



**COMMUNITY AMENITY LOCAL LAW
NO. 1 OF 2011**

Note: This Local Law needs to be read in conjunction with any other relevant legislation, provisions or documents that the Local Law incorporates for application.

**SURF COAST SHIRE COUNCIL
COMMUNITY AMENITY LOCAL LAW NO. 1 OF 2011**

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NOTE: Introductions to Parts, headings and notes are explanatory notes and do not form part of this Local Law. They are provided to assist understanding.

PART ONE - PRELIMINARY PROVISIONS

1.1 Title

This is the Community Amenity Local Law No 1 of 2011.

1.2 Purposes

The purposes of this Local Law are to provide for the peace order and good government of the Surf Coast Shire by:

- (1) regulating and controlling uses and activities on Council land and roads so that the Council is aware of uses or activities which may:
 - (a) be detrimental to the amenity of the area or the enjoyment of facilities on land or roads;
 - (b) cause damage to Council and community assets;
 - (c) create a danger or expose others to risk;
 - (d) interfere with the safety and convenience of people travelling on or using Council land or roads; or
 - (e) impede free and safe access for people, in particular those with sight and movement impairment or disabilities;
- (2) managing, regulating and controlling activities and uses on any land which:
 - (a) may be dangerous, cause a nuisance or be detrimental to the amenity of the area or the environment;
 - (b) are directed at maintaining a healthy and safe environment for residents and visitors;
 - (c) promotes community expectations and demands about their desired lifestyle and the availability of goods and services provided to them;
- (3) identifying activities and uses that are not permitted so as to achieve the purposes in sub-paragraphs (1) and (2); and
- (4) providing for the administration of the Council's powers and functions.

1.3 Authorising Provision

This Local Law is made under Section 111(1) of the *Local Government Act 1989*.

1.4 Commencement, Revocation & Area of Operation

This Local Law:

- (a) commences on 14 December 2011 and
- (b) unless sooner revoked, ceases to operate on 14 December 2021 and
- (c) operates throughout the whole municipal district.

1.5 Repeal of Local Law

On the commencement of this Local Law, Surf Coast Shire Local Law No. 1 of 2008 (Community Amenity) is repealed and ceases operation, save that any notice or consent given or any business matter or thing commenced, made or done under the repealed local law is not affected.

1.6 Incorporated Documentation

Council's Community and Amenity Local Laws Policies and Procedures Manual is incorporated under this Local Law by reference.

1.7 Other Legislation

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

1.8 Charter of Human Rights and Responsibilities

This Local Law was prepared following due consideration of the *Charter of Human Rights and Responsibilities Act 2006*.

1.9 Definitions

In this Local Law and the documents incorporated by reference under clause 1.6 -

“Act” - means the *Local Government Act 1989* ;

“alcohol” - means a beverage intended for human consumption with an alcohol content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius;

“animal” - includes every species of quadruped and every species of bird;

“appropriate fee” - means the appropriate fee determined by the Council in accordance with this Local Law;

“authorised officer” - means a person appointed pursuant to Section 224 of the Act as an authorised officer for the purposes of this Local Law;

“barbeque” - means a structure or appliance designed or constructed for the primary purpose of cooking food in the open air for human consumption;

“bird” means small birds suitable for domestic aviaries;

“brazier” – means a container for fire, generally taking the form of an upright standing or hanging metal bowl or box that is used for holding burning coal as well as fires, and allows for a source of light, heat, or cooking;

building” - includes:

- (a) a structure and part of a building or a structure; and
- (b) fences, walls, out buildings and service installations;

“building site” - means any land on which building works are or are proposed to be, carried out and includes any road or other land used in association with the building works;

“building works” - means works for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a building and includes road making and drainage works;

“built up area” - means an area in which a 60kmh or lesser speed limit applies

“bulk rubbish container” - means a container (eg: skip) designed to take bulk quantities of rubbish and refuse which can only be lifted with mechanical assistance and includes a skip and a wheel mounted and tray bin type hopper;

“camping” - means using a tent, caravan, articulated recreational vehicle self-propelled self-contained motor home, vehicle or any temporary form of accommodation including sleeping bags or swags, for overnight sleeping;

“Chief Executive Officer” - means the person appointed as the Chief Executive Officer of the Council;

“clothing recycling bin” - means a bulk container designed for receiving donations of clothes which can only be lifted with mechanical assistance;

“Council” - means the Surf Coast Shire Council;

“Council controlled standpipe” - means a water outlet owned and maintained by the Council within the municipal district which is located in a public place and to which the public has access to water;

“Council land” - means land, buildings and facilities which are owned, occupied or vested in the Council or in respect of which the Council has the care and management and to which the public has access whether an entry fee is paid or not and includes a public place;

“commercial area” - means any part of the municipal district which is in a commercial zone in the Planning Scheme;

“glass free area” – means any beach area comprising of sand and any area designated by Council as glass free and no glass containers or vessels of any type are permitted;

“graffiti” - means any writing or drawing or markings on land which has not been authorised in writing by the Council or authorised or allowed under the Planning Scheme;

“hoarding” (including fences and/or barriers) – means an erection of precautions over the street alignment which is a screen of boards enclosing a house and materials while builders are at work. ?

“incinerator” - means a structure or device that is not enclosed in a building which is:

- (a) used or is intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance;
- (b) not licensed or otherwise subject to control under the provisions of any other Act;
- (c). not a barbeque;

“infringement notice penalty” – means the penalty applicable to an infringement notice;.

“municipal building” - means buildings and facilities which are owned, occupied or vested in the Council or in respect of which the Council has the care and management and to which the public has access whether an entry fee is paid or not and includes a public place

“noxious weed” – means:

- (a) a State prohibited weed; or
- (b) a regionally prohibited weed; or
- (c) a regionally controlled weed; or
- (d) a restricted weed.

“owner” - in relation to a vehicle includes the owner of the vehicle at the time of the offence or the person whose name appears on the certificate of registration issued by the Victorian Roads Corporation.

“pedestrian” – includes:

- (a) a person driving a motorised mobility device that cannot travel at over 10 kilometres per hour on level ground; and
- (b) a person in a non-motorised mobility device; and
- (c) a person pushing a motorised or non-motorised mobility device; and
- (d) a person in or on a wheeled recreational device or wheeled toy;

“penalty” – means the Court imposed penalty for an offence against this Local Law;

“permit” - means a permit issued under this Local Law;

“Planning Scheme” - means the Planning Scheme operating in the Surf Coast Shire that is made under the *Planning and Environment Act 1987*;

“poultry” - means birds kept for the production of eggs or meat for human consumption but does not include ducks, geese or roosters;

“premises”- has the same definition as that within the *Graffiti Prevention Act 2007*;

“prohibited area” – means an area designated by Council where entry or access is prohibited;

“public place” - has the same meaning as in the *Summary Offences Act 1966* which includes—

- (a) any public highway, road, street, bridge, footway, footpath, court, alley, passage or thoroughfare notwithstanding that it may be formed on private property;
- (b) any park, garden, reserve or other place of public recreation or resort;
- (c) any railway station platform or carriage;
- (d) any wharf, pier or jetty;
- (e) any passenger ship or boat plying for hire;
- (f) any public vehicle plying for hire;
- (g) any church or chapel open to the public or any other building where divine service is being publicly held;
- (h) any Government school or the land or premises in connexion therewith;

- (i) any public hall, theatre or room while members of the public are in attendance at, or are assembling for or departing from, a public entertainment or meeting therein;
- (j) any market;
- (k) any auction room or mart or place while a sale by auction is there proceeding;
- (l) any licensed premises or authorised premises within the meaning of the *Liquor Control Reform Act 1998*;
- (m) any race-course, cricket ground, football ground or other such place while members of the public are present or are permitted to have access thereto whether with or without payment for admission;
- (n) any place of public resort;
- (o) any open place to which the public whether upon or without payment for admittance have or are permitted to have access; or
- (p) any public place within the meaning of the words “public place” whether by virtue of this Act or otherwise;

“recreational vehicle” – means any mini-bike, trail-bike, motorbike, motor scooter, go-kart, monkey bike, articulated recreational vehicle self-propelled self-contained motor home used for camping or other recreational activities or other vehicle propelled by a motor which is ordinarily used for recreational purposes but excludes a motorised wheelchair or scooter designed to transport a person of limited mobility, and a motorised bicycle with a maximum capacity of 22 watt aggregate power;

“registrable movable dwelling” - means a movable dwelling such as a caravan, camper trailer or motor home that is, or has been, registered or is required to be registered under the **Road Safety Act 1986**;

“reserve” - includes an active or passive recreation ground;

“residential area” - means any part of the municipal district which is in a residential zone in the Planning Scheme;

“road” - has the same meaning as in the Act and applies to roads for which the Council has responsibility under the *Road Management Act 2004* which includes—

