

AMENITY LOCAL LAW 2021 – NO. 2

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PART 1 - PRELIMINARY

1. Title

This Local Law is titled Amenity Local Law 2021 - No. 2.

2. Objectives

The objectives of this Local Law are to:

- (a) provide for the peace, order and good government of the municipal district;
- (b) provide for the administration of Council powers and functions;
- (c) protect community safety and promote amenity by regulating activities in the municipal district;
- (d) protect Council assets, infrastructure and promote environmental sustainability; and
- (e) provide for the uniform and fair administration of this Local Law.

3. Power to make this Local Law

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

4. Commencement of Local Law

This Local Law commences on 28 July 2021 and, unless earlier revoked, will cease to operate 10 years after the date on which it commenced.

5. Application

This Local Law applies throughout the municipal district and anything allowed under any Act, Regulation or the Planning Scheme, is not affected by any prohibition, requirement or restriction under this Local Law.

6. Definitions

In this Local Law, words which are not defined will adopt their ordinary meaning, and unless the contrary intention appears, the following words have the meaning ascribed:

Act means the *Local Government Act 2020*;

advertisement or **advertising sign** includes any letter, figure, symbol, device, poster, sign, board, notice, banner, structure or message used for or capable of notifying or promoting sale or use of any goods or services or the holding of an event or function;

authorised officer means a person appointed as an authorised officer under section 224 or 224A of the *Local Government Act 1989*;

barbecue means a structure, device or contraption designed or constructed for the primary purpose of cooking food in the open air for human consumption;

bird includes poultry;

bird enclosure means an immobile enclosed structure used for the purpose of keeping birds (including any fowl run or fowl pen which may be attached to such structure) and includes a battery cage;

building includes any structure or building, whether temporary or permanent, or any part of that structure or building;

built up area means a residential area;

bulk rubbish container means a bin, container or other structure designed or used for holding greater than one cubic metre of rubbish and which is unlikely to be lifted without mechanical assistance;

busk or busking means providing entertainment on a road or in a municipal place by playing a musical instrument, singing, conjuring, juggling, mime, mimicking, dancing, puppetry, recitation, performance art or other theatrical or visual activities conducted or which appear to be conducted for the purpose of attracting monetary donations rather than a set fee;

camp or camping means to use a motor vehicle, caravan, tent or other temporary structure including a prefabricated holiday unit for accommodation;

caravan includes a mobile home and moveable dwelling;

cat means a cat over three months of age;

cattle includes a bull, cow, ox, steer, heifer, calf or buffalo;

circus, carnival or market means entertainment such as acrobatic feats, tricks of skill, exhibition of animals, side shows, amusements, merry go rounds and other such equipment and stalls for the provision of games or for sale of goods;

clothing bin means a receptacle used for the collection of donated clothing or household goods which the collecting organisation indicates can be deposited there;

Council means Towong Shire Council;

Council asset means any building, structure, fixture, road, channel, drain, vehicle crossing or infrastructure or other physical asset owned, leased, managed or controlled by Council;

Council building means any building owned, occupied or under the control of the Council;

Council land means any land either owned or occupied by, vested in or under the control, care or management of Council, including roads;

domestic birds means small birds including canaries, finches and budgerigars that can be kept in a caged environment;

domestic waste means any waste material generated from land on which a dwelling is located but does not include sewage, trade waste, hard garbage, building waste or recyclable material;

farm animals – small includes sheep, goats and pigs of any age;

farm animals – large includes horses, cattle, donkeys, mules, deer and alpacas of any age;

footpath has the same meaning as in the *Road Safety Road Rules 2017*;

fowl means any domestic cock or hen but does not include a turkey, goose or duck;

goods means any item offered for sale and includes food, produce, articles, items, tables, chairs, advertising signs, planter boxes, umbrellas, motor vehicles, motor cycles, caravans, trailers, boats or any other similar item;

land means any land other than a municipal place, road or land vested in the Crown, and includes land which is privately owned and occupied;

large birds means a cockatoo, parrot and other similar sized or larger birds including turkeys, geese, emus and ostriches but does not include poultry or domestic birds;

