



**AGENDA APPENDIX**  
**Council Meeting**  
**Wednesday 27 November 2013**

AGENDA ITEM FOR SEPARATE DISTRIBUTION TO COUNCILLORS AND EXECUTIVE LEADERSHIP TEAM DUE TO DOCUMENT SIZE.

THE ITEM IS ACCESSIBLE VIA THE COUNCIL WEBSITE OR BY CONTACTING COUNCIL ON 03 5662 9200.

**E.9 – REVIEW OF GENERAL LOCAL LAW NO. 1 AND NO. 2**

Appendix 1 – Draft General Local Law 2014

## **Part 1 – Preliminary**

### **1. Title**

This is the General Local Law 2013.

### **2. Objectives**

The objectives of this Local Law are to:

- (1) provide a safe and healthy environment in which the residents of the municipal district enjoy a quality of life that meets the general expectations of the community;
- (2) regulate and control activities which may be dangerous or unsafe or detrimental to the quality of life in the environment of the municipal district;
- (3) facilitate the provision of general public services, health and other community services, property services, recreational and cultural services, and other services in a way which enhances the environment and quality of life in the municipal district;
- (4) provide for the peace order and good government of the municipal district;
- (5) provide for the administration of the Council's powers and functions; and
- (6) prescribe penalties for contravention of any provisions of this Local Law.

### **3. Power to make this Local Law**

The Council's power to make this Local Law is contained in Part 5 of the Act and Part 3 of the *Domestic Animals Act 1994*.

### **4. Commencement**

This Local Law commences on the day after which it is made.

### **5. Sunset provision**

Unless sooner revoked, this Local Law will cease to operate on the tenth anniversary of its commencement.

### **6. Revocation of Local Laws**

The following local laws are revoked on the day this Local Law comes into operation –

- (1) General Local Law No.1 (2005); and
- (2) Payment of Fees Local Law No.2.

## 7. Application of Local Law

This Local Law applies to and operates throughout the whole of the municipal district.

## 8. Precedence of other legislation

Anything allowed under any Act, Regulation or the Planning Scheme is not affected by any prohibition, requirement or restriction under this Local Law.

## 9. Definitions

In this Local Law -

<b>Act</b>	means the <i>Local Government Act 1989</i> ;
<b>Authorised Officer</b>	means any person appointed as an Authorised Officer for the purposes of this Local Law by the Council, pursuant to section 224 of the Act;
<b>built-up area</b>	means an area in which there is urban development or in which street lighting is provided on Road;
<b>bulk container</b>	means a bin, container or other structure designed or used for holding a substantial quantity of material and which is unlikely to be lifted without mechanical assistance, other than a container used in connection with the Council's regular domestic waste collections;
<b>bulk material</b>	means any substance placed on a Road, other than a substance placed in connection with the Council's regular domestic waste collections;
<b>busking</b>	means playing a musical instrument, singing, conjuring, juggling, miming, mimicry, dancing, puppetry, performance art, recitation and other theatrical or visual activities which attract, or appear to be conducted to attract, a donation (and not a set fee);
<b>caravan</b>	means any mobile home, trailer or other vehicle capable of sleeping one or more persons;
<b>Chief Executive</b>	means the staff member of the Council appointed to be its Chief Executive Officer;
<b>Council</b>	means South Gippsland Shire Council;
<b>Council Land</b>	means land owned, vested in or under the control of the Council, including Roads, Streets, Reserves, watercourses, Reservations and the like;

