



## COMMUNITY AMENITY LOCAL LAW 2021

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## **PART 1 - PRELIMINARY**

### **1.1 Title**

This is the Community Amenity Local Law of 2021.

### **1.2 Purpose**

The purpose of this Local Law is 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 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; and
  - (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 Council's powers and functions.

### **1.3 Authorising Provision**

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

### **1.4 Commencement, Revocation and Area of Operation**

This Local Law:

- (a) commences on 8 December 2021; and
- (b) unless sooner revoked, ceases to operate on 7 December 2031; and
- (c) operates throughout the municipal district; and
- (d) applies to activity on land in the Great Ocean Road coast and parks, and the Great Ocean Road scenic landscapes area.

### **1.5 Repeal of Local Law**

On the commencement of this Local Law, Council's Community Amenity Local Law No.1 2011 is repealed and ceases operation, save that any notice or consent given or any business matter or thing commenced, made or done under the repealed local law is not affected.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 Other Legislation

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

## 1.7 Charter of Human Rights and Responsibilities

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

## 1.8 Definitions

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

**“Act”** - means the *Local Government Act 2020*;

**“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 fee determined by the Council in accordance with this Local Law;

**“authorised officer”** - means a person appointed pursuant to section 224 of the *Local Government Act 1989* 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;

**“firewood”** – means parts of trees made up into bundles stacks cords or loads or cut up in the manner in which it is usual to cut wood for burning, and includes refuse wood generally;

**“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 Surf Coast Planning Scheme;

**“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 the 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 *Local Government Act 1989* 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;

**“temporary structure”** – means any structure of over 20m<sup>2</sup> in area that is not designed for long-term use, but merely to serve some function in the short-term.

**“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;

**“unsightly and/or dangerous land”** – means land that:



- (a) is being 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) is 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) is 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; or
- (d) has grass or weeds or similar vegetation that is in excess of 30cm from the natural surface of the ground; or
- (e) contains disused excavation or waste material; or
- (f) has dismantled vehicles or vehicle parts visible from adjoining roadway or properties; or
- (g) has any other matter deemed to be offensive or unsightly by an authorised officer of Council;

**“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 recreational device”** - has the same meaning as in the *Road Safety Rules 2009* ie 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 – MUNICIPAL BUILDINGS AND RESERVES

### 2.1 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 their 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 their 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.
- (u) without a permit, alter a Municipal Building.

## **2.2 Access to Municipal Buildings**

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, unless granted written permission to do so by Council or an authorised officer.

## **2.3 Activities Prohibited in Reserves**

A person must not in a reserve:

- (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) 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 ;
- (f) ride any horse other than in an area and at a time designated by Council;
- (g) drive, ride in or on or otherwise use any motor vehicle other than in an area designated by Council;
- (h) alter Council land.

## 2.4 Activities in Reserves

In a reserve, a person must not, without a permit or the written 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**

### **3.1 Tapping into Council Drains**

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

### **3.2 Taking Water from Council Operated Standpipes**

A person must not, without a permit, take water from a Council-operated standpipe.

### **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 watercourse, wetland, ditch, creek, gutter, tunnel, bridge or levy which is vested in or under the management or control of Council.

### **3.4 Constructing Vehicle Crossings**

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

### **3.5 Maintaining Vehicle Crossings**

Each owner and occupier of land must maintain and keep in good condition any vehicle crossing(s) which service that land.

### **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.

### **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) 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.

### 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 a 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 Environment Protection Authority Victoria's (EPA) residential noise guidelines.
- (5) Deliver appropriate building site controls as recommended in the EPA Publication: 'Civil construction, building and demolition guide'.

### 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
  - i) Minimisation of dust or mud from road surfaces.
- (e) 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)
- (f) 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.
- (g) 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
- (h) 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.
- (i) Potential stormwater pollutants must not be allowed to escape from a building site.
- (j) Any potential stormwater pollutant must be stored in a way that it is prevented from escaping from a building site.