- (a) any public highway;
- (b) any ancillary area; or
- (c) any land declared to be a road under section 11 or forming part of a public highway or ancillary area;

“smoke free area” – means an area designated by Council where smoking is prohibited;

“stormwater pollutant” – means any material including litter, sediment, soil, mud, sand, concrete, plaster, brick and tile dust, paint and acid entering the stormwater system that degrades the quality of the stormwater to the detriment of the environment;

“stormwater system” – means the system that carries any stormwater run-off or any materials from land and includes kerb and channel, open channels, underground pipe systems and natural waterways;

“trade waste” - means any waste generated from a commercial or industrial activity on land

“township area” – means all land within the Council designated township boundaries;

“vehicle” - means a transport conveyance such as a motor vehicle, car, bus, van, automobile or truck that is designed to be propelled or drawn by any means, including a bicycle or other pedal-powered vehicle, trailer, tram-car and air-cushion vehicle but does not include railway locomotive or railway rolling stock;

“wheeled recreation device” - has the same meaning as in the *Road Safety Road Rules 2009* which state that a wheeled device, built to transport a person, propelled by human power or gravity (or in the case of a scooter, propelled by a person pushing one foot against the ground, or by an electric motor or motors, or by a combination of these), and ordinarily used for recreation or play, and—

- (a) includes rollerblades, rollerskates, a skateboard, a scooter that is not a motor vehicle, or similar wheeled device; and
- (b) does not include a golf buggy, pram, stroller or trolley, or a bicycle, wheelchair or wheeled toy, or a scooter that is a motor vehicle.

PART 2 – COUNCIL BUILDINGS AND RESERVES

Introduction:

This part contains provisions that define what is and what is not permitted on Council land. Section 4.2 of this Local Law also applies. Generally, the provisions apply to what are known as Municipal Buildings. Specific provisions then extend to reserves.

2.1 What Council May Do:

Council may:

- (a) restrict access to a *Municipal Building* or part of it;
- (b) close any *Municipal Building* or part of it to the public;
- (c) establish conditions of entry to a *Municipal Building*;
- (d) set and collect fees or charges for admission to or the hire or use of a *Municipal Building* or part of it;
- (e) set and collect fees or charges for the hire or use of any *Council* land) in connection with a *Municipal Building*; and
- (f) authorise a person to do any one or more of the things described in clause 2.1 - 2.5 (inclusive)

2.2 What a Person Cannot Do:

A person must not, without the consent of *Council* or an *authorised officer*:

- (a) act contrary to any conditions of entry applicable to a *Municipal Building*;
- (b) enter a *Municipal Building* without paying any fee or charge applicable to that *Municipal Building* or the hire or use of the *Municipal Building*; or
- (c) hire or use any *Council* property in connection with a *Municipal Building* without first paying any fee or charge which is applicable.

2.3 Behaviour in Municipal Buildings:

A person must not:

- (a) commit any nuisance in a *Municipal Building*;
- (b) interfere with another person's use and enjoyment of a *Municipal Building*;
- (c) act in a manner which endangers any other person in a *Municipal Building*;
- (d) use indecent, insulting, offensive or abusive language in a *Municipal Building*;
- (e) behave in an indecent, offensive, insulting or riotous manner in a *Municipal Building*;
- (f) destroy, damage, interfere with or deface a *Municipal Building* or anything located at, on or in a *Municipal Building* or
- (g) remove any object which is owned by *Council* from a *Municipal Building*, without the consent of *Council* or an *authorised officer*;
- (h) act in a manner contrary to any restriction or prohibition contained in the inscription on a sign at, on or in a *Municipal Building*;
- (i) deposit any litter in a *Municipal Building*, except in a receptacle provided for that purpose;
- (j) except for a child under the age of six (6) years in the care of a responsible person, and for a carer providing assistance to a person with a disability, enter or use any dressing room, shower, convenience or other area in a *Municipal Building* which has been appropriated for persons of the opposite gender;
- (k) without the consent of *Council* or an *authorised officer*, sell any goods or services in a *Municipal Building*;
- (l) without the consent of *Council* or an *authorised officer*, erect, affix, place or leave any advertisement in a *Municipal Building*;
- (m) without the consent of *Council* or an *authorised officer*, erect, operate or cause to be erected or operated any amusement in a *Municipal Building*;
- (n) obstruct, hinder or interfere with any member of staff of *Council* in the performance of his or her duties in a *Municipal Building*;
- (o) act contrary to any lawful direction of an *authorised officer* or member of *Council* staff given in a *Municipal Building*, including, without limitation, a direction to leave the *Municipal Building*, whether or not a fee for admission to the *Municipal Building* has been paid;
- (p) use or interfere with any life saving or emergency device located in a *Municipal Building*, unless:
 - (i) using the device in an emergency; or
 - (ii) participating in an instruction approved by *Council* or an *authorised officer*;
- (q) organise any function or event in a *Municipal Building* without the consent of *Council* or an *authorised officer*;
- (r) bring any animal into, or allow any animal under his or her control to remain in, a *Municipal Building* without the consent of *Council* or an *authorised officer*, except for a guide dog being used by a visually impaired person, a hearing dog being used by a hearing impaired person or a dog being used to assist a person with limited mobility;

- (s) bring any *vehicle* or *toy vehicle* into a *Municipal Building* without the consent of *Council* or an *authorised officer*, except for:
 - (i) a pram or pusher being used by a child; or
 - (ii) a wheelchair or motor scooter being used by a physically disabled person; or
- (t) bring into a *Municipal Building* any substance, liquid or powder which may:
 - (i) be dangerous or injurious to health;
 - (ii) have the potential to foul, pollute or soil any part of the *Municipal Building*; or
 - (iii) cause discomfort to any person without the consent of *Council* or an *authorised officer*.

Infringement Notice Penalty: 1 Penalty Unit

Penalty: 5 Penalty Units

2.4. Access to Municipal Buildings

- (1) Council or an authorised officer may:
 - (a) determine the hours when any *Municipal Building* will be open to the public;
 - (b) restrict access to a *Municipal Place* or part of a *Municipal Building*;
 - (c) close any *Municipal Building* or part of a *Municipal Building* to the public; and
 - (d) charge fees for admission to or the use of a *Municipal Building* or part of a *Municipal Building*.
- (2) Council may:
 - (a) authorise any person to occupy a *Municipal Building* or restrict access to a *Municipal Building*; or
 - (b) authorise any person to charge and collect fees for admission to or the use of a *Municipal Building* or part of a *Municipal Building*.
- (3) *Council*, an *authorised officer* or any person authorised by *Council*, may from time to time establish:
 - (a) conditions applying to and fees or charges for admission to or the hire or use of a *Municipal Building* or part of a *Municipal Building*; and
 - (b) conditions applying to and fees or charges for the hire or use of any property of *Council* in connection with a *Municipal Building*.
- (4) In exercising the powers conferred by this clause, *Council*, an *authorised officer* or any person authorised by *Council* may determine conditions applying to and fees and charges for admission to or the use of *Municipal Building*:
 - (a) on multiple occasions;
 - (b) over a period of time; or
 - (c) on any other basis that it, he or she considers appropriate.
- (5) A person must not, without the consent of *Council* or an *authorised officer*:
 - (a) enter a *Municipal Building* other than through an entrance provided for that purpose;
 - (b) enter or remain in a *Municipal Building* during hours when the *Municipal Building* is not open to the public;
 - (c) enter or remain in a *Municipal Building* without having paid any fee or charge imposed by *Council*, an *authorised officer* or any person authorised by *Council* for admission to the *Municipal Building*;
 - (d) remain in a *Municipal Building* after being directed to leave by an *authorised officer*; or
 - (e) enter a *Municipal Building*, after having been directed to leave that *Municipal Building* by an *authorised officer*, until her or she is granted written permission to do so by *Council* or an *authorised officer*.

Infringement Notice Penalty: 1 Penalty Unit

Penalty: 5 Penalty Units

2.5 Activities Prohibited in Reserves

In a *reserve*, a person must not:

- (a) unless that person is a player, official or competitor in or at a sporting match or gathering, enter upon or remain on an area set aside as a playing ground during the course of a sporting match or gathering;
- (b) act in any manner so as to endanger any other person, cause any damage to any property or the environment or interfere with the quiet enjoyment of the *reserve* by any person;
- (c) use any children's playground equipment other than for the purpose for which it is provided;
- (d) fish in or swim, paddle, dive or jump into or enter any wetland, lake, pond or fountain contrary to any sign erected in the *reserve*;
- (e) feed any *bird*;
- (f) abandon any *animal* or *bird*;

- (g) throw, place or allow to be thrown or placed any liquid, stone, stick, paper, dirt or other object, substance or thing into any wetland, lake or pond;
- (h) play, engage in or practise any game or sport, whether or not in accordance with a permit issued under this Local Law, in a manner that is:
 - (i) dangerous to any other person in the *reserve*; or
 - (ii) likely to interfere with the reasonable use or enjoyment of the *reserve* by any other person;
- (i) ride any horse other than in an area and at a time designated by *Council*; or
- (j) drive, ride in or on or otherwise use any *motor vehicle* other than in an area designated by *Council*.

