



**Macedon
Ranges**
Shire Council

GENERAL PURPOSES AND AMENITY LOCAL LAW NO 10 OF 2013

**Incorporating amendments made by the
General Purposes and Amenity (Amendment) Local Law No.13 of 2019**



Macedon Ranges Shire Council**General Purposes and Amenity Local Law No.10 2013**

I certify that this is a true copy of a Local Law made by the Macedon Ranges Shire Council on the 25th September 2013, in accordance with the requirements of Section 119 of the Local Government Act 1989 (the Act).

The notices required to be given by Section 119(2) of the Act were given in the Victorian Government Gazette No.G31 of the 1st August 2013 page 1724 and in newspapers circulating in the municipal district during the week beginning the 5th August 2013.

The notices required to be given by Section 119(3) of the Act were given in the Victorian Government Gazette No.G41 of the 10th October 2013 page 2013 and in newspapers circulating in the municipal district during the week beginning the 14th October 2013.

A copy of the Local Law was sent to the Minister for Local Government on the 26th September 2013.

The Local Law came into operation on the 25th September 2013 and will expire on the 25th September 2023

The original of this document is attached to the Ordinary Council Meeting Agenda of the 25th September 2013.

Peter Johnston
Chief Executive Officer
25th of September 2013

**The Common Seal of the Macedon Ranges
Shire Council was hereby affixed on the
25th of September 2013**



Peter Johnston
Chief Executive Officer



Cr Roger Jukes
Mayor

TABLE OF CONTENTS.....	1
PART ONE - PRELIMINARY PROVISIONS.....	1
1. Title	1
2. Objectives.....	1
3. Authorising Provision	1
4. Commencement, Revocation and Area of Operation	1
5. Repeal of other Local Laws	2
6. Definitions.....	2
PART 2 – ACCESS TO COUNCIL LAND AND ASSETS	7
Division 1 – General Requirements.....	7
7. General Requirements applying to the use of Council Land and Roads.....	7
Division 2 - Specific Permit Requirements	8
8. Permits to use Council land or a Road	Error! Bookmark not defined.
9. Permit for Outdoor Dining	8
10. Permit for Moveable or Temporary Advertising Signs	8
11. Permit for Works on a Council Road.....	9
12. Permit for collecting firewood and planting on nature strips	10
13. Permit to Graze Livestock on Roads	10
Division 3 - Compliance with Requirements	10
14. Requirements applying to Vehicle Crossings	10
15. Requirements applying to Drains.....	11
16. Obstructions to the safe use of the road	11
17. Shopping trolleys	11
18. Vehicles on Roads	12
19. Wheeled Toys and Bicycles	12
20. Displaying property numbers.....	12
PART 3 – USES AND ACTIVITIES ON LAND.....	13
21. Use of scare guns	13
22. Heavy and Long Vehicles in Residential Zones	14
23. Camping, Caravans and Motorhomes.....	14
24. Motorised Recreation Vehicles.....	15
25. Storing Machinery Materials, Goods or Vehicles on Land.....	16
26. Amenity associated with Building Sites	16
27. Wasps and Bees on Land	17
28. Shipping Containers	17
PART 4 – COMMUNITY AMENITY AND SAFETY.....	18
Division 1 – Uses and activities impacting on amenity and safety	18
29. Consumption and Possession of Alcohol	18

30. Unsightly or Dangerous Land or Buildings	19
31. Operation and maintenance of septic tank systems	19
Division 2 – Open Air burning and Incinerators	20
32. Requirements applying to burning in the open air	20
33. Requirements to reduce Nuisance from open air burning and Incinerators.....	20
34. Restriction on Burning in the Open Air – Land 4,000 Square Metres or Below	21
35. Restrictions on Burning in the Open Air – Land above 4,000 square metres and less than 40,000 square metres	22
36. Restrictions on Burning in the Open Air – Land 40,000 square metres or above	22
37. Removal of Restrictions on Open Air Burning	22
38. Applying for a Permit to Burn	23
39. Issue of Permits to Burn.....	23
40. Extinguishing Fires	23
Division 3 – Animal Control.....	24
41. Keeping Animals.....	24
42. Limits on Numbers of Animals	24
43. Animal Excrement	25
44. Effective fencing and confinement of farm animals.....	25
Division 4 – Waste.....	26
45. Domestic Garbage Recycling and Green Waste Bins	26
46. Prohibited Waste	27
47. Hard Waste Collection	27
48. Commercial Waste	27
49. Clothing Bins	28
PART 5 –ADMINISTRATION AND ENFORCEMENT	29
Division 1 – Administration.....	29
50. Exercise of Discretion.....	29
51. Permits	29
52. Considering Applications.....	29
53. Correction of Permit	30
54. Grounds for Cancellation or Amendment of Permits	30
55. Exemptions.....	31
56. False Representations.....	31
Division 2 – Enforcement.....	31
57. Powers of Authorised Officers	31
58. Impounding	32
59. Disposal	32
60. Offences and Penalties	32