- (k) 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.
- (l) Litter and building rubbish from a building site or an area approved must be disposed of at an approved landfill or recycling facility.
- (m) 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 extend 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; and
  - (f) preparing and implementing a traffic management plan to appropriately manage vehicle and pedestrian traffic in the vicinity of the site where necessary.

### 3.10 Displaying Property Numbers

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.



## **PART 4 – MUNICIPAL AMENITY**

### **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.

### **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*.

### **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.
- (2) The open air fire and the matter being burnt must occupy no more than 1 cubic metre of land and space, and must be dried vegetation only.
- (3) A person must not light a fire during a CFA declared fire danger period.
- (4) 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.
- (5) The requirement to obtain a permit does not apply to:
  - (a) a person lighting a barbeque or similar appliance for cooking food; or
  - (b) a constructed fireplace, recreational fire pit or brazier; or
  - (c) a fire that is authorised or directed to be lit under any other legislation.
- (6) 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) could be offensive to any other person.
- (7) 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.

### **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) the premises are kept free of 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).

#### **4.5 Unsightly and Dangerous Land**

An owner or occupier of land must not allow that land to be kept in a dangerous and/or unsightly condition.

#### **4.6 Shipping Containers**

An owner or occupier of land must not, without a permit, allow a shipping or other similar transport container to be placed or kept on the land.

#### **4.7 Camping and Temporary Accommodation**

- (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 except in accordance with sub-clauses 4.7(2) and 4.7(3).
- (2) Sub-clause 4.7(1) does not prevent the occupier of any private property where a dwelling exists placing one caravan or a tent on their property for the use of a member of their 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(s) are provided with proper sanitation, bathing and drainage facilities to the satisfaction of Council.
- (3) Sub-clause 4.7(1) does not prevent the occupier of any private property where a dwelling exists placing one caravan or a tent on their property for use as key worker accommodation for a maximum number of four adults at any one time for a total period not exceeding 120 days in any one year, provided that such caravan or tent occupant is provided with proper sanitation, bathing and drainage facilities to the satisfaction of Council. A key worker must provide written evidence to Council of employment, including tenure, by a local business in the Municipal District.

*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 Council to be available for camping.

#### **4.8 Clothing Recycling Bins**

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

#### **4.9 Shopping Trolleys**

- (1) The owner of any shopping trolley that is 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.

#### **4.10 Smoke Free Areas**

A person must not smoke a cigarette, cigar, pipe or like tobacco substance at any time:

- (a) on the sand area of any beach within the municipal district; or
- (b) within four metres of a Municipal Building; or
- (c) within the signposted boundary of a Council-run or funded event; or
- (d) within ten metres of a sports ground.

#### **4.11 Glass Free Areas**

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 foreshore areas between 6pm on 31 December and 7am on 1 January; or
- (d) into any other area designated by Council from time to time to be glass free.

#### **4.12 Sand Dune Area**

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.

#### **4.13 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.

#### **4.14 Skateboards and other Wheeled Recreational Devices**

A person must not use a skateboard or any other wheeled recreational device on Council land or a 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; or
- (b) damage could be caused to any property on the Council land or road or public place.

## PART 5 - KEEPING OF ANIMALS

### 5.1 Keeping Animals

- (1) A person must not, without a permit, keep domestic animals in a dwelling in a residential zone, a rural living zone or a built up area that:
  - (a) is not listed in table one; or
  - (b) amounts to 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 that:
  - (a) is not listed in table two; or
  - (b) is more than the number prescribed for each type of animal in table two.
- (3) A person must not, without a permit, keep 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 Agriculture Victoria.
- (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:

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.

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

**Table Two:**

<i>TYPE OF ANIMAL</i>	<i>MAXIMUM PERMITTED (without permit)</i>
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

## **5.2 Trespassing Animals**

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

## **5.3 Animal Excrement**

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

## **5.4 Animal Control**

The owner or person in charge of an animal must, whilst on Council land or a road or in a public place, have effective control of that animal.