livestock has the same meaning as in section 3 of the *Impounding of Livestock Act 1994*;

material for recycling includes newspapers, magazines, promotional flyers, office paper, envelopes, un-waxed cardboard, unbroken glass bottles and jars, Code 1(PET), Code 2 (HDP) or Code 3(PVC) plastic bottles, aluminium cans, foil and trays, steel cans and tins, and paperboard containers such as milk and juice cartons, or other material prescribed to be material for recycling for the purposes of this Local Law;

municipal district means the municipal district of the Council;

municipal place means any land, building, river, creek, lake or body of water, which is owned, occupied or under the control of Council including recreation centres, libraries, shopping centres, reserves, parks, gardens, and reservations but excludes roads;

municipal tip means the place designated by the Council to receive refuse from the public and also includes rubbish tip, recycling centre and transfer station;

Notice to Comply means a Notice to Comply issued under this Local Law;

nuisance includes any behaviour or condition which is or is liable to be, dangerous to health, noxious, annoying or injurious to personal comfort;

occupier includes a person having control or management of land whether alone or with other people and also includes an owners corporation created upon the registration of a Plan of Subdivision affecting that land;

owner means in relation to land, the person rated or liable to be rated by Council in respect of that land;

park in relation to a vehicle, has the same meaning as in the *Road Safety Road Rules 2017*;

penalty unit means a penalty unit under the *Sentencing Act 1991*;

permit means a permit issued under this Local Law;

person includes a body corporate;

Planning Scheme means the *Towong Planning Scheme*;

poultry includes a fowl, duck, goose, turkey, quail and pigeon and any other class of poultry;

procession means an organised group of people gathering on or proceeding along a road or in a public place for the purposes of a ceremony or function and includes a street festival, fun run and bicycle event;

proprietor when used in relation to a vehicle or thing, means the owner, occupier, lessee, licensee, manager or any other person in control or charge of the vehicle or thing;

road has the same meaning as in the *Local Government Act 1989* and the *Road Management Act 2004*;

Schedule means a schedule to this Local Law;

sell includes barter, offer or attempt to sell, receive for sale, have in possession for sale, expose for sale, send, forward or deliver for sale, or allow to be sold or offered for sale; and sell for re-sale;

shopping trolley means a receptacle on wheels usually supplied by a retailer of goods to enable customers to transport goods purchased from the retailer;

street party means an organised social gathering which is held on a road or in a municipal place;

trade waste means waste (other than sewage) generated from a commercial, trade or business premises;

toy vehicle means a vehicle (other than a bicycle) designed to be propelled by human power and includes a tricycle, scooter, pedal car, skate-board, roller skates, roller blades and similar equipment;

unsightly includes land which contains:

- (a) unconstrained rubbish;
- (b) bulk quantities of materials and substances;
- (c) excessive vegetation growth;
- (d) graffiti;
- (e) dilapidated buildings or structures;
- (f) unregistered, unroadworthy, disassembled or incomplete motor vehicles or similar items stored on the land for more than two months; or
- (g) any item, matter of thing which is detrimental to general amenity.

vehicle means a conveyance which is designed to be or is propelled or drawn by any means, but does not include a train, tram, wheelbarrow, shopping trolley, toy vehicle or wheelchair and has the same meaning as in section 3 of the *Road Safety Act 1986*; and

vehicle crossing means a Council-approved and properly constructed driveway or surface used for vehicular access to and from land or a building site.

PART 2 – COUNCIL LAND

Division 1 – General

7. Behaviour on Council land

(1) A person must not, on Council land:

- (a) cause a nuisance;
- (b) interfere with another person's reasonable use; **or**
- (c) affect the safety of any other person.