<b>designated area</b>	means an area determined by the Council from time to time, and set out in a public notice and in a notice published in the <i>Government Gazette</i> , and details of which are set out in the register of determinations;
<b>domestic birds</b>	means small birds such as canaries, finches, budgerigars and the like;
<b>Footpath</b>	means that part of a Road used, or designed to be used, primarily by pedestrians;
<b>large birds</b>	means any cockatoo, parrot and other similar sized bird but does not include poultry, pigeons or domestic birds;
<b>licensed premises</b>	means a premises for which a licence has been granted under the <i>Liquor Control Reform Act 1998</i> ;
<b>liquor</b>	means a beverage, or other prescribed substance, intended for human consumption with an alcoholic content greater than 0.5% by volume at a temperature of 20° Celsius;
<b>litter</b>	has the meaning ascribed to by the <i>Environment Protection Act 1970</i> ;
<b>livestock</b>	has the meaning ascribed to it by the <i>Impounding of Livestock Act 1994</i> ;
<b>market</b>	means, in the context of livestock, a livestock saleyard;
<b>Median Strip</b>	means a longitudinal area separating traffic lanes on a Road;
<b>Motor Vehicle</b>	has the meaning ascribed to it by the <i>Road Safety Act 1986</i> ;
<b>municipal district</b>	means the municipal district of the Council;
<b>Nature Strip</b>	means any part of a Road not including the constructed traffic lanes or Footpath;
<b>permit</b>	In relation to an activity, means a permit issued under this Local Law which authorises that activity;
<b>permit holder</b>	Is the person to whom a permit has been issued under this Local Law;
<b>Planning Scheme</b>	means the Council's planning scheme under the <i>Planning and Environment Act 1987</i> ;
<b>procession</b>	means an organised group of people proceeding along a Road or gathering for a ceremony or function and includes fun runs and bicycle events;

<b>Public Place</b>	means: (a) a Road; and/or (b) land which is owned, occupied or managed by the Council;
<b>Recreation Vehicle</b>	means any mini bike, motor bike, four wheel motorbike, all-terrain vehicle (ATV), motor scooter, monkey bike, go-cart or other vehicle propelled by a motor and used or intended to be used for recreational purposes but excludes any motorised vehicle being used: (a) for farming purposes or in connection with the general maintenance of the land; or (b) as a means of transport by a person who has a physical disability;
<b>recyclable material</b>	means material in respect of which a separate Council, or Council authorised, collection service applies;
<b>registered owner</b>	in relation to a Vehicle, means the person who is recorded as the registered owner of the Vehicle in the records kept by the Victorian Roads Corporation or the equivalent body in the State in which the Vehicle is registered;
<b>Reservation</b>	means anything constructed or located on a Road which divides the road longitudinally, but excludes a line or series of lines marked on a carriageway;
<b>Reserve</b>	means land owned, vested in or under the control of the Council that is used for recreational purposes;
<b>Residential Area</b>	means any part of the municipal district which is in a residential zone under the Planning Scheme;
<b>Road</b>	has the meaning ascribed to by the Act and for which Council is the responsible road authority;
<b>sealed container</b>	means a container sealed at the time of manufacture;
<b>septic tank system</b>	has the meaning ascribed to it by Part IXB of the <i>Environment Protection Act 1970</i>
<b>sheep</b>	means any ram, ewe, lamb or wether;
<b>shopping trolley</b>	means a wheeled container or receptacle supplied by a retailer for enabling customers to transport goods;
<b>Smog Alert Day</b>	means a day declared by the Environment Protection Authority as a Smog Alert Day and which affects the municipal district;

<b>Street</b>	means Road;
<b>Street Festival</b>	means an organised recreational, cultural, commercial or social gathering of people which is held on a Road;
<b>Street Party</b>	means an organised social gathering of people from one or several adjacent Roads that is held on a Road;
<b>Toy Vehicle</b>	means a vehicle including a bicycle, a child's tricycle, scooter, skateboard, roller blades, roller skates and similar toys;
<b>Vehicle</b>	has the meaning ascribed to it by the <i>Road Safety Act 1986</i> ;
<b>wasp</b>	includes an English or European wasp; and
<b>waste</b>	has the meaning ascribed to by the <i>Environment Protection Act 1970</i> .

## **Part 2 – Community Amenity, Public Health and Safety**

### **10. Dangerous land**

An owner or occupier of land must not cause or allow the land to be:

- (1) kept in a manner which is dangerous or likely to cause danger to life or property; or
- (2) used without a permit for the storage of any substance which is dangerous or is likely to cause danger to life or property; or
- (3) in a condition determined by resolution of the Council from time to time to be dangerous or likely to cause danger to life or property and notified by the Council to the owner.