## **5.5 Horses on Council Land or Public Places**

- (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 a road or a public place;or
  - (c) allow the horse to create a risk or danger to other users of the Council land or road or public place.
- (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.

## **PART 6 – ROADS AND COUNCIL LAND**

### **6.1 Damaging Council Roads**

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

### **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.

### **6.3 Grazing or Droving of Livestock**

A person must not, without a permit, drive or graze livestock on a road or Council land in the municipal district.

### **6.4 Commercial Activities on Council Land**

- (1) A person must not, without a permit, conduct commercial activities on a footpath, road reserve or Council land where that person proposes to use a footpath, 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, conduct artistic performances on Council land or a road including busking or pavement art.

### **6.5 Using or Altering Council Land and/or a Road (including a Nature Strip)**

- (1) A person must not, without a permit, use or alter Council land or a road (including a nature strip) 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 carried out; 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; or

- (e) remove any native plant or native vegetation or any plant or vegetation that Council considers to be significant to the municipality; or
  - (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) A person who commits an offence under clause 6.5(1) must remove and rectify any change made to Council land or any road (including a nature strip), as a result of the unauthorised occupation, within one month, or other reasonable time determined by the Council.
  - (3) If a person fails to remove and rectify any change to Council land or any road under clause 6.5(2) the Council may remove and rectify the change and recover the cost of the removal and rectification from the offender.
  - (4) The following are excluded from this clause:
    - (a) Minor maintenance activities such as mowing, weeding or tidying leaves on an existing nature strip.
    - (b) Person(s) employed, contracted or authorised by the Council to carry out the use or alteration.

## **6.6 Storage of Vehicles (including Caravans and Trailers)**

- (1) A person must not allow any vehicle (including a caravan or a trailer) that is currently registered or having a permit from VicRoads, or any other relevant authority, to be left standing continuously in a public place or places for a period in excess of seven consecutive days.
- (2) The vehicle may not be moved to another public place to immediately commence a further seven day period(s).

## **6.7 Collection of Firewood**

Collection of firewood from Council land is prohibited at all times.

## **6.8 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.

## **6.9 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 store or allow remaining in public view on any property within the municipal district more than two unregistered vehicles.



## **6.10 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.

## **6.11 Selling of Vehicles**

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

## **6.12 Obstructions on Land**

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 or on the boundary of a 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
  - (iv) obscures street lighting; or
- (c) constitutes a danger to vehicles or pedestrians or compromises the safe and convenient use of the road.

## **6.13 Damage to Council Assets from Adjoining Properties**

On any land that is owned or occupied them, a person must not:

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

that causes damage or interferes with Council land or a road, or any drain or building vested in or under the control of the Council.

## **PART 7 – WASTE MANAGEMENT**

### **7.1 Disposal 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) a Council supplied bin with Council logo visible;
  - (b) 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;
  - (c) not overfilled and must have the lid closed properly;
  - (d) placed at least one metre away from obstructions such as cars, trees, fences, signs and light poles; and
  - (e) not be placed under overhead obstructions such as trees or utility lines less than 3.6m above the road surface.
- (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 provided for:
  - (a) garbage - must only be used for waste or material that cannot be reused, recycled or composted;
  - (b) resource recovery - must only be used for the waste types specified for that bin in accordance with Council's waste strategies.
- (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) All waste must be placed within Council supplied bins and excess waste must not be placed on the ground next to or near bins.
- (7) Each occupier of a property must keep a Council provided mobile bin on that property and maintain it in good working order and in a clean and sanitary condition upon or about the Property. Damaged bins must be reported to Council for repair or replacement.
- (8) Unless exempted by Council, the owner of any block of flats or units, not occupied by the owner, must provide for the use of the occupiers a clearly defined and sufficiently large enough area for the storage of Council provided mobile bins.
- (9) The occupier of any block of flats or units must keep their Council provided mobile bin in the area provided by the owner of the premises.
- (10) Hard waste is not permitted to be placed on public land including road reserves or nature strips.
- (11) 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.
- (12) Public litter bins and public place recycling bins must not be used to deposit household waste.
- (13) A person other than a person authorised by the Council must not interfere with any domestic bin or waste materials left for collection unless that person has generated that waste, or has been engaged to manage waste on behalf of the person that generated that waste.