(2) **A person must not, without a permit, on Council land:**

- (a) destroy, damage, foul, interfere with or deface anything;
- (b) deposit, or leave any goods, equipment or other items;
- (c) sell or store any goods or services;
- (d) erect, operate or cause to be erected or operated any amusement activity;
- (e) plant any vegetation;
- (f) disobey a Council sign;
- (g) use an amplifier or similar electronic device;
- (h) allow a horse or dog to enter any wetland, lake or other body of water;
- (i) allow any animal, other than a domestic animal, to wander;
- (j) use or interfere with any life saving or emergency device located there, except in an emergency or where allowed by the Council;
- (k) fish in any river, creek, lake or body of water which is signposted as an area to which fishing is prohibited;
- (l) swim, paddle, dive, jump into or enter any wetland, pond or fountain;
- (m) jump or dive from any bridge or other structure into any wetland, pond, or fountain;

- (n) use a boat in or on any river, creek, lake or body of water which is signposted to indicate that boating is prohibited;
- (o) place or erect or leave standing any fence or other potential obstruction that impedes or is likely to impede a pedestrian, cyclist, vehicle or other user;
- (p) use volatile, explosive or flammable matter;
- (q) hold a function or event in a Council building, unless permitted to do so;
- (r) enter or remain in a Council building outside of opening hours or contrary to any stated conditions of entry; or
- (s) bring an animal, other than an authorised assistance animal, into a Council building.

8. Private access to municipal places

An owner or occupier of land abutting a municipal place, must not install a gateway or any other means of access from that land to the municipal place.

9. Protection of nature strips

A person must not, without a permit, interfere with a nature strip, including planting of trees or shrubs on that land.

10. Markets, festivals, carnivals and circuses

A person must not, without a permit, conduct a market, festival, carnival, circus, parade or other similar activity on Council land.

11. Street parties, festivals and processions

A person must not, without a permit, hold a street party, street festival or procession on Council land.

12. Busking

A person must not, without a permit, busk on Council land.

13. Spruiking

A person must not, without a permit, on Council land:

- (a) solicit or try to attract trade or business; or
- (b) tout or spruik.

14. Timber collection

A person must not, without a permit, collect any timber or mulch from a municipal place.

15. Clothing bins

A person must not, without a permit, place or allow the placement of a clothing bin on Council land.

16. Bulk rubbish containers

A person must not, without a permit, place or allow the placement of a bulk rubbish container on Council land.

NOTE: This clause does not apply to bulk rubbish containers which are in place for less than 24 hours and which are adequately protected and illuminated to notify road users of their presence.

17. Shopping trolleys

- (1) A person must not leave a shopping trolley in any place other than in the place signed for collection.
- (2) If a shopping trolley is found in a place outside the place for collection, an authorised officer may direct the owner of the shopping trolley, or the person in charge of the retail premises where the shopping trolley is used, to move the shopping trolley to the collection place.

18. Property numbers

An owner of land which has been allocated a property number by Council, must ensure that the property number is visible from the road.

19. Cattle grids

A person must not, without a permit, install a cattle grid on Council land.

Division 2 - Vehicles

20. Motorised vehicles

A person must not, without a permit, ride, drive, park, leave standing or otherwise use any motorised vehicle in a municipal place.

21. Toy vehicles

A person must not ride, drive, park, leave standing or use any toy vehicle on Council land that:

- (a) interferes with another person's use and enjoyment;
- (b) endangers any other person; or
- (c) causes damage to any infrastructure.

22. Sale of vehicles

A person must not, without a permit, park a vehicle for the purposes of promoting that vehicle for sale on Council land.

23. Vehicle repair

A person must not, without a permit, dismantle, repair or carry out maintenance to a vehicle on Council land.

24. Abandoned vehicles

A person must not, without a permit, leave, abandon or dump a registered vehicle on Council land for 14 continuous days in any three month period.

25. Substances deposited from vehicles

A person who drives or operates a vehicle must not allow any grease, oil, mud, clay or other substance to fall, or otherwise to be deposited, from the vehicle into a drain or onto Council land.

Division 3 – Outdoor trading

26. Outdoor eating facilities

A person must not, without a permit, establish or allow the establishment of an outdoor eating facility on a road or in a municipal place.