61. Notices to Comply	33
62. Power to Act in Urgent Circumstances	34
63. Infringement Notices	34
SCHEDULE 1	36
SCHEDULE 2	37
SCHEDULE 3	38
SCHEDULE 4	42

MACEDON RANGES SHIRE COUNCIL

GENERAL PURPOSES AND AMENITY LOCAL LAW No. 10 of 2013

PART ONE - PRELIMINARY PROVISIONS

1. Title

This is the General Purposes and Amenity Local Law No. 10 of 2013.

2. Objectives

The objective of this Local Law is to provide for the peace, order and good government of the Macedon Ranges Shire by:

- (1) 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 the health and well being and a healthy and safe environment for residents and visitors;
 - (c) promotes an environment in which residents and visitors to the municipal district can enjoy a lifestyle that is expected of the area;
- (2) regulating and controlling behaviour which causes detriment to the amenity and environment of the municipality or could compromise public safety or Council land and assets.
- (3) providing processes and requirements that complement Council Policies and Plans; and
- (4) providing for the administration of the Council's powers and functions.

3. Authorising Provision

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

4. Commencement, Revocation and Area of Operation

This Local Law:

- (a) commences on 25 September 2013; and
- (b) unless it is revoked sooner, ceases to operate on 24 September 2023; and
- (c) operates throughout the whole municipal district.

5. Repeal of other Local Laws

From the date of operation of this Local Law the Macedon Ranges Shire Council General Local Law No. 8 will cease to operate and is repealed.

6. Definitions

In this Local Law the following words have the meaning given to them unless stated otherwise:

“the Act”	means the Local Government Act 1989 .
“abandoned vehicle”	means a vehicle that has not been moved for 2 months as referred to in clause 3(4) of Schedule 11 of the Act.
"advertising sign"	means a board, notice, banner or similar device used for the purposes of soliciting sales, notifying people where goods and services may be obtained, advising or directing people to an event or festival or promoting elections or political campaigns.
“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 and includes a kangaroo, ostrich and emu.
“Authorised Officer”	means a person appointed as an Authorised Officer under section 224 of the Local Government Act 1989 and for the purposes of clause 29 includes any police officer appointed in accordance with section 224.
"barbecue"	means any fixed or portable device designed exclusively for meals preparation fired by gas, electricity or other flammable materials.
"bird"	includes poultry.
"building site"	means any land on which building work is carried out.
"building work"	includes any work for or in connection with the construction, demolition, renovation, alteration or removal of any building or structure.
"bulk rubbish container"	means an container, bin, skip, hopper or other receptacle which is designed or used for holding refuse or rubbish and

	is unlikely to be moved without mechanical assistance, but does not include a rubbish receptacle used in connection with the Council's collection service for domestic waste.
"camp"	means erecting and occupying a tent or other similar structure but does not include a caravan or motorhome.
"caravan"	means a vehicle used or adapted for living and designed to be towed by another vehicle and includes vehicles without wheels or axles and whether it is resting directly on the ground or on blocks or other supports, and any structure, awning, veranda, lean-to, carport or other enclosed or partly enclosed area used in conjunction with a caravan while it is stationary.
"Chief Executive Officer"	means the person appointed as the Chief Executive Officer of the Council.
"clothing bin"	means any receptacle designed for the collection of donated clothing or goods for recycling.
"commercial waste"	means any rubbish, refuse, sludge, slurry, liquid, hard garbage or other matter whatsoever arising from any trade, industry or commercial undertaking.
"commercial zone"	means land zoned commercial under the Macedon Ranges Shire Council Planning Scheme.
"Council"	means the Macedon Ranges Shire Council.
"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.
"farm animal"	means any horse, cattle, camel, donkey, mule, sheep, deer, goat, ox, ostrich, emu, alpaca or llama or pig.
"heavy vehicle"	has the same meaning as the Road Safety Road Rules 2009.
"incinerator"	means a structure, device, contraption (not enclosed in a building) which is: (a) used or intended, adapted, or designed to be used or capable