- (14) The owner of short term rental properties must ensure occupiers are provided with sufficient information to ensure compliance with this clause. Any breaches of this clause at the premises are the responsibility of the owner.

## **7.2 Disposal of Commercial and Industrial Waste**

- (1) A person disposing of commercial or industrial waste must ensure that any container used for commercial and industrial 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;
  - c) constructed so that it is water-tight, fly and vermin proof;
  - d) has a removable drainage plug so that it can be cleaned;
  - e) is fitted with a fly and vermin proof lid with overlapping flanges which must be kept continuously closed when not in use;
  - 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 commercial or industrial waste container for the disposal of commercial or industrial 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 commercial or industrial waste container must ensure that every container used by them for the disposal of commercial or industrial 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.
- (4) Any bin placed for collection must:
- a) not be overfilled and have the lid closed properly;
  - b) be placed at appropriate collection locations not more than 24 hours prior to scheduled collections; and
  - c) be retrieved from collection locations no more than 24 hours after collection has occurred.
- (5) Commercial and industrial waste must not be placed in public bins provided for litter and recycling.
- (6) Waste generated from a commercial property must be managed by that business including outdoor dining areas.
- (7) Where outdoor dining areas are provided by a business, and food or beverages supplied in single use packaging, waste disposal options must be provided for patrons to appropriately dispose of waste.
- (8) Businesses must evaluate waste generation and only provide for disposal to landfill if waste or material cannot be reused, recycled or composted.

## **PART 8 – PERMITS AND FEES**

### **8.1. Application for Permits**

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

### **8.2. Decision on Permit Applications**

After considering all relevant documentation, Council may decide to:

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

### **8.3. Correction, Amendment, Cancellation and Suspension of Permit**

- (1) The Council may correct a permit if the permit contains a clerical mistake, error or omission.
- (2) The Council may cancel, suspend or amend a permit at any time if:
  - (a) it is requested to do so by the permit holder; or
  - (b) it considers that there has been:
    - (i) a material misstatement or concealment of fact in relation to the application for the permit;
    - (ii) any material mistake in relation to the issue of the permit;
    - (iii) any material change of circumstances which has occurred since the grant of the permit; or
    - (iv) a substantial failure to comply with the permit or a Notice to Comply.
- (3) The Council must give written notice to a permit holder of any correction, cancellation, suspension or amendment of a permit.
- (4) Before it cancels a permit, the Council must provide the permit holder an opportunity to make a submission on the proposed cancellation.
- (5) If a permit holder is not the owner of the land and the owner's consent was required to be given to the application for the permit, the owner must be notified of any Notice to Comply subsequently issued by Council and of the reason why it has been served.
- (6) Unless otherwise stated, the permit will operate from the date it is granted and will expire 12 months from the date of issue.

#### **8.4. Fees**

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

## **PART 9 - ENFORCEMENT**

### **9.1 Offences**

A person who:

- (a) contravenes or fails to comply with any provision of this Local Law or any document incorporated by reference;
- (b) contravenes or fails to comply with any condition contained in a permit issued under this Local Law;
- (c) knowingly provides false information in support of an application for a permit issued under this Local Law;
- (d) knowingly supplies false or misleading information to an authorised officer;
- (e) fails to comply with a verbal direction issued, or a Notice to Comply served, by an authorised officer;
- (f) fails to comply with a sign erected by Council; or
- (g) makes or attempts to make any agreement with an authorised officer to induce that authorised officer to compromise their duty -

is guilty of an offence and is liable to -

- (i) a maximum penalty of 20 penalty units; and
- (ii) a further penalty of 2 penalty units for each day after a finding of guilt or conviction for an offence during which the contravention continues.