27. Road trading

A person must not, without a permit, on Council land:

- (a) sell or offer for sale any goods or services; or
- (b) erect, place or in any other way, leave any structure or physical thing for the purposes of selling, displaying or offering for sale any goods or services.

28. Advertising signs

A person must not, without a permit, erect or place an advertising sign on Council land.

29. Collections

A person must not, without a permit, on Council land:

- (a) solicit;
- (b) collect a subscription;
- (c) seek a gift of money or goods; or
- (d) sell a raffle ticket.

NOTE: For the purposes of this clause, Council may exempt local charitable organisations operating within the municipal district from the requirement to obtain a permit.

Division 4 – Vehicle crossings and Council assets

30. Vehicle crossings

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

31. Temporary vehicle crossing

- (1) Where it is likely that damage may be caused to the kerb, gutter, nature strip, footpath or vehicle crossing, the owner, occupier or person in charge of carrying out the works at the land must:
 - (a) give written notice to Council of the activity or occurrence before it occurs;
 - (b) take all reasonable steps to protect the existing Council assets at all times;
 - (c) maintain the road adjacent to the land in a safe and trafficable condition at all times;
 - (d) immediately and to the satisfaction of an authorised officer repair any damage caused to Council’s assets including the kerb, gutter, nature strip, footpath, carriageway or vehicle crossing or, at the discretion of the Council, pay to the Council the cost of the Council doing so;
 - (e) if asked to do so, pay Council a bond in an amount specified by the authorised officer, which is relative to the likely cost of repairing any damage or reinstatement.
- (2) The bond may be retained by Council and used to pay for repairing any damage or to reinstate the item, and if the cost to repair any damage or reinstate the item is greater than the bond paid, the additional cost must be paid by the person who gave the bond to the Council at Council’s request.
- (3) Any bond or portion of it not required by Council 14 days after completion of the repairs necessitated by the activity or occurrence must be refunded or released to the person who paid it or lodged it.

32. Council assets

- (1) A person must not, without a permit:
 - (a) destroy, damage or tap into any drain vested in the Council including a kerb and channel, open channel, underground drain, culvert or drainage pit; or
 - (b) allow any drain located on land to be:
 - (i) *in disrepair; or*
 - (ii) *in a condition which is a nuisance or dangerous.*
- (2) A person must not, without a permit, destroy, damage or interfere with any road, watercourse, ditch, creek, gutter, tunnel, bridge, levee, culvert, fence, vegetation or any other asset which is vested in or under the control of the Council.

PART 3 – AMENITY

33. Open fires

- (1) A person must not, without a permit, light or allow to be lit or remain alight an open fire on land located in a Residential, Business or Industrial Zone under the Planning Scheme, unless the fire is:
 - (a) contained within a barbeque while being used for the purpose of cooking food; or
 - (b) contained within a chiminea, potbelly stove or a small open fire in a suitable container, which is being used for heating, cooking, cultural or social purposes and which is not offensive.
- (2) A person must not, light a campfire or barbeque using solid fuel unless:
 - (a) the fire is contained in an approved fireplace or trench of at least 30 centimetres deep;
 - (b) the ground and airspace within a distance of 3 metres from the outer perimeter and uppermost point of the fire are clear of all potentially flammable material;
 - (c) the fire does not occupy an area exceeding 1 square metre; and
 - (d) the dimensions of any solid fuel used are the minimum necessary for the purpose.

34. Incinerators

A person must not, without a permit, light or allow an incinerator to be lit or remain alight on land located in a Residential, Business or Industrial Zone under the Planning Scheme.

35. Prohibited substances

A person must not burn or allow to burn any substance which contains:

- (a) food waste, fish or other offensive or noxious matter;
- (b) rubber or plastic;
- (c) petroleum or oil;
- (d) paint or a receptacle which contains or which contained paint; or
- (e) any manufactured chemical.

36. Dangerous or unsightly land

The owner or occupier of land must not allow the land to be kept in a dangerous or unsightly condition.

37. Camping

- (1) A person must not, without a permit, camp on Council land.
- (2) An owner or occupier of land, must not, without a permit:
 - (a) allow camping to occur on that land for more than 4 weeks in total over a 12 month period; or
 - (b) park more than one caravan on that land.