### **11. Unsightly land**

An owner or occupier of land must not allow or permit the land to be kept in a manner which:

- (1) is unsightly or detrimental to the general amenity of the neighbourhood; or
- (2) harbours unconstrained rubbish; or
- (3) contains a disused excavation or waste material.

### **12. Septic systems**

The owner of land on which a septic tank system is installed, must:

- (1) ensure that the septic tank system is maintained in good working order at all times; and

- (2) for a septic tank system where a permit to install has not been issued pursuant to the *Environment Protection Act 1970*:
  - (a) ensure that sludge and scum are removed from the septic tank by a licensed contractor where directed by an authorised officer; and
  - (b) arrange for a licensed plumber to inspect and report on the operation of the septic tank system where directed by an authorised officer.

### **13. Storage of machinery or second-hand goods**

A person must not, without a permit, use any land for the storage of machinery or second hand goods of any kind or for the assembly or dismantling of such machinery or goods.

### **14. Open air burning**

- (1) Without a permit, a person must not light or allow to be lit or remain alight, any fire in the open air or in an incinerator on land zoned under the Planning Scheme as:
  - (a) Residential;
  - (b) Township;
  - (c) Low density Residential;
  - (d) Commercial 1; or
  - (e) Mixed Use.
- (2) Subclause (1) shall not apply to –
  - (a) a barbecue while being used for the purpose of cooking food; or
  - (b) a manufactured fireplace being used for the purpose of outdoor heating.
- (3) A person must not, without a permit, burn or cause to burn any offensive materials.
- (4) For the purpose of subclause (3), materials containing the following substances are offensive:
  - (a) any manufactured chemical;
  - (b) any rubber or plastic;
  - (c) any petroleum or oil;

- (d) any paint or receptacle which contains or which contained paint;
- (d) food waste, fish or other offensive or noxious matter; or
- (e) any other material as determined by the Council by resolution from time to time.

## **15. Recreation vehicles**

- (1) A person must not, without a permit, use, or allow to be used, a Recreation Vehicle on any Council Land or Reserve (other than any public highway or Road) unless the Council Land or Reserve has been designated for that purpose; or
- (2) A person must not use on private land, or being the owner or occupier allow to be used on the land, a Recreation Vehicle for non-commercial purposes if the land is zoned under the Planning Scheme as –
  - (a) Residential;
  - (b) Township;
  - (c) Low Density Residential;
  - (d) Commercial 1;
  - (e) Mixed Use;
  - (f) Rural Living; or
  - (g) Rural Conservation.
- (3) Despite subclause (2), without a permit, a person must not use on private land, or being the owner or occupier allow to be used on the land, a Recreation Vehicle for non-commercial purposes if the land is less than two hectares in area.
- (4) A person must not use a Recreation Vehicle on a Smog Alert Day or on a Fire Ban Day declared either partially or totally in accordance with the *Country Fire Authority Act 1958*.

## **16. Camping**

- (1) A person must not, without a permit, camp in a Public Place in a tent or caravan unless they are within a caravan park registered under the *Residential Tenancies Act 1997* or an area determined by the Council to be available for camping purposes.
- (2) A person must not, without a permit, camp or place a tent or caravan on any private vacant land.



- (3) A permit issued under subclause (2) is restricted to a maximum of one year's duration and must not be extended or renewed in respect of the same land.
- (4) Notwithstanding subclause (2), during the period 1 November to 1 May (inclusive) or School Holiday Periods, a person may camp or place a tent or caravan without a permit subject to the requirements set out in the Schedule to this Local Law.

### **Part 3 – Streets and Roads**

#### **17. Waste and recyclable material**

- (1) The occupier of land from which domestic or commercial waste is collected, must comply with Council's Waste Collection Services Procedures which are incorporated by reference into this Local Law.
- (2) A person must not, unless authorised by Council, remove or interfere with waste or recyclable material left on a Road for collection by Council, or at any other collection point.