### **9.2 Notice to Comply**

- (1) Council or an authorised officer may, by serving a Notice to Comply, direct an owner, occupier or other person in breach of this Local Law to remedy anything which constitutes an offence under this Local Law.
- (2) A Notice to Comply must state the time and date by which the thing must be remedied.
- (3) The time required by a Notice to Comply must be reasonable in the circumstances having regard to:
  - (a) the amount of work involved;
  - (b) the degree of difficulty;
  - (c) the availability of necessary materials or other necessary items;
  - (d) climatic conditions;
  - (e) the degree of risk or potential for risk; and
  - (f) any other relevant factor.

### **9.3 Infringement Notices**

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

### **9.4 Urgent Circumstances**

- (1) Where, in the opinion of an authorised officer, a breach of the Local Law or a permit issued under the Local Law arises which may place a person, animal or property or thing at risk or in danger and there is not time or it is impractical to serve a Notice to Comply, then the authorised officer may take reasonable action to immediately abate or minimise the risk or danger identified.
- (2) As soon as practicable, the authorised officer must contact the person by whose fault, permission or decision the situation has arisen, whether they be the owner, occupier of the land, animal, property or thing involved.

### **9.5 Impounding or Seizure**

- (1) An authorised officer may impound or seize any item, thing or animal which is the subject of a breach of this Local Law or any legislation which is administered and enforced by Council.
- (2) Where any item, thing or animal is impounded or seized pursuant to this Local Law, notice of the impounding or seizure is to be given to the person that is known or appears to be the owner of the impounded item, thing or animal.
- (3) Any item, thing or animal impounded or seized in accordance with this Local Law may be held until any fee or charge for its release is paid.
- (4) Council may include in any fee or charge any cost that Council has incurred in impounding, seizing, transporting, holding, storing or disposing of the item, thing or animal.
- (5) If the specified time for retrieval of an impounded or seized item, thing or animal has expired and it has not been claimed then it may be disposed of or destroyed according to the following principles:
  - (a) if it has no saleable value, in the most economical and appropriate way as determined by an authorised officer; or
  - (b) if it has a saleable value, by public auction, tender or private sale as determined by an authorised officer.
- (6) The monies realised from the sale of any impounded or seized item, thing or animal must be disbursed as follows:
  - (a) in payment of any expenses incurred by the Council;

- (b) the balance to be paid to the owner or person who in the opinion of Council's Chief Executive Officer appears to be authorised to receive the money.
- (7) If no person can be identified for payment of any money then any excess must be treated in accordance with legislation dealing with unclaimed money or, failing this, paid into the Council's revenue.