38. Damage to Council land

An owner or occupier of land must not allow any vegetation or any other matter on that land to cause damage to or interfere with any Council land.

39. Overhanging branches

An owner or occupier of land must not allow any vegetation, sign, support or structure on the land to:

- (a) extend over the footpath at a height of less than three metres; or
- (b) obstruct or interfere with the road.

40. Consumption of alcohol

- (1) A person must not, without a permit, have in their possession or control any alcohol other than in a sealed container on a road, unless the premises is a licensed premises under the *Liquor Control Reform Act 1998*.
- (2) Notwithstanding clause 40, Council may:
 - (a) designate sites or areas where consumption of alcohol is permitted between sunrise and sunset; and
 - (b) declare an event or part thereof conducted on a road or in a municipal place to be liquor or alcohol free.

41. Wasp nests

An owner or occupier of land must not allow a wasp nest to remain on that land.

42. Bee hives

An owner or occupier of land must not keep or allow to be kept any bee hive on that land unless they are a registered beekeeper and the bees and hive are kept in accordance with the Apiary Code of Practice.

PART 4 – ANIMALS

43. Keeping animals

- (1) An owner or occupier of land must not without a permit, keep or allow to be kept any more in number for each kind of animal than as set out in the table below:

TYPE OF ANIMAL	MAXIMUM NUMBER OF ANIMALS ON LAND UP TO 750 SQM	MAXIMUM NUMBER OF ANIMALS ON LAND BETWEEN 750 SQM - 10,000SQM	MAXIMUM NUMBER OF ANIMALS ON LAND BETWEEN 10,000SQM- 50,000SQM	MAXIMUM NUMBER OF ANIMALS ON LAND BETWEEN 50,000SQM- 100,000SQM	MAXIMUM NUMBER OF ANIMALS ON LAND GREATER THAN 100,000SQM
Dogs	1	2	2	2	No restriction if a farming activity is being undertaken on the land and relevant codes for the keeping of animals are adhered to.
Cats	2	2	2	2	
Domestic rabbits	1	5	5	5	
Guinea pigs, mice & hamsters	2	6	6	6	
Farm animals – small	0	0	3 per hectare	5 per hectare	
Farm animals – large	0	0	1 per hectare	3 per hectare	
Bulls	0	0	0	0	
Pigeons	0	5	10	10	
Poultry	0	5	10	10	
Roosters	0	0	0	1	
Domestic birds	4	5	10	10	
Large birds	0	0	2 per hectare	5 per hectare	
Maximum number of different types of animals	4	6	6	No maximum	

- (2) For the purpose of calculating the maximum limit of the numbers of animals kept, the progeny of any dog or cat lawfully kept will be exempt for a period of 12 weeks after their birth.

44. Animal housing

- (1) A person in charge of an animal must maintain any structure used for housing the animal:
 - (a) in a clean, inoffensive and sanitary condition; and
 - (b) so as not to cause any nuisance.
- (2) A person in charge of a bird, must ensure that any bird enclosure on the land is kept at least three metres from the boundary of any adjoining land.
- (3) A person must not, without a permit, keep any live poultry, other than in a bird enclosure where the enclosure allows for:
 - (a) one bird for every 0.5 square meters of floor space; or
 - (b) more than two ducks, drakes, turkeys or geese.

NOTE: For the purposes of this clause, three pigeons or three quail, one pigeon and two quail, or two pigeons and two quail, equal two head of poultry.

45. Noise and smell

A person in charge of an animal must not allow any noise or smell to emanate from the land on which the animal is kept which unreasonably interferes with the comfort or convenience of another person.

46. Removal of animal excrement

Whenever an animal is outside the land where it is normally kept, the person who has care and or control of the animal must:

- (a) not allow any of the animal's excrement to remain on a road, in a municipal place or on land owned or occupied by another person;
- (b) carry a litter device and must use it for the purposes of removing any excrement of the animal; and
- (c) dispose of the litter device and any excrement in a manner which does not cause any nuisance or hazard to any person or detriment to the environment.