	of being used for the purpose of burning anything;	
	(b) not licensed or otherwise subject to control under the provisions of any other legislation; and	
	(c) not a barbecue.	
“industrial zone”	means land zoned industrial under the Macedon Ranges Shire Council Planning Scheme.	
“livestock”	means an animal (including a bird) of any species used in connection with primary production or kept or used for recreational purposes other than a dog or cat.	
“long vehicle”	has the same meaning as the Road Safety Road Rules 2009	
“mobile trading”	means any vehicle, caravan, trailer, table, stall or other similar structure used for the purpose of selling food or offering goods or services for sale, including any food or drink (excluding alcohol).	<i>Inserted by LL 13</i>
“motorhome”	means a motor vehicle on a purpose built chassis and designed to serve as self-contained living quarters for recreational travel also referred to as an “RV” or recreational vehicle.	
“motorised recreational vehicle”	means all mini bikes, trail bikes, motor bikes, motor scooters, go- karts, motor cars and any other bike or vehicle propelled by a motor which is normally used for recreational purposes, but does not include any vehicle used primarily in respect of primary production, construction or maintenance or motor homes or buses.	
“noxious weed”	has the same meaning as in the Catchment and Land Protection Act 1994 .	
“penalty unit”	has the same meaning as section 110 of the Sentencing Act 1991 .	
“pest animal”	means an animal declared as a “pest animal” by the Minister under Part 8 of the Catchment and Land Protection Act 1994 .	
“permit”	in relation to a use or activity, means a permit issued under this Local Law which authorises that use or activity.	

"Planning Scheme"	means the Planning Scheme operating in the Macedon Ranges Shire made under the Planning and Environment Act 1987 .	
"public place"	has the same meaning as the Summary Offences Act 1966 .	
"residential zone"	means land zoned residential under the Macedon Ranges Shire Council 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 but does not include a State road under the Road Management Act unless a provision in the Local Law is expressly applied to a State road.	
"rural zone"	means land zoned rural under the Macedon Ranges Shire Council Planning Scheme.	
"scaregun"	means a gas gun or similar gun or noise emitting device designed to scare birds from attacking crops, but does not include a firearm.	
"septic tank system"	has the same meaning as section 53J of the Environment Protection Act 1974 .	
"trading"	means: <ul style="list-style-type: none">• selling or offering or exposing or promoting the sale, supply, exchange or hire any goods, merchandise, commodity, article, thing or service; or• advertising for the purposes of soliciting sales, notifying people where goods or services may be obtained or advertising or directing people to an event or festival; or• a fundraising stall or activity operating to raise money for a community group, charity or not for profit organisation (excluding highway collections).	<i>Inserted by LL13</i>
"vehicle"	has the same meaning as "motor vehicle" in section 3 of the Road Safety Act 1986 .	
"wheeled toy"	means: <ul style="list-style-type: none">(a) a vehicle designed to be propelled by human power and includes a scooter, skate board,	

- roller skates, roller blades and like toys; or
- (b) a remote control aircraft or vehicle.

6A. Incorporated Documents

Inserted by LL13

- (1) This Local Law incorporates by reference documents containing Council Policy, standards or guidelines that apply to specific uses or activities which are intended to assist in achieving the objectives of this Local Law.
- (2) It is intended that where an incorporated document is applied to a use or activity a person must comply with any or all of the requirements specified for that use or activity.