Infringement Notice Penalty: 1 Penalty Unit

Penalty: 5 Penalty Units

2.6. Activities Which May be Permitted in Reserves

In a *reserve*, a person must not, without a permit or the consent of an *authorised officer*,

- (a) ride or drive a *vehicle* or *animal* in a manner or in a place which is likely to damage or ruin any grassed area or turf surface or otherwise interfere with the use of the *reserve* by another person;
- (b) light a fire or permit any fire to remain alight except in:
 - (i) a barbecue provided by *Council*; or
 - (ii) a portable liquid petroleum gas barbecue;
 - (iii) charcoal fuelled barbecue;
- (c) organise any competitive sport, game, event or activity other than a sport, game, event or activity played for family or social purposes;
- (d) camp or pitch, erect or occupy any camp, tent, caravan or temporary structure;
- (e) conduct or celebrate a wedding;
- (f) organise or hold any rally, procession, demonstration or any other public gathering;
- (g) make a collection of money;
- (h) destroy, damage or interfere with any flora or kill, injure or interfere with any fauna;
- (i) use an amplifier;
- (j) walk on any plot, bed, border or any other area set aside for vegetation;
- (k) construct or install a film set, or record for television or other media purposes any event or activity, if the construction, installation or recording (as the case may be) is for fee or reward or commercial purposes (but excluding wedding and general photography or recording and any media photography or recording for news production purposes); or
- (l) drive any *livestock*.

PART 3 – PROTECTION OF COUNCIL LAND AND ASSETS

Introduction: *This Part is designed to protect Council land and assets. Specifically, it regulates drains, vehicle crossings and recreational vehicles. More generally, it establishes a system of Asset Protection Permits, as a means of regulating building work which may harm Council land or assets.*

3.1 Tapping into Council Drains

A person must not tap into or interfere with any Council drain without first obtaining a permit.

Infringement Notice Penalty: 4 Penalty Units

Penalty: 20 Penalty Units

3.2. Taking Water from Council Controlled Standpipes

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

- (a) Have a valid permit on their person;
- (b) Only take water for a maximum period of 48 hours from the date of issue of the permit;
- (c) Only take up to the maximum volume of water specified on the permit;
- (d) Only use the water in compliance with regulations published by the relevant water authority; and
- (e) Ensure that details concerning the amount of water taken, the date and time are immediately recorded on the permit.

Infringement Notice Penalty: 4 Penalty Units

Penalty: 10 Penalty Units

(2) Immediately after a person takes water from a Council-operated standpipe, that person must:

- (a) Completely turn the standpipe tap off;
- (b) Securely lock the standpipe (if applicable); and
- (c) Return the key to the standpipe operator (if applicable).

(3) A person obtaining water from a Council-operated standpipe for the purposes of filling a CFA or other authorised fire-fighting appliances on any day, including a day of total fire ban, is exempt from the requirements of clause 3.2(1).

3.3 Interference with Watercourse

- (1) A person must not destroy, damage or interfere with any watercourse, wetland, ditch, creek, gutter, tunnel, bridge or levy which is vested in or under the management or control of Council.
- (2) A person must not, without a permit, divert the contents of any such watercourse, wetland, ditch, creek, gutter, tunnel, bridge or levy which is vested in or under the management or control of Council.

Infringement Notice Penalty: 3 Penalty units

Penalty: 10 Penalty Units

3.4 Constructing Vehicle Crossings

(1) A person must not, without a permit, construct, remove or relocate any temporary or permanent vehicle crossing.

(2) Each owner and occupier of land must not, without a permit:

- (a) construct or allow to be constructed; or
 - (b) use or allow to be used
- a second or subsequent vehicle crossing to service the land.

Infringement Notice Penalty: 3 Penalty units

Penalty: 10 Penalty units

3.5 Maintaining Vehicle Crossings

Each owner and occupier of land must maintain and keep in good condition any vehicle crossing which services that land.

Infringement Notice Penalty: 3 Penalty Units

Penalty: 10 Penalty Units

3.6. Directing Vehicle Crossing Works

- (1) Council or an authorised officer may direct the owner or occupier of land to:
 - (a) construct a temporary or permanent vehicle crossing;
 - (b) repair or reconstruct a vehicle crossing; or
 - (c) remove a vehicle crossing, and reinstate any kerb, channel, footpath or other areas;to the satisfaction of the authorised officer.
- (2) The owner or occupier of land to whom a direction has been given under this clause must first apply to Council for a permit to do the thing which is directed.

Infringement Notice Penalty: 3 Penalty Units

Penalty: 10 Penalty Units

3.7 Asset Protection

- (1) The:
 - (a) owner of any land;
 - (b) builder engaged to carry out building work on land;
 - (c) appointed agent of any person listed in paragraphs (a) and (b); or
 - (d) demolition contractor engaged to carry out the demolition of a structure on the land, in the case of building work involving demolition;
- Must:
- (i) obtain a Permit before carrying out the building work or allowing the building work to be carried out on that land; or
 - (ii) not carry out or allow to be carried out any building work on that land unless an Asset Protection Permit has been obtained.
- (2) On the payment of an application fee, Council may issue an Asset Protection Permit in respect of any land where building work is to be carried out.
 - (3) An Asset Protection Permit may allow a person to enter land from a road other than by a permanently constructed vehicle crossing whether or not public assets or infrastructure are likely to be damaged.
 - (4) An Asset Protection Permit may be subject to such conditions as Council determines, including conditions:
 - (a) requiring protection works to be done;
 - (b) requiring the payment of a security bond;
 - (c) requiring that any or all public assets or infrastructure damage be cleaned, repaired, replaced or re-instated within a specified time and to the satisfaction of Council; or
 - (d) requiring a temporary vehicle crossing to be installed to Council's specification before commencement of any building work or delivery of any equipment or materials to the land.
 - (5) A person who is not one of the persons described in subclause 3.7(1) must not:
 - (a) carry out building work on land unless, in respect of the building work, an Asset Protection Permit has been obtained; or
 - (b) deliver to a building site any equipment or materials unless an Asset Protection Permit has, in respect of the building work being carried out on the land, been obtained.

Infringement Notice Penalty: 3 Penalty units

Penalty: 10 Penalty units

3.8 Managing Building Sites

For the purposes of this clause -

“Person in Charge” means:

- (a) the person in charge of the building site;
 - (b) the builder or the person responsible for carrying on building works on the building site;
 - (c) the owner of the building site;
 - (d) in the case of a company, each director of that company; or
 - (e) a combination of any of the persons listed in paragraphs (a) – (d).
- (1) A person in charge of a building site must:
 - (a) before commencing any building work, obtain a permit to use or alter Council land or a road to:
 - (i) place bulk rubbish containers (eg: skip) on Council land or a road;
 - (ii) undertake ancillary building works where:
 - a. the Council requires a temporary vehicle crossing for access to the road from the land where building works are being done; or
 - b. building materials will be left or stored on a road; or
 - (iii) plant or add anything that changes or interferes with the existing condition of the Council land, including installing a gate in a boundary fence or access across Council land; or

- (iv) remove anything that changes or interferes with the existing condition of Council land; or
 - (v) remove any native plant or native vegetation or any plant or vegetation that Council consider to be significant to the municipality.
 - (b) pay any security bond if required by the Council; and
 - (c) comply with any requirements where access or approval is required under other legislation administered by the Council.
- (2) At the completion of the building work the security bond paid to the Council may be:
 - (a) retained by the Council and applied towards the costs of repairing any damage to the Council's assets because of the building work; or
 - (b) refunded to the person in charge of the building site if the Council is satisfied that no damage has been caused because of the building work or that any damage has been repaired to the satisfaction of the Council.
 - (3) A person in charge of a building site must if requested to do so by an authorised officer identify any person responsible for failing to comply with the requirements of the permit or where access or approval is required under other legislation administered by Council.
 - (4) Ensure that all works are carried out within the EPA residential noise guidelines.
 - (5) Comply with the Better Practice Building Site Management Code of Practice.