#### **18. Transportation of waste**

A person must not convey or cause to be conveyed in any Vehicle on any Road 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 so that -

- (1) no leakage occurs or other material is dropped or deposited on any Street or Road or adjacent area from the Vehicle; and
- (2) the possibility of escape of offensive odours is reduced.

#### **19. Litter bins**

A person must not place domestic, commercial or industrial waste in a litter bin provided in any Public Place.

#### **20. Drainage Tappings**

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

#### **21. Council signs**

A person must comply with any sign erected in a Public Place by the Council.

#### **22. Liquor**

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

- (a) consume any liquor on a Road; or
  - (b) consume any liquor in any other Public Place between 10:00pm and sunrise; or
  - (c) have in his or her possession or control any liquor other than liquor in a sealed container on a Road or any other Public Place between 10:00pm and sunrise.
- (2) Subclause (1) does not apply to a person who:
- (a) is taking part in a public ceremony or event for which the Council has given its consent;
  - (b) is attending a private function at a Public Place which the Council leases or hires for private use; or
  - (c) has purchased liquor from a person who has a permit under sub-clause (1) and is consuming that liquor in an exempt area.

### **23. Obstructions to Pedestrians and Vehicles**

A person who owns or occupies land must not allow –

- (1) any vegetation; or
- (2) a sign, post or other similar object –

on that land to obstruct or interfere with a person or vehicles passing by the land.

### **24. Property numbers to be displayed**

For each property that has been allocated a property number by Council, the owner or occupier must clearly mark the property with the number allocated.

### **25. Vehicle Crossings**

The owner of land must ensure that:

- (1) each point of vehicular access from a carriageway on a Road to the land has a vehicle crossing that is constructed and maintained in accordance with Council's current guidelines; and
- (2) any redundant vehicle crossing is removed where directed by an authorised officer.

## **26. Leaving Shopping Trolleys**

A person must not leave a shopping trolley on any Road or vacant land or cause or authorise another person to do so other than in a designated area or in a car park located –

- (1) between Municipal Offices and the Safeway Store on Smith Street, Leongatha;
- (2) between Hyland Place, Church Street and Lyon Street, Leongatha; or
- (3) off South Railway Crescent and Mine Road, Korumburra known as the Festival Car Park.

## **27. Use of Toy Vehicles**

- (1) A person must not use a toy vehicle in a designated area or on a footpath or road abutting land zoned 'Commercial' under the Planning Scheme.
- (2) This clause does not apply to –
  - (a) Australia Post employees or Victoria Police Officers in the normal expiation of their duties; or
  - (b) a person whilst using a bicycle on a road.

## **28. Riding horses on reservations and public reserves**

- (1) A person must not, without a permit, ride or lead a horse or cause or authorise another person to ride or lead a horse on a Reservation in a built-up area or on any public Reserve.
- (2) This clause does not apply to a public Reserve which is signposted by the Council or another authority as being available for horse riding.
- (3) A person must not ride or lead a horse or cause or authorise another person to ride or lead a horse on a Nature Strip or Median Strip in a built-up area in a manner that causes damage to the Nature Strip or Median Strip.

## **29. Parking in Residential Zones**

- (1) A person must not, without a permit, park, keep, store, repair or authorise another person to keep, store or repair a Vehicle longer than six metres (including a trailer and fittings) on a property or Road in a Residential Area.
- (2) This clause does not apply in relation to a Vehicle which is parked, kept, stored or repaired for less than two hours.

### **30. Storage of Fodder on Roads**

A person must not place, keep, store or authorise another person to place, keep or store food for livestock on any Road.

### **31. Roadside Trading**

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

### **32. Locating signs and goods for sale**

A person must not, without a permit, place or display any goods for sale or a sign promoting the sale of any goods or services, or cause or permit another person under his or her control to do so on:

- (1) a Footpath; or
- (2) any part of a carriageway designed for the use of passing Vehicles; or
- (3) within 700mm of an area where Vehicles may stand; or
- (4) any other part of a Road.