47. Wandering animals

A person in charge of an animal must:

- (a) not allow that animal to wander from the land where it is normally kept; and
- (b) ensure that the land on which the animal is normally kept is adequately fenced to prevent the animal being at large or escaping from the premises.

48. Riding horses

- (1) A person must not, without a permit, ride or lead a horse or allow another person to ride or lead a horse:
 - (a) on a reservation;
 - (b) between carriageways on a road; or
 - (c) on a nature strip -
unless outside a built up area.
- (2) A person must not ride or lead a horse or allow another person to ride or lead a horse in a municipal place if it has been signposted as being not available for horses.

49. Breeding of cats

A person must not sell or give to any person, or allow to be sold or given to any person, a cat that has not been desexed, except where a cat is 10 years of age or older.

50. Livestock control

- (1) A person must not, without a permit:
 - (a) drove livestock for a distance greater than two kilometres along any road; and
 - (b) allow livestock to graze on a road.
- (2) Any local regular movement of livestock must be in accordance with any policy adopted by the Council, and warning light guidelines prepared by VicRoads.

NOTE: For the purposes of this clause, '**droving livestock**' means the driving of livestock from one location to another for the purpose of changing grazing areas or moving livestock from their grazing areas to a location for purposes of sale or from a sale location to a grazing area but does not include the movement of livestock. It includes the driving of livestock in or through the municipal district for the purpose of or including supplementing their feeding or taking them from or to a market.

PART 5 - WASTE

51. Scavenging

A person must not, without a permit, search through or remove any articles of rubbish, recyclables or other items from the municipal tip or left for collection on Council land.

52. Waste collection

- (1) An owner or occupier of land must ensure that domestic waste and recyclable materials are placed inside the designated Council supplied container for collection.
- (2) An owner or occupier of land must ensure that the Council supplied container is:
 - (a) placed outside the land for collection in accordance with any directions given by Council;
 - (b) returned to the land within 24 hours of being emptied;
 - (c) maintained in a clean, tidy and safe condition; and
 - (d) securely stored on the land to which it has been allocated by Council.
- (3) An owner or occupier of land must ensure that any waste which spills out of the Council supplied container onto the road or surrounding area is removed within 24 hours of collection.
- (4) An owner or occupier of land must not place the following materials in a Council supplied container:
 - (a) liquid waste or offensive material;
 - (b) ashes, hair or other similar matter or moist refuse unless they have been securely wrapped in paper or some other impermeable cover or container to prevent their escape;
 - (c) ashes or other like matter unless they have been mixed with water to form a consistency of a stiff paste before being wrapped and placed in the bin;
 - (d) glass or other sharp objects unless they are properly contained or wrapped in such a way as to render them harmless and inoffensive;
 - (e) oil, paint, solvents or similar substance or any other substance which may damage the bin or reduce its strength or effectiveness;

- (f) disposable napkins unless they have been cleaned of solids and securely wrapped in impervious material prior to being placed in the bin; or
- (g) trade waste of any kind.

53. Trade waste

- (1) An owner or occupier of land where trade waste is generated, whether or not a service for the collection and disposal of domestic or trade waste is provided, must ensure that the trade waste is placed in an approved bin, waste hopper or recycling bin for collection.
- (2) An owner or occupier of land on which a trade waste container is located must ensure that the container is:
 - (a) constructed of impervious material to prevent leakage, absorption or escape of waste;
 - (b) water tight, fly and vermin proof with a lid which is continuously kept closed when the container is not being used or emptied;
 - (c) if not a mobile bin, has a drain and plug for cleaning purposes;
 - (d) easily accessible;
 - (e) collected weekly or more regularly if the contents are likely to become offensive;
 - (f) not located on the road or on Council land without a permit issued by the Council;
 - (g) maintained in a clean, tidy and safe condition;
 - (h) thoroughly cleaned after each emptying;
 - (i) fitted with a sign which indicates the type of waste permitted to be deposited in it; and
 - (j) only filled with permitted materials.