Infringement Notice Penalty: 3 Penalty Units
Penalty: 20 Penalty Units

3.9 Requirements Applying to the Management of Building Sites

1. The following requirements apply to a person in charge of a building site:
 - a) Stormwater Management
 - i) Stormwater must be retained on the site wherever possible for connection to the stormwater system; and
 - ii) Sediment must be prevented from polluting stormwater discharges and from entering the sewerage system.
 - b) Protection of the environment and vegetation
 - i) Preservation of grass and vegetation, especially on the perimeters of the building site;
 - ii) Minimisation of work on slopes, along streams and environmentally sensitive areas;
 - iii) Minimise soil exposure and revegetate as soon as possible
 - iv) Removal of excess soil from the building site as soon as practicable
 - c) Excavations
 - i) Reinstatement of trenches as soon as pipes or cables are laid;
 - ii) Cleaning of roads during excavation works
 - iii) Protection of stormwater entry pits close to roadworks
 - d) Site access and access roads
 - e) Minimisation of dust or mud from road surfaces
 - f) Stockpiles
 - i) Positioning of stockpiles away from drainage flows; and
 - ii) No placement of stockpiles on roads (unless a permit has been granted under the Community Amenity Local Law)
 - g) Waste Management
 - i) Containment of litter from the building site in a container kept on the building site;
 - ii) Immediate cleaning of spills and prevention of paint residues or other liquid wastes from entering the stormwater system or soaking into the ground;
 - iii) Provision of proper sanitary facilities on site;
 - iv) Provision of a dedicated chemical storage area
 - v) Containment or filtration of run off pressure cleaning and brick, tile or pavement cutting;
 - vi) Recycling wherever possible and sending waste which is not recyclable to landfill; and
 - vii) Containment of waste from concrete deliveries on the site or on the truck.
 - h) Contaminated Soil
 - i) Testing of soil for contamination and evidence of old fill material or previous industrial use prior to any works commencing; and
 - ii) Compliance with EPA guidelines on the management and containment of soils
 - i) Outside the site
 - i) No hosing of litter into drains;

- ii) Daily inspection and cleaning of roads and gutters around the site;
 - iii) Minimisation of dust from the site; and
 - iv) Keeping of all equipment and material used in association with the building work on the building site unless a permit under the Community Amenity Local Law has been obtained.
- j) Potential stormwater pollutants must not be allowed to escape from a building site.
 - k) Any potential stormwater pollutant must be stored in a way that it is prevented from escaping from a building site.
 - l) A bulk rubbish container (skip) must:
 - i. be provided on the building site and kept at the site until the building works are completed; and
 - ii. be emptied as often as necessary so that it is not overfilled; and
 - iii. be able to be kept closed and secured with a lid at all times so that litter and building rubbish cannot escape from it.
 - m) Litter and building rubbish from a building site or an area approved must be disposed of at an approved landfill or recycling facility.
 - n) Building works must be contained entirely within the building site or within an area approved by the Council.
2. A permit is required for the erection of Hoardings, Fencing or Barriers that extends beyond the building site and applications must contain a site plan indicating:
- a) location of all existing features including footpath, kerb and roadway details, service utility assets and fire hydrants, drainage pits, trees, street furniture and bus stops;
 - b) details of proposed building works;
 - c) location of proposed temporary public protection measures;
 - d) location of proposed construction site access;
 - e) architectural and/or structural plans including sections and a street elevation to a scale of 1:100 including all necessary dimensions;
 - f) duration of temporary public protection work; and
 - g) purpose and details of temporary hoarding and public protection measures.
3. The purpose of a permit to erect a hoarding, barrier or fencing is to ensure that adequate measures are employed to protect the public from activities that are occurring, around and above the worksite. In deciding whether to grant a permit Council will take into account measures which may consist of:
- a) Erection of side protection measures such as timber hoardings or protective barriers around the construction site;
 - b) Erection of overhead protection measures such as overhead gantries or awnings above a pedestrian zone;
 - c) Establishing specific protected hoisting zones to safely deliver materials to the site.
 - d) Temporarily closing part of a road or footpath but ensuring at least 1.5m wide trafficable path is available;
 - e) Erecting adequate signage to warn the public;
 - f) Preparing and implementing a traffic management plan to appropriately manage vehicle and pedestrian traffic in the vicinity of the site where necessary.

Infringement Notice Penalty: 3 Penalty units

Penalty: 10 Penalty units

3.10 Displaying Property Numbers

- 3.10.1 Where a road number has been allocated to a property the owner or occupier must ensure that the allocated number is clearly visible and legible from the road on which the property has its frontage

Infringement Notice Penalty: 1 Penalty Unit

Penalty: 5 Penalty Units

PART 4 – MUNICIPAL AMENITY

This Part is concerned with the visual amenity of the municipal district. Its provisions control a number of activities which, if left uncontrolled, have the potential to detract from the natural environment.

4.1 Street Parties, Festivals and Outdoor Entertainment Events

A person must not without a permit hold an outdoor entertainment event where the proposed use of Council land or a road means that they will have exclusive use of that land or a road for a specified period that will prevent others from using or accessing that Council land or a road.

Infringement Notice Penalty: 3 Penalty Units

Penalty: 20 Penalty Units

4.2 Consumption and Possession of Alcohol

A person must not without a permit, consume or possess alcohol in an unsealed container on Council land or a road, including while in a vehicle on Council land or a road, or a public place, unless the person is at premises licensed or authorised under the *Liquor Control Reform Act 1998*.

Infringement Notice Penalty: 1.25 Penalty Units

Penalty: 5 Penalty Units

4.3 Open Air Fires and Incinerators

- (1) A person must not without a permit, light a fire in the open air or in an incinerator on any land in a residential area on any day or time other than on a Wednesday or a Saturday between the hours of 10am and 3pm. The open air fire and the matter being burnt occupy no more than 1 cubic metre of land and space and must be dried vegetation only.
- (2) A person must not light a fire during a CFA declared fire danger period.
- (3) A person must not without a permit light a fire in the open air where the open air fire will be lit or used on any Council land or public place.
- (4) The requirement to obtain a permit does not apply to:
 - (a) a person lighting a barbeque for cooking food; or
 - (b) a constructed fireplace or brazier; or
 - (c) a fire that is authorised or directed to be lit under any other legislation.
- (5) A person must not light a fire in the open air or an incinerator to burn any material or substance that:
 - (a) causes a nuisance to any other person;
 - (b) could harm or damage a person's health;
 - (c) be offensive to any other person; or
- (6) A person must not burn any:
 - (a) rubber or plastic substance;
 - (b) petroleum oil or material containing any petroleum oil;
 - (c) paint or container which contains or has contained paint;
 - (d) manufactured chemical;
 - (e) household rubbish, building or other materials;
 - (f) green vegetation (dried only);
 - (g) food waste –unless they are permitted to do so by other legislation.

Infringement Notice Penalty: 4 units

Penalty: 20 Penalty Units

4.4 Fire Hazards

- (1) An owner or occupier of premises must ensure that:
 - (a) all necessary steps are taken to:
 - (i) prevent fire on; and
 - (ii) minimise the possibility of spread of fire from those premises; and
 - (b) the premises are kept free of material or substances likely to assist the spread of fire; and
 - (c) any materials or substances which are likely to constitute a fire hazard because of the type of vegetation or because weeds, stubble or grass exceeds **30cm** in height;
- (2) For the purposes of this clause “material or substances” includes undergrowth, scrub, bracken, ferns, weeds, stubble and grass (whether alive or dead and whether standing or not standing).

- (3) An authorised officer may enter and inspect those premises to determine whether:
 - (a) there is on any premises any material which constitutes or is likely to constitute a fire danger to property; or
 - (b) a fire break is required to be made or cleared on those premises.

Infringement Notice Penalty: 2 Penalty Units

Penalty: 20 Penalty units

4.5 Unsightly / Detrimental to Amenity and Dangerous Land

An owner or occupier of land must not keep or allow that land to:

- (a) Be kept in a manner which is dangerous or likely to cause danger to life or property because of the materials or substances that are kept on the land; or
- (b) Be unsightly or detrimental to the general amenity of the neighbourhood because of rubbish, waste or other material giving the appearance of the land as one of neglect and out of character with other land in the vicinity; or
- (c) Be likely to cause a nuisance or be a health hazard because of the existence of noxious weeds or because the conditions provide a harbour for vermin;
- (d) Have grass or weeds or similar vegetation that is in excess of 30cm from the natural surface of the ground;
- (e) Contain disused excavation or waste material;
- (f) Have dismantled vehicles or vehicle parts visible from adjoining roadway or properties; or
- (g) Have any other matter deemed to be offensive or unsightly by an authorised officer of Council.

Infringement notice penalty: 2 Penalty Units

Penalty: 20 Penalty Units

4.6 Camping

- (1) A person must not without a permit camp on any land in the Municipal District in or under a vehicle, tent, caravan, registrable movable dwelling, or any other type of temporary or provisional form of accommodation.

Note - This does not apply to camping or the use of a caravan or mobile home in a registered caravan park or an area designated by the council to be available for camping.