### **33. Outdoor eating facilities on roads**

A person must not, without a permit, establish an outdoor eating facility on any Footpath or other part of a Road.

### **34. Placing Bulk Containers/Materials**

A person must not, without a permit, place or cause or permit another person to place a bulk container or bulk material on a Road or other Public Place.

### **35. Repair of vehicles on roads**

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

### **36. Substances from vehicles**

A person must not permit any grease, oil, mud, clay or other substance to fall or run off a Vehicle onto a Road into any drain on or under the Road or permit or authorise another person to do so.

### **37. Washing of Vehicles**

No person shall wash any vehicle on a street or road, or within a property, where the washing water will run onto the street or road.

### **38. Collections**

- (1) A person must not, without a permit, solicit or collect any waste materials, gifts of money or subscriptions from any Footpath or from house to house adjacent to any Road or cause or authorise another person to do so.
- (2) Council may exempt any person or class of person involved in soliciting or collecting any waste materials, gifts of money or subscriptions from the need to obtain a permit.

### **39. Street Festivals and Processions**

A person must not, without a permit, hold a, Street Festival or procession on a Road.

### **40. Door to door trading**

- (1) A person must not, without a permit, go from house to house selling or offering to sell goods carried on the person or on any animal or on or in any movable conveyance.
- (2) The Council may exempt any person or class of person or any selling activity from the need to obtain a permit.
- (3) This clause does not apply to:
  - (a) the home delivery of newspapers or magazines; or
  - (b) the home delivery of goods purchased at any other location; or
  - (c) the home delivery of goods where such delivery has been requested by the occupier of the house.

### **41. Busking and Street Entertainment**

A person must not, without a permit, busk on a Road or in a Public Place.

### **42. Noise in a public place**

- (1) A person must not, without a permit, in a Public Place -

- (a) sound or play a musical or noise instrument; or
  - (b) 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
  - (c) shout or harangue.
- (2) Subclause (1) does not apply to:
- (a) a device used in a manner and for a purpose permitted under the *Road Safety Act 1986*; or
  - (b) a warning which is reasonable in the circumstances; or
  - (c) an action on occupied land which is consistent with authority given by the occupier of that land; or
  - (d) sounds within a Motor Vehicle which cannot be heard outside the Motor Vehicle; or
  - (e) sound or noise conveyed through headphones which is not audible to a person other than the wearer of the headphones; or
  - (f) activities in any church, school, hall, theatre, market, auction room, licensed premises under the *Liquor Control Reform Act 1998* or sportsground conducted or undertaken with the approval of the occupier or person responsible for the management of such premises.

## **Part 4 – Municipal Places**

### **43. Behaviour at Municipal Buildings and Reserves**

A person must not:

- (1) interfere with another person's use and enjoyment of a municipal building or Reserve; or
- (2) obstruct, hinder or interfere with the manager of a municipal building or Reserve, or any employee or contractor of the Council or any person employed at the municipal building or Reserve in the normal exercise of their duties.

### **44. Access to Reserves**

A person must not enter a Reserve on a day or during a time when it is closed to the public generally unless that person does so subject to any conditions relating to fee or entry condition authorised by the Council.

#### **45. Use of Reserves**

- (1) A person must not, without a permit, do the following in a Reserve:
  - (a) camp or pitch, erect or occupy any camp, tent or temporary shelter; or
  - (b) light any fire or permit any fire to remain alight unless in a fireplace provided by the Council; or
  - (c) ride, drive or otherwise use a Recreational Vehicle except in an area designated for that purpose; or
  - (d) hold a circus, carnival or fair; or
  - (e) conduct, organise, engage in, play or practise cricket, football, bowls, tennis, lacrosse, golf, archery or any like games or any competitive game that may interfere with the use and enjoyment of the Reserve or any part thereof by another person; or
  - (f) sell, expose or offer for sale any article of food or drink or any other article or operate or cause to be operated any amusement for which a charge is made or collect money for any purpose; or
  - (g) ride or drive any horse, motorcar, motorcycle or other Vehicle or any bicycle. This sub-clause shall not apply to:
    - (i) any designated Road or bicycle pathway; or
    - (ii) the parking of any motorcar, motorcycle, vehicle or bicycle in any parking area set aside for that purpose by the Council; or
    - (iii) the wheeling of bicycles, prams, wheelchairs, child or baby carriages and children's toys; or
    - (iv) the riding of a bicycle in such a manner that it does not interfere with the use or enjoyment of the Reserve or any part of it by another person; or
    - (v) any Council staff or contractors in the normal exercise of their duties.