PART 2 – ACCESS TO COUNCIL LAND AND ASSETS

Division 1 – General Requirements

7. General Requirements applying to the use of Council Land and Roads

- (1) A person using Council land or a road must comply with any conditions of use applied to that land or road by the Council and notified by way of signs¹, conditions of entry or conditions of membership.
- (2) A person using Council land or a road must not behave in a way that could endanger, cause harm or injury to any other person or which interferes with any other person's reasonable enjoyment or use of that Council land or road including by:
 - (a) using language or behaving in a way that is indecent, intimidating, offensive or abusive and which annoys, disturbs, interferes or obstructs any person's enjoyment of the Council land or road;
 - (b) making unreasonable noise from a speaker, amplifier or other amplified sounds or noise (unless a permit has been obtained from the Council in relation to an event on that land), including where that noise is heard inside a habitable room on adjacent land;
 - (c) destroying, defacing, removing or interfering with anything in or on any building, sign, improvement or other infrastructure of any kind, including trees, plants and other vegetation, whether belonging to the Council or a utility;
 - (d) using vehicles, equipment, toys and toy vehicles or animals on that land contrary to any signs or conditions applicable to that land or road;
 - (e) conducting events, ceremonies, competitive sport or groups training; or
 - (f) acting contrary to any lawful direction of an Authorised Officer or a person in charge of a facility on Council land.

Penalty: 10 Penalty Units

- (3) Unless a use or activity is permitted on Council land or a road by this Local Law a person must not:
 - (a) remove or add to, interfere with or cause damage to Council land or a road or to anything located on Council land such as fencing, infrastructure or vegetation including dead trees or fallen limbs from trees; or
 - (b) light a fire unless it is in a barbecue on Council land;
 - (c) carry out any work or activity or allow any tree, plant or other condition on land owned or occupied by him or her to interfere with, cause damage to, or create a risk to Council land or a road.

Penalty: 20 Penalty Units

¹ For example, signs may designate smoke free areas in and around Council land, such as Council offices, swimming pools, infant welfare centres etc.

- (4) The restrictions and limitations in sub-clauses (1), (2) and (3) do not apply to:
- (a) a member of Council staff, a person contracted by the Council, a member of a public authority or an employee of a utility carrying out their duties; or
 - (b) council events, festivals or processions, functions or ceremonies.

Division 2 - Specific Permit Requirements

8. Permits to use Council land or a Road for Trading

Subst. by LL13

- (1) A person must obtain a permit before using Council land or a road for:
- (a) selling or displaying any goods or services, handing out advertising or promotional material, soliciting sales, fundraising or collection activities;
 - (b) selling or advertising vehicles for sale or using vehicles to advertise premises where goods or services can be obtained from;
 - (c) busking, conducting events, festivals or processions, functions or ceremonies; or
 - (d) mobile trading.

Penalty: 5 Penalty Units

- (2) In addition to any conditions on a permit granted for using Council land or a road for trading, a person must comply with any other requirements applying to uses and activities on Council land or roads in the Council's current Policies² or guidelines.

Penalty: 5 Penalty Units

- (3) The requirement for a permit in sub-clause (1) does not apply to:
- (a) a member of Council staff, a person contracted by the Council or an employee of a utility carrying out their duties; or
 - (b) a person or organisation who has any other form of consent, including a lease or a licence to use the Council land or road.

9. Permit for Outdoor Dining

Subst. by LL13

- (1) A person must obtain a permit to use Council land or a road³ adjacent to their premises including where that use has a licence for the sale and consumption of alcohol under the **Liquor Control Reform Act 1998** for:
- (a) outdoor dining; and
 - (b) the placement of furniture and other equipment used in association with outdoor dining.

Penalty: 5 Penalty Units

- (2) The requirement to obtain a permit in subclause (1) does not apply:
- (a) where there is a planning permit for the use under the Planning Scheme; and

² Council Policies, including any that will apply to uses and activities regulated in this Local Law, are available on the Council's website.

³ The definition of "road" in the Local Law includes a footpath or nature strip.

- (b) where the planning permit contains conditions about furniture and other equipment used in association with outdoor dining for those items specified within the planning permit.
- (3) In addition to any conditions on a permit, a person must comply with any other requirements applying to items used in association with outdoor dining such as flags, dividing screens and barriers, umbrellas and heaters in the Council's current Policies or guidelines.
- (4) The requirement to comply with subclause (3) does not apply to items that are specified in the planning permit.

Penalty: 5 Penalty Units

10. Permit for Moveable or Temporary Advertising Signs

Subst. by LL 13

- (1) A person must obtain a permit to place moveable or temporary advertising signs on Council land or a road.