Infringement Notice Penalty: 1.25 Penalty Units

Penalty: 20 Penalty Units

- (2) In deciding whether to grant a permit under this clause, Council must consider the following:
 - (a) The location of the land;
 - (b) The statutory planning requirements relevant to the land;
 - (c) The suitability of the land for camping;
 - (d) The number of persons or other structures to be located or accommodated on the land;
 - (e) The length of time the tents and other structures will be erected on the land;
 - (f) The availability of sanitary facilities to the land;
 - (g) The likely damage to be caused;
 - (h) The likely impact on nearby residents;
 - (i) Council policy; and
 - (j) Any other matter relevant to the circumstances of the application.
- (3) Council may issue a permit, with or without conditions, for a maximum period of six months provided that the following conditions are met:
 - (a) The property in question is suitable for temporary residency;
 - (b) A Building and/or Planning Permit for a permanent dwelling has been issued;
 - (c) Adequate progress is being made towards completion of the dwelling;
 - (d) Appropriate sanitary facilities are provided;
 - (e) Appropriate services (e.g. water supply) are provided;
 - (f) Suitable solid and liquid waste disposal methods are in place;
 - (g) The granting of the permit will not be to the detriment of, disturb, annoy or disrupt neighbouring properties; and
 - (h) The applicant has demonstrated that appropriate fire protection measures are in place.

4.7 Caravans or Tents as Temporary Accommodation

- (1) A person must not without a permit occupy a caravan or tent within the Municipal District except in accordance with sub clause (2) or Clause 4.8

Infringement Notice Penalty: 2.5 Penalty Units
Penalty: 20 Penalty Units.

- (2) Sub-clause (1) does not prevent the occupier of any private property where a dwelling exists placing one caravan owned by him/her or a tent on his/her property for the use of a member of his/her household or a temporary visitor to sleep in for a total period not exceeding 28 days in any one year provided that such caravan or tent occupant must be provided with proper sanitation, bathing and drainage facilities to the satisfaction of the Council.
- (3) In determining whether to grant a Permit to allow a caravan or tent to be used as temporary accommodation, the Council must take into account the arrangements proposed to ensure:-
 - (a) adequate disposal of waste water into a fixture approved by the Sewerage Authority of the area or the satisfaction of the Council;
 - (b) that no objectionable noise will be created to cause a nuisance to any other person on any adjacent or nearby land or premises;
 - (c) that toilet pan waste and grey water waste will be disposed of in a manner approved by the Council.
- (4) Permits may be renewed at the discretion of Council subject to a further application by the property owner.

4.8 Using vehicles for sleeping or accommodation

A person must not camp or use any vehicle on any land within the township areas of the municipal district for sleeping or accommodation.

Note - This does not apply to camping or the use of a vehicle in a registered caravan park or an area designated by the council to be available for camping.

Infringement Notice Penalty: 1.25 units
Penalty: 20 Penalty Units

4.9 Clothing Recycling Bins

A person must not place on Council land or on a road a clothing recycling bin.

Infringement Notice Penalty: 2 Penalty Units
Penalty: 20 Penalty Units

4.10 Shopping Trolleys

- (1) The owner of any shopping trolley made available to members of the public must ensure that the shopping trolley legibly identifies the owner's name or the owner's business name.
- (2) A person must not leave a shopping trolley on:
 - (a) a road, footpath or median strip;
 - (b) Council land except in an area designated by Council for the leaving of shopping trolleys; or
 - (c) Any vacant land
- (3) A person must not remove a shopping trolley from a designated shopping centre carpark.

Infringement Notice Penalty: 1 unit
Penalty: 10 Penalty Units

4.11 Smoke Free Areas

A person must not on the sand area of any beach within the municipal district, smoke a cigarette, cigar, pipe or like tobacco substance at any time.

Infringement Notice Penalty: 1 Penalty Unit
Penalty: 10 Penalty Units

4.12 Glass Free Areas

- (1) A person must not without a permit, take any glass container, bottle, receptacle, vessel or like product:
 - (a) onto the sand area of any beach within the municipal district, at any time; or
 - (b) onto designated glass free foreshore areas between 9pm and 6am as identified in the maps in Schedule 2 of this Local Law:
 - (i) Torquay – Map 1 – area highlighted as Surf Beach Drive, from Bell Street, to the prolongation of The Esplanade to Bell Street from 15 November to 31 January (inclusive).

- (ii) Anglesea – Map 2 – area highlighted from the prolongation of Murray Street to the river mouth and the grassed area between the Great Ocean Road and the Anglesea River to the bridge from 15 November to 31 January (inclusive).
- (iii) Lorne – Map 3 – area highlighted from the prolongation of Bay Street along Mountjoy Parade to the southern boundary of Mantra Erskine Beach, east to Cypress Lane, excluding any premises licensed under the Liquor Control Act, from 15 November to 31 January (inclusive); or
- (c) onto designated glass free foreshores areas on 31 December between 6pm and 7pm; or
- (d) into any other area designated by Council from time to time to be glass free.

Infringement Notice Penalty: 1 Penalty Unit

Penalty: 10 Penalty Units

4.13 Sand Dune area – prohibited access

A person must not enter a sand dune area at any beach apart from defined walking tracks and beach access tracks.

Note - The prohibited area applies to the fenced sand dunes or in the case of no fencing, applies from the toe of the primary sand dune.

Infringement Notice Penalty: 2 Penalty Units

Penalty: 10 Penalty Units

4.14 Recreational Vehicles on Private Land

A person:

- (a) must not, without a permit, drive, ride on or otherwise use any *recreational vehicle* on *private land* within 500 metres of a *dwelling* located on any other land; or
- (b) who is the occupier of any *private land* must not, without a permit, allow a person to drive, ride on or otherwise use any *recreational vehicle* on that land within 500 metres of a *dwelling* located on any other land

Note - This clause does not apply to the use of vehicles in the conduct of farming activities and primary production on land zoned rural under the Planning Scheme.

Infringement Notice Penalty: 1.5 Penalty Units

Penalty: 10 Penalty Units

4.15 Graffiti

An owner or occupier of land or premises must not allow or permit graffiti to remain on his or her land or premises for more than 28 days.

Infringement Notice Penalty: 2 Penalty Units

Penalty: 20 Penalty Units

4.16 Skateboards and other Wheeled Recreation Devices

A person must not use a skateboard or any other wheeled recreation device on Council land or road or a public place in a way that:

- (a) other users of the Council land or road may have their safety compromised or they could be injured;
- (b) other users of the Council land or road are inconvenienced or feel intimidated; or
- (c) damage could be caused to any property in the Council land or road or public place.

Infringement Notice Penalty: .5 Penalty Unit

Penalty: 10 Penalty Units

PART 5 - KEEPING OF ANIMALS

Introduction: In this Part, the provisions regulate the keeping of animals, birds, reptiles and bees. They regulate the number and type of animals, birds, pigeons, reptiles and bees which can be kept, and the conditions in which they are kept.

5.1 Keeping Extra Animals

- (1) A person must not, without a permit, keep domestic animals, in a dwelling, in residential zones, a rural living zone or a built up area:
 - (a) any animal that is not listed in table one; or
 - (b) more than 5 different types of animals or more than the number prescribed for each type of animal in table one.
- (2) A person must not, without a permit, keep animals in flats and units in a residential area:
 - (a) any animal that is not listed in the *table two*; or
 - (b) more than the number prescribed for each type of animal in the *table two*.
- (3) A person must not, without a permit for keeping animals, also applies to a person keeping more than 5 dogs or 5 cats on any other land in the municipal district.
- (4) Bees must be kept in accordance with the terms of the Livestock Disease Control Act 1994 and the Apiary Code of Practice 1997 and be registered with the Department of Primary Industries.
- (5) A person keeping an animal in a residential area, rural living zone or a built up area must ensure that the condition of the land resulting from the way in which an animal is kept does not affect or interfere with the amenity of other people living in reasonable proximity.
- (6) This Part does not apply to any land:
 - (a) on which a pet shop is located; or
 - (b) on which an *animal* hospital or veterinary practice is located
- (7) The following animals and the maximum number permitted are allowed to be kept in residential zones, a rural living zone or a built up area to:

Table One:

TYPE OF ANIMAL	MAXIMUM PERMITTED
Dog	2
Cat	2
Poultry*	10
Domestic bird	100
Guinea pig	10
Domestic mice	10
Domestic rabbit	10
Domestic fish	No maximum limit
Turtles & tortoise	4
Frogs	No maximum limit
Pigeons	20
Geese	4
Ducks	4
Ferrets	4

* The definition of "poultry" in the Community Amenity Local Law excludes ducks and geese
Roosters are prohibited in residential areas or built up areas.

- (7) The following animals and the maximum number permitted are allowed to be kept in flats and units in residential areas are:

Table Two:

TYPE OF ANIMAL	MAXIMUM PERMITTED (without permit)
Dog	1
Cat	1
Domestic bird	4
Guinea pig	2
Domestic mice	4
Domestic rabbit	2
Domestic fish	No maximum limit
Turtle & tortoise	2
Frogs	No maximum limit
Ferrets	2

Infringement Notice Penalty: 2 Penalty Units
Penalty: 10 Penalty Units

5.2 Trespassing Animal

The owner or occupier of any land where any animal is kept, other than a dog or a cat, must ensure the type of animal being kept on the land does not trespass on any Council land or a road.