### **Part 5 – Animals and livestock**

#### **46. Keeping Animals**

- (1) An owner or occupier of a property 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 following table:

<b>Type of animal</b>	<b>Maximum no. of animals allowed in residential, mixed use, commercial, township &amp; industrial zones as defined in the relevant planning scheme</b>	<b>Maximum no. of animals allowed in rural conservation &amp; rural living zones as defined in the relevant planning scheme</b>
<b>Dogs</b>	2	2
<b>Cats</b>	2	2
<b>Poultry</b> Hens, Ducks, Geese and Turkeys Roosters	12 0	N/A 0
<b>Poultry - Victorian Poultry Fanciers Association Registration</b> Roosters Hens	3 12	N/A N/A
<b>Domestic birds</b>	50	N/A
<b>Large birds</b>	2	N/A
<b>Domestic mice</b>	10	N/A
<b>Guinea pigs</b>	2	N/A
<b>Domestic rabbits</b>	2	N/A
<b>Horses/donkeys</b>	none	N/A
<b>Cattle</b>	none	N/A
<b>Sheep</b>	none	N/A
<b>Goats</b>	none	N/A
<b>Pigs</b>	not permitted	not permitted
<b>Other agricultural animals</b>	none	N/A

- (2) Subclause (1) does not apply where a planning permit has been obtained for land used for the purposes of an animal shelter, animal boarding, animal breeding or animal keeping.

#### **47. Animal Housing**

- (1) The owner or occupier of any property on which animals are kept must provide housing which is adequate and appropriate in the circumstances, taking into consideration:
- (a) the type of animals to be kept; and
  - (b) the height of the shelter; and
  - (c) the number of animals to be kept; and
  - (d) the capacity to maintain it in a sanitary and inoffensive condition; and



- (e) the capacity to protect neighbours from noise from animals on the land; and
  - (f) any other relevant matters.
- (2) All animal housing must be maintained so that:
- (a) 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; and
  - (b) all manure and other waste is stored in a fly and vermin proof receptacle until removed from the premises or otherwise disposed of; and
  - (c) the ground surrounding the housing is satisfactorily drained; and
  - (d) the area of land within three metres of the area or structure in which the animal is kept is free from dry grass, weeds, refuse, rubbish or other material capable of harbouring vermin; and
  - (e) all food, grain or chaff is kept in vermin proof receptacles; and
  - (f) the area where animals are kept is clean and in a sanitary condition.

#### **48. Animal excrement**

- (1) A person in charge of an animal must not allow any part of the animal's excrement to remain on or in a Public Place within a built-up area.
- (2) A person in charge of an animal which litters in a Public Place must immediately collect and dispose of the litter in such a manner so as not to cause a nuisance to any other person.
- (3) A person whilst in charge of an animal in a Public Place must carry an effective device for the collection of the animal's excrement.

#### **49. Wasps' Nests to be removed**

An owner or occupier of property who is aware that there is a wasp's nest on the property must take steps to cause it to be destroyed or removed.

## **50. Fencing of land containing livestock**

An owner or occupier of land on which livestock are kept must ensure that the fencing of the land is adequate to prevent the escape of the livestock.