PART 6 – PERMITS & FEES

54. Application for permits

- (1) An application for a permit must be in the form prescribed by Council and must be accompanied by the appropriate fee prescribed by Council.
- (2) Council may require an applicant to:
 - (a) *provide additional information; or*
 - (b) *give notice of the application or invite any person to make a submission or do both,*before the application is determined.
- (3) A permit may include any condition which the Council considers to be reasonable and appropriate having regard to the activity to be authorised by the permit and the effects or anticipated effects of that activity.
- (4) Unless otherwise stated in the permit, a permit:
 - (a) only authorises the person named in the permit to carry out the permitted activity; and
 - (b) is not transferable.

55. Decision on permit application

After considering all relevant documentation, Council may decide:

- (a) to grant a permit;
- (b) to grant a permit subject to conditions;
- (c) refuse to grant a permit; or
- (d) exempt a person or class of persons from the requirement to obtain a permit.

56. Correction, amendment, cancellation and suspension of permit

- (1) The Council may correct a permit if the permit contains a clerical mistake, error or omission.
- (2) The Council may cancel, suspend or amend a permit at any time if:
 - (a) it is requested to do so by the permit holder; or
 - (b) it considers that there has been:
 - (i) *a material mis-statement or concealment of fact in relation to the application for the permit;*
 - (ii) *a material mistake in relation to the issue of the permit;*
 - (iii) *a material change of circumstances which has occurred since the grant of the permit; or*
 - (iv) *there has been a substantial failure to comply with the permit or a Notice to Comply.*
- (3) The Council must give written notice to a permit holder of any correction, cancellation, suspension or amendment of a permit.
- (4) Before it cancels a permit, the Council must provide the permit holder an opportunity to make a submission on the proposed cancellation.
- (5) 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 subsequently issued by Council and of the reason why it has been served.
- (6) Unless otherwise stated, the permit will operate from the date it is granted and will expire 12 months from the date of issue.

57. Fees

- (1) Council may by resolution determine fees and charges for the purposes of this Local Law.
- (2) Council may waive, reduce or defer payment of fees and charges in whole or in part, with or without conditions.

PART 7 - ENFORCEMENT

58. Offences

- (1) A person who:
 - (a) contravenes or fails to comply with any provision of this Local Law or any document incorporated by reference;
 - (b) contravenes or fails to comply with any condition contained in a permit issued under this Local Law;
 - (c) knowingly provides false information in support of an application for a permit issued under this Local Law;
 - (d) knowingly supplies false or misleading information to an authorised officer;
 - (e) fails to comply with a verbal direction issued, or a Notice to Comply served, by an authorised officer;
 - (f) fails to comply with a sign erected by Council; or
 - (g) makes or attempts to make any agreement with an authorised officer to induce that authorised officer to compromise their duty -
 - (h) is guilty of an offence and is liable to -
 - (i) a penalty of 20 penalty units; and
 - (ii) a further penalty of 2 penalty units for each day after a finding of guilt or conviction for an offence during which the contravention continues.

59. Notice to Comply

- (1) An authorised officer may, by serving a Notice to Comply, direct an owner, occupier or other person in breach of this Local Law to remedy anything which constitutes an offence under this Local Law.
- (2) A Notice to Comply must state the time and date by which the thing must be remedied.
- (3) 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 degree of risk or potential risk; and
 - (f) any other relevant factor.

60. Infringement Notices

- (1) Where an authorised officer believes that a person has committed an offence against this Local Law, an authorised officer may as an alternative to a prosecution for the offence, issue and serve on the person an infringement notice.
- (2) The amounts of the fixed penalty payable in respect of an infringement notice is set out in Schedule 1.
- (3) In order to avoid prosecution, the person who is served with an infringement notice must pay the penalty to Council by the date specified.
- (4) Where an infringement notice is directed to a person who is the owner or occupier of land or the proprietor of a vehicle and that person's name is not known, the notice issued under this Local Law may be addressed to "the owner", "the occupier" or the "person in control."
- (5) If an infringement notice is withdrawn, after the person pays the penalty, the person is entitled to a refund of the penalty.
- (6) If a person served with an infringement notice has not paid the penalty within the time specified or an infringement notice is withdrawn, prosecution proceedings may be instituted by Council.