Infringement Notice Penalty: 5 Penalty Units

Penalty: 20 Penalty Units

5.3 Animal Litter

The owner or person in charge of an animal must:

- (a) Whilst on Council land or a road or in a public place, have in their possession a bag or container which can be used for the collection of that animal's excrement.

Infringement Notice Penalty: .5 Penalty Unit

Penalty: 10 Penalty Units

- (b) Immediately collect and remove all of the excrement left by the animal on Council land or a road or a public place.

Infringement Notice Penalty: 2.5 Penalty Units

Penalty: 10 Penalty Units

5.4 Horses on Council Property

5.4.1 A person in charge of a horse must not without a permit:

- (a) ride or lead a horse on any Council land or footpath in a residential area;
- (b) allow the horse to cause any damage to Council land or to a road; or
- (c) allow the horse to create a risk or danger to other users of the Council land or road.

5.4.2 A person in charge of a horse must immediately collect and remove all of the excrement left by the animal on Council land or a road or a public place.

Infringement Notice Penalty: 2 Penalty Units

Penalty: 10 Penalty Units

PART 6 – ROADS AND COUNCIL LAND: OBSTRUCTIONS AND BEHAVIOUR

Introduction: *In this Part, the emphasis is on things which interfere with the use and enjoyment of roads and Council land.*

6.1 Damaging Council Roads

A person must not use a vehicle on a Council road contrary to any sign or behave in a way that could cause damage to or could be detrimental to a Council road.

Infringement Notice Penalty: *3 Penalty Units*

Penalty: *20 Penalty Units*

6.2 Behaviour on Council Land

A person using Council land must not behave in a way that could cause harm or injury or which interferes with any other person's enjoyment of the Council land by:

- (a) using language or behaving in a manner which offends, annoys, disturbs, interferes or obstructs any person's enjoyment of Council land; or
- (b) acting in a way which could endanger any person; or
- (c) damaging, destroying, defacing, removing or interfering with anything in or on any building, improvement or other structure of any kind; or
- (d) acting contrary to any conditions or signs that contain conditions that apply to the use of the Council land; or
- (e) acting contrary to any direction of any authorised officer.

Infringement Notice Penalty: *2.5 Penalty Units*

Penalty: *20 Penalty Units*

6.3 Grazing or droving of livestock

- (1) A person must not, without a permit, graze livestock where a road or Council land is to be used for grazing or where a person is proposing to drive livestock in the municipal district.
- (2) The Council must not issue a permit for the grazing by livestock on a road or Council land unless:
 - a) approval has been obtained from the Infrastructure Department and the Environment Department of the Council;
 - b) the road or Council land can be grazed without threat to areas of conservation value and significance and without causing any damage whatsoever to any road or Council land or any adjacent structure, culvert, watercourse or vegetation;
 - c) the applicant for the permit provides evidence to the satisfaction of Council that:
 - i) the livestock will be adequately supervised and effectively controlled;
 - ii) the conditions of a permit can be complied with;
 - iii) the livestock are healthy and not be infected by any condition that would be detrimental to them or livestock in adjacent areas;
 - iv) the livestock will receive adequate food and water;
 - v) grazing only be permitted in daylight hours;
 - d) the written authority of VicRoads has been obtained in respect of any declared roads;
 - e) the grazing by the livestock will be restricted to that position of the road reserve or Council land which is within the limit of the owner's boundary frontage, unless written permission is obtained from the owner of other land consenting to grazing being undertaken on a road, road reserve or Council controlled land which is adjacent to such owner; and
 - f) information is provided specifying the number of stock to be grazed, the hours during the day and the duration of the proposed grazing time.
- (3) The applicant must give written notification to the adjacent property owner or occupier who may object in writing to the application which will be considered by Council.
- (4) A person who is charge of livestock which are being grazed on a road must ensure that:
 - a) the livestock are supervised and under effective control at all times by a person who is competent in the management of livestock and who is not less than 16 years of age;
 - b) the carcass of any livestock in that person's charge which dies on a road is properly disposed of in accordance with any Environment Protection Authority guidelines;
 - c) livestock are grazed only during daylight hours;
 - d) signs conforming with guidelines prepared by VicRoads and referred to in the **Road Safety (Road Rules) Regulations 1999** are in place;
 - e) appropriate precautions are taken to ensure that no damage occurs to road surfaces, furniture, drains, culverts, bridges and private entrance ways or to trees and shrubs growing within the road reserve or Council land and that erosion is not caused by excessive grazing;

- f) in the event that livestock are causing damage including where overgrazing occurs, they are removed from the road reserve or Council land and the Council is notified by the person in charge of any damage;
 - g) the livestock are enclosed by fencing or control equipment which is of a temporary construction, with minimal impact to site but which is suitable to prevent the escape of the livestock;
 - h) the person has a current public liability policy (\$10 million subject to risk assessment) on which the Council's (and where appropriate, VicRoads) interest is noted and that proof of such notation is provided to the Council prior to commencement of grazing along with a map of the proposed grazing area;
 - i) an inspector of Livestock of Agriculture Victoria administering the **Livestock Disease Control Act 1994** is notified if the person in charge of such livestock becomes aware or suspects that livestock (or any of them) have a disease or has died of a disease listed as a notable disease under the Act;
 - j) the person in charge of the livestock complies with the provisions of the **Livestock Disease Control Act 1994** and the **Prevention of Cruelty to Animals Act 1986**;
 - k) no roadside grazing takes place on any day declared as a Total Fire Ban Day for this Region under the **Country Fire Authority Act 1958**;
 - l) electric fences that comply with current standards applicable to electric fencing are erected on one side of the road reserve at any one time, with the landholder on the opposite side of the road being entitled to make application for grazing periods outside of any times specified for permits issued for the opposite side of the road;
 - m) electric fences are removed to the satisfaction of an Authorised Officer before or on the expiry date of the permit, or at the direction of an Authorised Officer of the Council; and
 - n) the person in charge of the livestock complies with the Catchment and Land Protection Act and demonstrates that the risk of weed spread by stock is minimal to the satisfaction of Council.
- (5) Failure to comply with any condition of a permit or direction of an authorised officer may result in any bond paid prior to the granting of a permit being forfeited or permit revoked.
- (6) The Council may require the applicant to provide any other information considered to be relevant to the application.

Infringement Notice Penalty: 3 Penalty Units
Penalty: 20 Penalty Units

6.4 Using footpaths or Council land for commercial activities

- (1) A person must not without a permit, engage in commercial activities on a footpath or Council land.
- (2) A person must not, without a permit, trade from Council land or a road where trading is to be done from a vehicle, stall or any other temporary structure and irrespective of whether trading is on a permanent or casual basis.
- (3) A person must not, without a permit, trade under sub-clause (2) and is limited to Council land or a road that the Council has designated for trading unless the Council has permitted the use of the Council land or road as a result of a tender process.
- (4) A person must not, without a permit, conduct artistic performances on Council land or a road includes where a person proposes to busk or do pavement art.?

Infringement Notice Penalty: 3 Penalty Units
Penalty: 20 Penalty Units

6.5 Road Reserves for Commercial Activities

- (1) A person must not, without a permit, conduct commercial activities on a road reserve where a person proposes to use a road reserve, council land or public place for:
 - (a) outdoor eating;
 - (b) displaying goods for sale;
 - (c) placing signs and/or advertising goods for sale; or
 - (d) placement of signage on a vehicle.
- (2) A person must not, without a permit, trade from Council land or a road where trading is to be done from a vehicle, stall or any other temporary structure and irrespective of whether trading is on a permanent or casual basis.

- (3) A person must not, without a permit to trade under sub-clause (2), be limited to Council land or a road that the Council has designated for trading unless the Council has permitted the use of the Council land or road as a result of a tender process.
- (4) A person must not, without a permit, conduct artistic performances on Council land or a road includes where a person proposes to busk or do pavement art.