## **51. Livestock on roads**

- (1) Without a permit a person who owns or is in charge of livestock must not cause or allow the droving or grazing of the livestock on a Road for which Council is the relevant road authority.
- (2) In subclause (1) –
  - (a) “droving” means an individual driving of livestock, from one location to another, for the purpose of changing their grazing area or moving livestock from their grazing areas to a location for the purposes of sale or from a sale location to a grazing area but does not include movement of livestock. It also includes mere 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; and
  - (b) “grazing” means causing livestock to enter and remain on a Road for the purpose of grazing.
- (3) Subclause (1) does not apply to the movement of livestock from one property to another within the municipal district both of which are occupied by the owner of the livestock.

## **Part 6 – Permits**

### **52. Applying for a Permit**

- (1) A person may apply for a permit by:
  - (a) lodging with the Council the approved application form; and
  - (b) paying the fee prescribed by Council.
- (2) The Council may require an applicant to –
  - (a) provide additional information before dealing with an application for a permit or for exemption; and
  - (b) give public notice which will entitle any person to make a written submission to the Council regarding the application.

### **53. Grant of permits**

The Council or an Authorised Officer may -

- (1) grant a permit;
- (2) grant a permit subject to conditions; or
- (3) refuse to grant a permit.

### **54. Bonds**

- (1) In deciding to grant a permit, Council may require the applicant to lodge with Council a bond for such amount and in such a manner as Council deems reasonable in the circumstances.
- (2) If Council is required to remedy a breach of a permit or repair any damage caused by any work carried out under a permit, it may for that purpose, use part or all of any bond associated with that permit.
- (3) Where the bond or any part is used pursuant to clause 6.6.2, the person to whom the permit was granted may be directed to replenish or increase the bond amount.
- (4) On satisfactory completion of any works under a permit, Council must release any applicable bond or remainder of the bond.
- (5) If after 12 months, Council cannot locate a person entitled to the release of any bond, Council may retain the bond and pay the money into its general revenue.

### **55. Duration of Permits**

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

### **56. Cancellation of a Permit**

- (1) The Council or an Authorised Officer may cancel a permit if:
  - (a) there has been a serious or ongoing breach of the conditions of the permit; or
  - (b) a Notice to Comply has been issued and has not been complied with; or
  - (c) there was a significant error or misrepresentation in the application for the permit; or
  - (d) in the circumstances, the permit should be cancelled.

- (2) Before it cancels a permit, the Council or an Authorised Officer must, if practicable, provide to the permit holder an opportunity to make comment on the proposed cancellation.
- (3) If a permit holder is not the owner of the land and the owner's consent was required to be given to the application for the permit, the owner must be notified of any Notice to Comply and of the reason why it has been served.

#### **57. Correction of Permits**

- (1) The Council or an Authorised Officer may correct a permit in relation to:
  - (a) an unintentional error or an omission; or
  - (b) an evident material miscalculation or an evident material mistake of description of a person, thing or property.
- (2) The Council must notify a permit holder in writing of any correction.
- (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 the permit.

#### **58. Exemptions**

- (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.
- (2) An exemption may be granted subject to conditions.
- (3) A person must comply with the conditions of an exemption.
- (4) An exemption may be cancelled as if it were a permit.

### **Part 7 – Enforcement**

#### **59. Notice to Comply**

The Council or an Authorised Officer may, by a written notice served on 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.

***Note – In addition to personal service, a notice can be validly served under clause 60 by sending the notice by prepaid mail addressed to the person's last known residential or business address.***

## **60. Time to Comply**

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

## **61. Power of Authorised Officer to Act in Urgent Circumstances**

- (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:
  - (a) the Authorised Officer considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a Notice to Comply, may place a person, animal, property or thing at risk or in danger; and
  - (b) wherever practicable, a Senior Officer is given prior notice of the proposed action.
- (2) In deciding whether circumstances are urgent, an Authorised Officer must consider, to the extent relevant:
  - (a) whether it is practicable to contact:
    - (i) the person by whose default, permission or sufferance the situation has arisen; or
    - (ii) the owner or the occupier of the affected premise or property; and
  - (b) whether there is an urgent risk or threat to public health, public safety, the environment or animal welfare.
- (3) The action taken by an Authorised Officer under sub-clause (1) must not extend beyond what is necessary to cause the

immediate abatement of or minimise the risk or danger involved.