Penalty: 5 Penalty Units

- (2) In addition to any conditions on a permit, a person must comply with any other requirements applying to moveable or temporary advertising signs in the Council's current Policies or guidelines.

Penalty: 5 Penalty Units

- (3) The requirement to obtain a permit to place a moveable or temporary advertising sign does not apply to:
 - (a) a moveable or temporary advertising sign that requires a permit under the Planning Scheme; or
 - (b) signs for community events that comply with VicRoads *Community Signage Guidelines*.

11. Permit for Works on a Council Road

- (1) A person must obtain a permit to carry out works on a Council road including:
 - (a) excavating, digging holes, occupying or fencing off part of a road, erecting hoardings or scaffolding or using cranes: or
 - (b) leaving building materials, including soil removed from a building site, bulk rubbish containers, commercial bins or shipping containers.

Penalty: 20 Penalty Units

- (2) The requirement to obtain a permit in sub-clause (1) does not apply to a member of Council staff, a person contracted by the Council or an employee of a utility carrying out their duties.
- (3) A utility must comply with the *Road Management Act 2004* when undertaking works on a Council road.

12. Permit for collecting firewood and planting on nature strips

- (1) A person must obtain a permit to collect and remove firewood, including dead trees and fallen branches from a road reserve.

Penalty: 10 Penalty Units

- (2) The requirement to obtain a permit under sub-clause (1) does not apply if:

- (a) A planning permit under the Planning Scheme is required to remove native vegetation;
- (b) the removal of any vegetation is required under the *Municipal Fire Management Plan* or *Roadside Management Plan*.

- (3) A person must obtain a permit to;

- (a) plant or remove any vegetation from a naturestrip or undertake any landscaping on a naturestrip or a road reserve in a residential, commercial or industrial zone; or
- (b) remove any soil from a naturestrip.

Penalty: 10 Penalty Units

- (4) The Council may exempt a person from the requirement to obtain a permit under sub-clause (3) if the use or activity will comply with requirements prescribed in any policy that the Council has approved and is applicable to the use or activity⁴.

13. Permit to Graze Livestock on Roads

A person must obtain a permit to graze or drive or allow any livestock under their control to graze or be driven on a road or Council land.

Penalty: 20 Penalty Units

Division 3 - Compliance with Requirements

14. Requirements applying to Vehicle Crossings

- (1) An owner or occupier of land may be required by notice in writing from the Council to:
- (a) ensure that there is a properly constructed and maintained vehicle crossing including a temporary vehicle crossing, from a road to the adjacent land;
 - (b) repair or reconstruct a vehicle crossing;
 - (c) remove a vehicle crossing and reinstate any kerb, channel or other infrastructure in the road; or
 - (d) undertake remedial works to prevent damage occurring to other parts of the road because of the location or condition of a vehicle crossing;
- to the satisfaction of an Authorised Officer.

⁴ Council may make policies or guidelines from time to time which are available on Council's website.

- (2) The Council may require the payment of a bond to cover the cost of repairing any damage or reinstatement works required as a result of a notice under sub-clause (1) and if that bond is found to be insufficient, require the payment of additional funds to cover the cost of the work.

15. Requirements applying to Drains

- (1) A person must not damage, destroy, interfere with or obstruct a Council drain.

Penalty: 10 Penalty Units

- (2) An owner or occupier of land must ensure that any drain on his or her land:
 - (a) is maintained in a condition that is not dangerous to health, unsightly or a nuisance; and
 - (b) properly discharges to Council's drainage infrastructure.

Penalty: 5 Penalty Units

- (3) A person must obtain a permit to undertake any works in a Council drain or to construct anything which might result in an obstruction to a drain.

Penalty: 5 Penalty Units

16. Obstructions to the safe use of the road

An owner or occupier of land must ensure that any vegetation, sign, structure or the condition of anything on their land does not:

- (1) obstruct and interfere with the safe and fair use of the road by pedestrians and vehicles by limiting visibility of the road, traffic control items or other users of the road; or
- (2) cause a hazard to pedestrians and vehicles because of its location, condition or because it is unsafe.
- (3) encroach over any public place or road at a height less than 3 metres.