Infringement Notice Penalty: 3 Penalty Units

Penalty: 20 Penalty Units

6.6 Using or Altering Council Land or a Road

- (1) A person must not, without a permit, use or alter Council land or a road where a person proposes to:
 - (a) place bulk rubbish containers on Council land or a road;
 - (b) undertake ancillary building works where:
 - (i) the Council requires a temporary vehicle crossing for access to the road from the land where building works are being done; or
 - (ii) Goods and/or building materials will be left or stored on Council land or a road; or
 - (c) plant or add anything that changes or interferes with the existing condition of the Council land, including installing a gate in a boundary fence or access across Council land; or
 - (d) remove anything that changes or interferes with the existing condition of Council land;
 - (e) remove any native plant or native vegetation or any plant or vegetation that Council consider to be significant to the municipality;
 - (f) construct any fence, building or thing or plant any tree, bush or vegetation; or
 - (g) store any object that changes or interferes with the safety or amenity of Council land or a road.
- (2) In addition to complying with any conditions of a permit, a person using or altering Council land must comply with the following requirements:
- (3) Additional requirements for Vehicle Crossings (Better dealt with under Part 3 – Protection of Council land)

Infringement Notice Penalty: 3 Penalty Units

Penalty: 20 Penalty Units

6.7 Works on Council land and Roads

Where a person is required to undertake any works on Council land or a road other than under the *Road Management Act 2004*, that person must:

- a) undertake those works safely;
- b) provide and maintain pedestrian and traffic control devices during the course of the works; and
- c) ensure that any pedestrian or traffic control device which is being used on or in respect of the land complies with Australian Standard AS1742.3 published by or on behalf of Australian Standards.

Infringement Notice Penalty: 3 Penalty Units

Penalty: 10 Penalty Units

6.8 Unregistered, Derelict or Abandoned Vehicles

- (1) A person must not leave any vehicle that is unregistered, derelict or abandoned on Council land or a road.
- (2) A person must not allow any vehicle not currently registered or having a permit from Vic Roads or any other relevant authority to be left standing in any public place.
- (3) A person must not allow any vehicle currently registered or having a permit from Vic Roads or any other relevant authority to be left standing continuously in any public place for a period in excess of seven consecutive days.
- (4) A person must not store or allow remaining in public view on any property within the municipal district more than 2 unregistered vehicles.

Infringement Notice Penalty: 2 Penalty Units

Penalty: 10 Penalty Units

6.9 Repairing Vehicles

A person must not dismantle, paint, carry out maintenance or repair a vehicle on Council land or road except for an emergency or where it is necessary to enable the vehicle to be removed.

Infringement Notice Penalty: 2 Penalty Units

Penalty: 10 Penalty Units

6.10 Selling of Vehicles

A person must not use Council land, a road or a public place for the purpose of selling a vehicle.

Infringement Notice Penalty: 2 Penalty Units

Penalty: 5 Penalty Units

6.11 Locating trees and plants, fencing and signs

A tree or plant, fencing or a sign or other similar object must not be planted or located on a person's property so that it obstructs or interferes with pedestrian or vehicular traffic because it:

- (a) overhangs a property boundary onto a footpath or other part of the road used by pedestrians limiting safe access or likely to cause injury or damage; or
- (b) extends over any part of the road so that it:
 - (i) obstructs the view between vehicles at an intersection; or
 - (ii) obstructs the view between vehicles and pedestrians; or
 - (iii) obscures a traffic control item from an approaching vehicle or pedestrian; or
 - (v) obscures street lighting; or (c) constitutes a danger to vehicles or pedestrians or compromises the safe and convenient use of the road.

Infringement Notice Penalty: 2 Penalty Units

Penalty: 20 Penalty Units

6.12 Damage from Adjoining Properties

A person must not:

- (a) allow any tree or plant;
- (b) use any vehicle or equipment; or
- (c) allow any other condition –

on land owned or occupied by him or her to cause damage to or interfere with Council land or a road or any drain or building vested in or under the control of the Council.

Infringement Notice Penalty: 3 Penalty Units

Penalty: 20 Penalty Units

PART 7 – WASTE MANAGEMENT

This Part is concerned with the collection and disposal of waste. Among other things, it regulates the collection and disposal of garbage, *green waste*, *recyclables* and hard waste.

7.1 Disposing of Domestic Waste, Organic Waste & Recyclable Materials

- (1) A person who places any garbage, organic waste or recycling bin for collection by the Council must ensure that the bin is placed for collection before 5.00am on the designated collection day.
- (2) Any bin placed for collection must be:
 - (a) placed as close as possible to the kerbside, at least a standing bin width apart from other bins placed for collection and with the wheels facing away from the kerbside;
 - (b) not overfilled and have the lid closed properly; and
 - (c) placed away from obstructions such as cars, trees, signs and light poles.
- (3) Only the type of waste intended for the type of bin provided may be placed in a bin and in the case of a bin:
 - (a) provided for garbage, must only be used for waste or material that cannot be reused, recycled or composted;
 - (b) provided for recycling, must only be used for recycling plastic bottles (with recycle codes 1-7), cans, glass bottles, jars, paper and cardboard but not for chemical containers, electrical appliances or garden organics.
 - (c) provided for garden organics, must only be used for leaves, branches and small logs, grass clippings and weeds and flowers but not for -
 - i) plastic bags and plastic pots;
 - ii) sand and soil;
 - iii) household rubbish, light globes and food scraps;
 - iv) ceramics, crockery and
 - v) nappies and paper products.
- (4) All users of Council's waste collection services must ensure that bins are –
 - (a) placed at appropriate collection locations not more than 24 hours prior to scheduled collections; and
 - (b) retrieved from collection locations not more than 48 hours after collection has occurred.
- (5) Subclause (4) does not apply to any person permitted by Council to leave a bin at the roadside.
- (6) A person using the Council's waste collection services must comply with any instructions or requirements that the Council notifies in writing in relation to that service.

Infringement Notice Penalty: 2.5 Penalty Units

Penalty: 15 Penalty Units

7.2 Disposal of Trade Waste

- (1) A person disposing of trade waste must ensure that any container used for trade waste is:
 - a) kept on the property for which the bin has been obtained unless alternative arrangements approved by the Council are in place;
 - b) constructed of approved impervious material to prevent leakage and the absorption or accumulation of any refuse or rubbish that may be deposited in it; and
 - c) constructed so that it is water-tight, fly and vermin proof; and
 - d) has a removable drainage plug so that it can be cleaned; and
 - e) is fitted with a fly and vermin proof lid with overlapping flanges which must be kept continuously closed when not in use; and
 - f) of a sufficient size to contain all refuse and rubbish generated on the premises in between clearances; and
 - g) emptied at least weekly or more regularly if the contents become offensive.
- (2) A person using a trade waste container for the disposal of trade waste must ensure that the place at which the container is stored or kept and the surrounding area is maintained at all times in a clean, sanitary and inoffensive condition.
- (3) A person using a trade waste container must ensure that every container used by him or her for the disposal of trade waste displays 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.

Infringement Notice Penalty: 5 Penalty Units

Penalty: 20 Penalty Units

PART 8 – ADMINISTRATION AND ENFORCEMENT

This Part aims to supplement the preceding provisions of the Local Law by explaining how the Local Law may be administered and enforced. In particular, powers to impound and serve Notices to Comply and Infringement Notices are given, and the system of applying for, obtaining and retaining permits is provided for.

DIVISION 1 - PERMITS, FEES AND DELEGATIONS

8.1 . Applying For a Permit

- (1) A person who wishes to apply for a permit may do so by:-
 - (a) lodging with the Council an application, in a form approved by the Council; and
 - (b) paying to the Council the appropriate application fee.
- (2) The Council may require an applicant to provide additional information before dealing with an application for a permit or for exemption.
- (3) The Council may require a person making an application for a permit to give public notice which will entitle any person to make a submission and to be heard in accordance with section 223 of the Act.
- (4) In deciding whether to grant a permit the Council may take into consideration whether the proposed activity or use will:
 - (a) conform with any related policies of the Council;
 - (b) cause a danger or hazard to pedestrians or vehicles;
 - (c) disturb, annoy or disrupt adjacent property owners or occupiers;
 - (d) be detrimental to the amenity of the area;
 - (e) destroy native vegetation on Council land or roads;
 - (f) cause damage to Council assets;
 - (g) require the consent or should be referred to obtain the opinion of any other public authority or individual;
 - (h) require additional arrangements to be made for waste water disposal, litter and garbage disposal, lighting and security;
 - (i) obstruct a footpath so that it will not be possible to maintain a clear walkway at all times;
 - (j) necessitate the applicant to have insurance against any risk;
 - (k) necessitate a written indemnification of the Council against liability arising from activities authorised by the permit; and
 - (l) any other matters relevant to the circumstances of the application.

8.2 Issue of Permits

The Council may:-

- (a) issue a permit with or without conditions; or
- (b) refuse to issue a permit.

8.3 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.

8.4 Conditional Permits

- (1) A conditional permit may be subject to conditions which the Council considers to be appropriate in the circumstances including:
 - (a) the payment of a fee or charge; and
 - (b) the payment of a security deposit, bond or guarantee to the Council to secure the proper performance of conditions on a permit or to rectify any damage caused to Council assets as a result of the use or activity allowed by the permit; and
 - (c) a time limit to be applied either specifying the duration, commencement or completion date; and
 - (d) that the applicant be insured against the risk and to provide a written indemnification of the Council against liability arising from the activity or use; and
 - (e) the rectification, remedying or restoration of a situation of circumstance; and
 - (f) where the applicant is not the owner of the subject property, the consent of the owner; and
 - (g) the granting of some other permit or authorisation.
- (2) The conditions of a permit must be set out in the permit.
- (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.