- (4) An Authorised Officer who takes action under sub-clause (1) must ensure that, as soon as practicable:
  - (a) details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and
  - (b) a report of the action taken is submitted to the Chief Executive Officer.

## **62. Power of Authorised Officer to Impound**

- (1) An Authorised Officer may impound any item that –
  - (a) encroaches or obstructs the use of a public place; or
  - (b) is not used or placed in accordance with a condition of a permit issued under this Local Law.
- (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.
- (3) As soon as possible after the impounding and where practicable to do so, the Authorised Officer must serve written notice on the owner or person responsible for the item which has been impounded setting out the fees and charges payable and time by which the item must be retrieved.
- (4) 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:
  - (a) where the item has no saleable value, it may be disposed of in the most economical way; and
  - (b) where the item has some saleable value the item may be disposed of either by tender, public auction or private sale but failing sale may be disposed of in accordance with subparagraph (a).
- (5) When the identity or whereabouts of the owner or person responsible for the impounded item is unknown, the Authorised Officer must take reasonable steps to ascertain the identity or whereabouts of that person and may proceed to dispose of the impounded item in accordance with sub-clause (4) once he or she is satisfied that all reasonable efforts have been made to

contact the owner or person responsible for the impounded item.

- (6) Any proceeds from the disposal of 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.
- (7) If a person described in sub-clause (6) cannot be identified or located within six 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.

### **63. Offences**

- (1) A person who:
  - (a) contravenes or fails to comply with any provision of this Local Law including a document incorporated by reference;
  - (b) contravenes or fails to comply with any condition contained in a permit issued under this Local Law;
  - (c) contravenes or fails to comply with a Notice to Comply within the time specified in the Notice to Comply;
  - (d) provides false information or makes a false representation when applying for a permit;
  - (e) fails or refuses to comply with a sign erected by Council;  
or
  - (f) refuses to comply with a direction given by an Authorised Officer or a person authorised under this Local Law –

is guilty of an offence and is liable to:

- (g) a penalty not exceeding **10 penalty units** for a first offence;
- (h) a penalty not exceeding **20 penalty units** for a second or subsequent offence.

### **64. Infringement Notices**

- (1) An Authorised Officer may issue an infringement notice in the form approved by Council as an alternative to prosecution for an offence.
- (2) The fixed penalty in respect of an infringement is –

- (a) 2 penalty units; or
- (b) 10 penalty units for an offence under clauses 14 (unauthorised roadside trading) and 32 (unauthorised burning off); or
- (c) 5 penalty units for an offence under clauses 17 (waste and recyclable materials) and 19 (litter bins) where the offender is the occupier of a commercial premises.



## **Schedule**

### **Requirements for Camping on Private Land**

The following requirements must be met, to the satisfaction of the Council, prior to a tent or caravan being placed on private vacant land within the municipal district:

1. A maximum of one tent **or** one caravan is permitted on private vacant land at any time.
2. Any caravan must be fitted with a smoke detector, an approved portable fire extinguisher and a fire blanket close to cooking facilities.
3. Any tent or caravan must be in good working order and in a good state of repair.
4. Water must be supplied to the site and be fit for human consumption as well as adequate for domestic use.
5. An adequate number of sanitary conveniences must be provided on-site, and may be of the chemical (builder's type), composting, septic or sewer type.
6. All sewage and wastewater generated on-site must be discharged to a system capable of collecting, removing and/or disposing of all sewage and wastewater, to the satisfaction of the Council. This does not apply to sink waste where sink waste is the only form of effluent, providing it does not cause a nuisance.
7. A vermin-proof rubbish bin with a tight fitting lid must be provided on-site for the disposal of all rubbish.
8. The site must be kept in a clean and sanitary manner at all times.
9. Any tent or caravan must be located at least three metres from any property boundary.