**SCHEDULE 1**

**PENALTIES FIXED FOR INFRINGEMENT NOTICE PURPOSES**

<b>Provision</b>	<b>Offence</b>	<b>Penalty Units</b>
<b>2.1</b>	Behaviour in Municipal Buildings contrary to Local Law	<b>2</b>
<b>2.2</b>	Access to Municipal Buildings	<b>2</b>
<b>2.3 -2.4</b>	Activities prohibited in reserves	<b>2</b>
<b>3.1</b>	Tapping into Council drains	<b>5</b>
<b>3.2</b>	Taking water from Council controlled standpipe	<b>5</b>
<b>3.3</b>	Interference with watercourse	<b>4</b>
<b>3.4</b>	Constructing vehicle crossings	<b>4</b>
<b>3.5</b>	Maintaining vehicle crossings	<b>3</b>
<b>3.6</b>	Directing vehicle crossing works	<b>4</b>
<b>3.7</b>	Asset protection infringements	<b>4</b>
<b>3.8</b>	Failing to manage building sites	<b>4</b>
<b>3.9(3)</b>	Hoardings, fencing and barriers	<b>4</b>
<b>3.10</b>	Failure to display property numbers	<b>2</b>
<b>4.1</b>	Street parties, festivals and processions	<b>4</b>
<b>4.2</b>	Consuming or possessing alcohol contrary to Local Law	<b>2</b>
<b>4.3</b>	Open air fire and incinerator infringements	<b>5</b>
<b>4.4</b>	Fire hazards	<b>3</b>
<b>4.5</b>	Unightly and/or dangerous land	<b>3</b>
<b>4.6</b>	Placing a shipping container contrary to Local Law	<b>3</b>
<b>4.7</b>	Camping and using temporary accommodation contrary to Local Law	<b>3</b>
<b>4.9</b>	Placing clothing recycling bins contrary to Local Law	<b>3</b>
<b>4.10</b>	Shopping trolley infringements	<b>2</b>
<b>4.11</b>	Smoking in a smoke free area	<b>2</b>
<b>4.12</b>	Possessing/taking glass into a glass free area	<b>2</b>
<b>4.13</b>	Entering prohibited sand dune areas	<b>3</b>
<b>4.14</b>	Recreational vehicles on private land	<b>3</b>
<b>4.15</b>	Using a skateboard or other wheeled recreation device contrary to Local Law	<b>2</b>
<b>5.1</b>	Keeping extra animals	<b>3</b>
<b>5.2</b>	Trespassing animal(s)	<b>3</b>
<b>5.3(a)</b>	Failing to have in their possession at all times a bag or container which can be used for the collection of animal excrement	<b>2</b>
<b>5.3(b)</b>	Failing to collect animal litter contrary to Local Law	<b>3</b>
<b>5.4</b>	Failing to have effective control of an animal	<b>2</b>
<b>5.5</b>	Using a horse contrary to Local Law	<b>3</b>
<b>6.1</b>	Damaging Council roads	<b>4</b>
<b>6.2</b>	Acting contrary to Local Law on Council land (behaviour)	<b>3.5</b>
<b>6.3</b>	Grazing or droving livestock contrary to Local Law	<b>3</b>

Provision	Offence	Penalty Units
<b>6.4</b>	Commercial activities on Council land contrary to Local Law	<b>4</b>
<b>6.5</b>	Using or altering Council land or a road (including a nature strip)	<b>4</b>
<b>6.6</b>	Storage of vehicles in excess of 7 continuous days	<b>3</b>
<b>6.7</b>	Collection of firewood from Council land	<b>3</b>
<b>6.8</b>	Using Council roads for works	<b>4</b>
<b>6.9</b>	Unregistered, derelict or abandoned vehicles	<b>3</b>
<b>6.10</b>	Repairing vehicles on Council land or road	<b>3</b>
<b>6.11</b>	Selling of vehicles contrary to Local Law	<b>3</b>
<b>6.12</b>	Obstructions on land	<b>3</b>
<b>6.13</b>	Damage to Council assets from adjoining properties	<b>4</b>
<b>7.1</b>	Failing to properly dispose of domestic waste	<b>3.5</b>
<b>7.2</b>	Failing to properly dispose of commercial and industrial waste	<b>6</b>
<b>9.1(a) - (g)</b>	Various offences against Local Law as outlined	<b>4</b>
<b>9.2</b>	Failing to comply with Notice to Comply, permit conditions or other Local Law requirements	<b>4</b>

## SCHEDULE 2

### MAP 1 – DESIGNATED GLASS FREE FORESHORE AREA – TORQUAY



*'The Place of Wellbeing'*

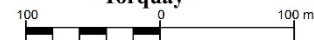
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#### Designated Glass Free Area

- Torquay -



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## MAP 2 – DESIGNATED GLASS FREE FORESHORE AREA – ANGLESEA

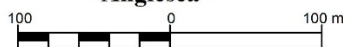


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## MAP 3 – DESIGNATED GLASS FREE FORESHORE AREA – LORNE



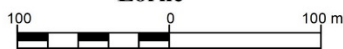
'The Place of Wellbeing'

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