failing to comply with any Clause of this Local Law, he may arrange for any equipment:
- 68.1.1 in the custody or control of that person;
 - 68.1.2 designed or intended to facilitate the contravention or failure to comply;
 - 68.1.3 to be removed to a place appointed or approved by Council; and
 - 68.1.4 be retained subject to this Local Law.
- 68.2 If an Authorised Officer has impounded anything in accordance with this Local Law, the Council may refuse to release it until the appropriate fee or charge for its release has been paid to the Council.
- 68.3 The Council may, by resolution, fix charges (generally or specifically) for the purposes of this clause.
- 68.4 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 time by which the item must be retrieved.
- 68.5 If, after the time required in a notice of impounding, an impounded item is not retrieved, an Authorised Officer may take action to dispose of the impounded item according to the following principles:
- 68.5.1 where the item has no saleable value, it may be disposed of in the most economical way; and
 - 68.5.2 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 paragraph 68.5.1 .

- 68.6 When the identity or whereabouts of the owner or person responsible for the impounded item is unknown, the Authorised Officer must take reasonable steps to ascertain the identity or whereabouts of that person and may proceed to dispose of the impounded item in accordance with sub clause 68.5 once he or she is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded item.
- 68.7 Any proceeds from the disposal of impounded items under this Local Law must be paid to the owner or to the person who, in the opinion of the Council, appears to be authorised to receive the money except for the reasonable costs incurred by the Council in the administration of this Local Law.
- 68.8 If a person described in sub-clause 68.7 cannot be identified or located within six (6) months after the date of the notice of impounding, any proceeds of the sale cease to be payable to that person, and may be retained by the Council for municipal purposes.

69 Infringement Notices

- 69.1 An Authorised Officer may issue an Infringement Notice to a person who is contravening or has contravened this Local Law.
- 69.2 The fixed penalty in respect of an infringement (unless otherwise provided in this Local Law) is the amount set out in Schedule 1.

70 Payment of penalty

- 70.1 A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer, Indigo Shire Council.
- 70.2 To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the Infringement Notice is issued.
- 70.3 A person issued with an Infringement Notice is entitled to disregard the notice and defend the prosecution in court.

71 Liability for Loss

The Council shall not be liable for any loss caused in exercising its powers under this Local Law.

**Indigo Shire Council
Environmental Local Law No. 2 of 2010**

Schedule 1 - Penalties fixed for Infringements

Provision	Offence	Penalty Unit/s
8	Failure to keep land from fire hazard	5
9	Land kept in dangerous manner	5
10.1	Nature Strips	5
11.1.3	Unightly land	5
12.1.2	Drains on private land	5
12.2.1	Unlawful drainage tapping	5
13.2	Discharge of materials from chimneys	2
14	Fires in open air	5
15.2	Burning offensive material	5
16.1	Recreational vehicle use contrary to Local Law	2
17.1	Advertising, bill posting or junk mail on Council Property	5
17.3	Placing "junk mail" contrary to sign	3
18.1	Noise in public place	3
19.1	Operating an audible intruder alarm contrary to Local Law	9
21.1	Camping where not permitted	2
22	Camping on roads and Council land	2
23.1	Circus, carnival, festival without permit	10
24.1	Keeping more animals than permitted	2
25.2	Animal housing	2
26.1, 26.2	Animal excrement	2
27.2	Keeping and housing poultry	2
28	Beehives	3
29	Wasps' nests	5
30.1	Removing or interfering with refuse or recyclable material	9
34.7	Trade waste materials	5
34.8	Bulk waste container	1
35.2	Non compliance in transport of waste	5
36.3	Transfer station use contrary to conditions	2
37	Depositing of waste recyclables and green waste	2
38	Dumping ice chests, trunks and similar containers	5
39.1	Removal of material from a transfer station	5
40	Comply with signs	5
41.1	Possession of an alcoholic beverage other than in a sealed container (public places)	5
41.2	Licensed premises – consumption of alcoholic beverage outside the premises without a permit	5
42	Possession of an alcoholic beverage other than in a sealed container (public reserves)	5
44.1, 44.2, 44.3, 44.4	Behaviour in a municipal place	5
45.16	Actions contrary to lawful direction by an Authorised Officer/staff member	5
46.1	Behaviour in municipal buildings	2
50.1.5	Camp or pitch, erect or occupy any camp, tent, caravan or temporary structure	2
50.1.7	Hold any circus, carnival or fair on a reserve	10
50.1.9	Prohibited activities in a reserve	5
55.4	Failure to comply with the conditions of a permit	2
60.3	Failing to comply with the conditions of an exemption	2

62.2	False representation or declaration in relation to a permit or exemption	9
66	Failure to comply with a Notice to Comply	2

DRAFT

This document is issued by the Indigo Shire Council

The COMMON SEAL of the) Mayor _____
INDIGO SHIRE COUNCIL)
was affixed hereto in accordance) Councillor _____

with the resolution of Council)
made on **XX XXXX 2020**) Chief Executive Officer _____

This _____ day of _____, 2020.

Certification of Local Law No. 2

This is to certify that the above writing contained on **42 (forty two)** pages of paper is a true copy of the Local Law of the Indigo Shire Council and that we have informed ourselves of the legislative requirements necessary to giving validity to such Local Law and as to our observance and belief that such requirements have been fulfilled. And we further certify that such Local Law came into force on the **XX** day of **XXXX 2020**

Mayor _____

Councillor _____

Chief Executive Officer _____