61. Urgent circumstances

- (1) Where, in the opinion of an authorised officer, a breach of the Local Law arises which may place a person, animal or property or thing at risk or in danger and there is no time or it is impractical to serve a Notice to Comply, the authorised officer may take any reasonable action to immediately abate or minimise the risk or danger identified.
- (2) As soon as practicable, the authorised officer must contact the person by whose fault, permission, decision or inaction the situation has arisen, whether they be the owner, occupier of the land, animal, property or thing involved.

62. Impounding

- (1) An authorised officer may impound any item or thing which breaches this Local Law.
- (2) Where any item or thing is impounded pursuant to this Local Law, notice of the impounding is to be given to the person that is known or appears to be the owner of the impounded item.
- (3) Any item or thing impounded in accordance with this Local Law may be held until any fee or charge for its release is paid.
- (4) Council may include in any fee or charge any cost that the Council has incurred in impounding, transporting, holding, storing or disposing of the item or thing.
- (5) If the specified time for retrieval of an impounded item or thing has expired and it has not been claimed then it may be disposed of according to the following principles:
 - (a) if it has no saleable value, in the most economical and appropriate way as determined by an authorised officer; or
 - (b) if it has a saleable value, by public auction, tender or private sale as determined by an authorised officer.
- (6) The monies realised from the sale of any impounded item or thing must be disbursed as follows:
 - (a) in payment of any expenses incurred by the Council; then
 - (b) to the owner or person who in the opinion of Council's Chief Executive Officer appears to be authorised to receive the money.
- (7) If no person can be identified for payment of any money then any excess must be treated in accordance with legislation dealing with unclaimed money or, failing this, taken into the Council's revenue.

SCHEDULE 1 – PENALTIES FOR INFRINGEMENT NOTICES

Clause	Activity	Penalty unit
7	Behaviour on Council land	1 (\$182)
8	Private access to municipal places	2(\$364)
9	Protection of nature strips	1(\$182)
10	Markets, festivals, carnivals and circuses	5 (\$910)
11	Street parties, festivals and processions	5(\$910)
12	Busking	2(\$364)
13	Spruiking	5(\$910)
14	Timber collection	2(\$364)
15	Clothing bins	2(\$364)
16	Bulk rubbish containers	2(\$364)
17	Shopping trolleys	1(\$182)
18	Property numbers	1(\$182)
19	Cattle grids	5(\$910)
20	Motorised vehicles	5(\$910)
21	Toy vehicles	2(\$364)
22	Sale of vehicles	2(\$364)
23	Vehicle repair	2(\$364)
24	Abandoned vehicles	10(\$1820)
25	Substances deposited from vehicles	2(\$364)
26	Outdoor eating facilities	5(\$910)
27	Road trading	5(\$910)
28	Advertising signs	2(\$364)
29	Collections	2(\$364)
30	Vehicle crossings	1(\$182)
31	Temporary vehicle crossing	2(\$364)
32	Council assets	2(\$364)
33	Open fires	2(\$364)
34	Incinerators	2(\$364)
35	Prohibited substances	1(\$182)
36	Dangerous or unsightly land	5(\$910)
37	Camping	5(\$910)
38	Damage to Council land	10(\$1820)
39	Overhanging branches	2(\$364)
40	Consumption of alcohol	5(\$910)
41	Wasp nests	1(\$182)
42	Bee hives	1(\$182)
43	Keeping animals	2(\$364)
44	Animal housing	1(\$182)
45	Noise and smell	2(\$364)
46	Removal of animal excrement	2(\$364)
47	Wandering animals	5(\$910)
48	Riding horses	1(\$182)

49	Breeding of cats	2(\$364)
50	Livestock control	5(\$910)
51	Scavenging	2(\$364)
52	Waste collection	2(\$364)
53	Trade waste	2(\$364)
58	Offences	2(\$364)