8.5 Cancellation of Permit

- (1) The Council may cancel a permit if it considers that:
 - (a) there has been a serious or ongoing breach of the conditions of the permit; or
 - (b) a notice to comply has been issued, but not complied with within seven days after the time specified in the notice for compliance; 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 must 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.

8.6. Correction of Permits

- (1) The Council 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 a permit.

8.7 Fees

- (1) The Council may, from time to time, by resolution determine fees for the purposes of this Local Law.
- (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.
- (3) The Council may waive, reduce or alter a fee with or without conditions.

8.8 Registers

- (1) The Council must maintain a register of permits, including details of corrections and cancellations.
- (2) The Council must maintain a register of determinations made and of guidelines or procedures prepared for the purposes of this Local Law.
- (3) The Council must ensure that the registers are available for public inspection at the office of the Council during normal business hours.

8.9 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 or corrected as if it were a permit.

8.10 Offences

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.

Infringement Notice Penalty: 3 Penalty Units

Penalty: 20 Penalty Units

DIVISION 2 - ENFORCEMENT

8.11 Compliance with directions

A person must comply with any reasonable direction or instruction of an authorised officer, member of the Police Force or an emergency service when requested to do so in urgent circumstances or for public safety reasons whether or not the person has a permit under this Local Law.

Infringement Notice Penalty: 2.5 Penalty Units

Penalty: 20 Penalty Units

8.12 Warning to Offenders

Where there is a breach of this Local Law an authorised officer may request the person breaching the Local Law to stop or remedy the breach.

8.13 Power of authorised officer – notice to comply

Where there is a breach of this Local Law, an authorised officer may serve a notice to comply, in a form approved by Council, on the person who is breaching the Local Law.

8.14 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.

8.15 Failure to comply with a Notice to Comply

- (1) A person who fails to comply with a notice to comply served on that person is guilty of an offence.

Infringement Notice Penalty: 3 Penalty Units

Penalty: 20 Penalty Units

- (2) Where a notice to comply requiring works to be undertaken is not complied with an authorised officer may carry out the works to ensure compliance and may recover the costs incurred to the Council.

8.16 Power of Authorised Officers 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, 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 take into consideration, to the extent relevant:
 - (a) whether it is practicable to contact:-
 - (i) the person by whose default, permission or tolerance the situation has arisen; or
 - (ii) the owner or the occupier of the premises or property affected; 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 or the relevant Director.

8.17 Power of Authorised Officers to Impound

- (1) Where any items, vehicles, signage, goods, equipment or machinery are used in contravention of this Local Law an authorised officer may remove and impound them.
- (2) Where any items, goods and equipment are impounded under this provision, 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.
- (3) If after the time required in the notice 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 it may be disposed of either by tender, public auction or private sale but failing sale may be treated as in paragraph (a).
- (4) 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 (3) once he or she is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded item.
- (5) 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.
- (6) If a person described in sub-clause (5) 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.
- (7) 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.
- (8) The Council may, by resolution, fix charges (generally or specifically) for the purposes of this clause.

8.18 Infringement Notices & Penalties

- (1) As an alternative to prosecution an authorised officer may issue an infringement notice to any person whom the Authorised Officer reasonably considers has committed an offence against this Local Law.
- (2) The penalty fixed in respect of an infringement is the amount set out in Schedule 1.

8.19 Payment of Penalty

- (1) A person issued with an infringement notice may pay the penalty amount to the Surf Coast Shire Council at the address indicated in the notice.
- (2) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (3) A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.

8.20 Waiver & Withdrawal

- (1) Within 28 days of receiving an infringement notice a person may make a written request to the Council that the infringement notice be withdrawn.
- (2) A Director, Manager or Coordinator with the responsibility for the administration and enforcement of the Council's Local Laws may withdraw an infringement notice at any time either as a result of the consideration of a written representation received or with a view to prosecuting for an offence.
- (3) Where an infringement notice is withdrawn, the person upon whom it was served is entitled to a refund of any payment which that person has made other than any costs which the Council has paid as part of the enforcement process.

This Local Law was made by resolution of the Surf Coast Shire Council on 14 December 2011

Signed on behalf of the Surf Coast Shire Council)
by Mark Davies, Chief Executive Officer)
pursuant to the instrument of delegation)
dated 23 September 2009 in the presence of:)

Witness

Council provided notice to the public of the intention to make this Local Law which was duly advertised in the Victoria Government Gazette and The Echo and Surf Coast Times on 3 November 2011

Council resolved to adopt this Local Law at its meeting held on 14 December 2011 and this was duly advertised in the Victoria Government Gazette and The Echo on 22 December 2011 and the Surf Coast Times on 20 December 2011.

**COMMUNITY AMENITY LOCAL LAW
SCHEDULE 1**

PENALTIES FIXED FOR INFRINGEMENT NOTICE PURPOSES

Provision	Offence	Penalty Unit \$100
2.3	Behaviour in Municipal Buildings	1
2.4	Access to Municipal Buildings	1
2.5	Activities prohibited in Reserves	1
3.1	Tapping into Council drains	4
3.2	Taking water from Council standpipe	4
3.3	Interference with Watercourse	3
3.4	Constructing Vehicle Crossings	3
3.5	Maintaining Vehicle Crossings	3
3.6	Directing Vehicle Crossing works	3
3.7	Asset Protection	3
3.8	Failing to manage building sites contrary to Local Law	3
3.9(3)	Hoardings, Fencing and Barriers	3
3.10	Failure to display property numbers	1
4.1	Street parties, festivals and processions	3
4.2	Consuming or possessing alcohol contrary to Local Law	1.25
4.3	Open air fires and incinerators	4
4.4	Fire Hazards	2
4.5	Unightly/detrimental to amenity and/or dangerous land	2
4.6	Camping contrary to Local Law	1.25
4.7	Using a Caravan as Temporary Accommodation	2.5
4.8	Sleeping in vehicles contrary to Local Law	1.25
4.9	Placing clothing recycling bins contrary to Local Law	2
4.10	Shopping trolleys	1
4.11	Smoking in a Smoke Free area	1
4.12	Possessing/taking glass into a Glass Free area	1
4.13	Entering prohibited Sand Dune areas	2
4.14	Recreational Vehicles on Private Land	1.5
4.15	Failing to remove graffiti from land	2
4.16	Using a skateboard or other wheeled recreation device	.5
5.1	Keeping extra animals	2
5.2	Trespassing Animal	5
5.3(a)	Failing to have in their possession at all times a bag or container which can be used for the collection of animal excrement	.5
5.3(b)	Failing to collect animal litter contrary to Local Law	2.5
5.4	Using a horse contrary to Local Law	2
6.1	Damaging Council roads	3
6.2	Acting contrary to Local Law on Council land (behaviour)	2.5
6.3	Droving and grazing livestock contrary to Local Law	3
6.4	Using footpaths for commercial activities	3
6.5	Trading or collecting from a road	3
6.6	Using or altering Council land or a road	3
6.7	Using Council roads for works	3
6.8	Unregistered, derelict or abandoned vehicles	2
6.9	Repairing vehicles on Council land or road	2
6.10	Selling Vehicles	2
6.11	Locating trees & other obstacles to interfere with pedestrians & traffic	2
6.12	Adjoining owners causing damage to Council land or road	3
7.1	Failing to properly dispose of domestic waste	2.5
7.2	Failing to properly dispose of trade waste	5
8.10	Making a false declaration or representation	3
8.11	Failing to comply with directions of an authorised officer	2.5
8.15	Failing to comply with permit conditions, Notice to Comply or other Local Law requirements	3

COMMUNITY AMENITY LOCAL LAW SCHEDULE 2

MAP 1 – DESIGNATED GLASS FREE FORESHORE AREA – TORQUAY



Designated Glass Free Area
- Torquay -



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MAP 2 – DESIGNATED GLASS FREE FORESHORE AREA – ANGLESEA



'The Place of Wellbeing'

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INTERNET: www.surfcoast.vic.gov.au
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Designated Glass Free Area - Anglesea -

100 0 100 m

Scale 1:4,000

Print Date: 1/7/2008

Page Size (A4)



This map is produced on the Geocentric Datum of Australia (GDA96).
GDA96 is superseded by the Australian Geoid 1996 (AGD96).

Surf Coast Shire uses the Map Grid of Australia (MGA94) Zone 55 projection.

MAP 3 – DESIGNATED GLASS FREE FORESHORE AREA – LORNE



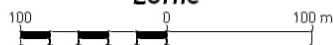
'The Place of Wellbeing'

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Coastal Vicipoint Information
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Designated Glass Free Area - Lorne -



Scale 1:4,000
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