Penalty: 10 Penalty Units

17. Shopping trolleys

- (1) A person must not leave a shopping trolley on any land, a road or public place unless it is in an area signed by the shopping trolley owner as designated for that purpose.

Penalty: 5 Penalty Units

- (2) A person who provides shopping trolleys for use by customers, must ensure that they are not left on any land, road or public place unless it is in an area signed by the shopping trolley owner as designated for that purpose.

Penalty: 5 Penalty Units

- (3) A shopping trolley that has been left on Council Land, a road, public place or vacant land, that is not designated as an area for the return of shopping trolleys may be impounded by an Authorised Officer.

18. Vehicles on Roads

- (1) A person must not:

- (a) leave or park an unregistered vehicle on a road or Council Land; or

Penalty: For an offence against subclause (1) (a): 10 Penalty Units

- (b) leave an abandoned vehicle on a road or Council Land.

Penalty: For an offence against subclause (1)(b): 5 Penalty Units

- (2) Where a vehicle is impounded because of a contravention of subclause (1), the provisions of clause 3 of Schedule 11 of the **Local Government Act 1989** will apply.
- (3) A person must not carry out any repairs or maintenance on a vehicle on a road other than to allow it to be removed.

Penalty: 10 Penalty Units

19. Wheeled Toys and Bicycles

A person using or who allows another person to use a wheeled toy or bicycle on a road or Council land must ensure that the use does not obstruct, cause danger, interfere with or cause a nuisance to other users of the road or Council Land.

Penalty: 5 Penalty Units

20. Displaying property numbers

- (1) Where the Council has allocated a number to a property, the owner or occupier of the property must ensure that:
- (a) the property is marked with the allocated number;
- (b) the numbers are of a sufficient size and free from obstructions so that they can be clearly read under normal lighting conditions from the road immediately adjacent to the front boundary of the property; and
- (c) in the case of a property in a rural zone the numbers are reflective.

Penalty: 5 Penalty Units

- (2) A owner or occupier must ensure the allocated property numbers for a flat or unit are displayed on the front door or clearly visible from the front entrance of the dwelling.

Penalty: 5 Penalty Units

PART 3 – USES AND ACTIVITIES ON LAND

21. Use of scare guns

- (1) A person may use a scare gun provided that the following requirements are complied with:
- (a) the scare gun is only used for the bona fide purpose of scaring birds from crops during a recognised crop growing period;
 - (b) the scare gun is positioned on land in a rural zone;
 - (c) the distance in a straight line between the scare gun and a residential premises on another property is 500 metres or greater;
 - (d) the distance in a straight line between the scare gun and another scare gun in use (whether located on the same property or on another property), is 150 metres or greater;
 - (e) the scare gun is only used between 7am and sunset on any day and is not used in excess of 12 hours in 1 day;
 - (f) the maximum noise level of the scare gun when measured immediately in front of the residential premises on another property is 100dB LIN peak or less;
 - (g) the scare gun does not emit more than the number or exceed the regularity of blasts in any 1 day period than the number set out in sub-clause (3); and
 - (h) the number of scare guns in use at any one time on the property does not exceed the number set out in subclause (5).

Penalty: 10 Penalty Units

- (2) A permit may be granted to reduce the distance requirement set out in sub-clause (1) (c).
- (3) For the purposes of subclause (1)(g), the number and regularity of blasts in any 1 day period is as follows:
- (a) in the case of a single blast scare gun, 70 blasts, with the time between the blasts to be no less than 6 minutes;
 - (b) in the case of a multiple blast scare gun, 70 blasts with:
 - (i) the time between blast sequences being no less than 6 minutes; and
 - (ii) the time between the first blast of a sequence and the last blast of a sequence being no more than 1 minute.
- (4) For the purposes of subclause (3)(b)(ii) each blast in a multiple blast sequence will be counted as 1 blast.
- (5) For the purposes of subclause (1)(h), the number of scare guns in use at any one time on the property is as follows:
- (a) where the area under crop is 4 hectares or less – 1 scare gun;
 - (b) where the area under crop is more than 4 hectares and less than 10 hectares – 2 scare guns;
 - (c) where the area under crop is 10 hectares or more – 3 scare guns.

- (6) A permit may be granted to allow the use of more than 3 scare guns where the area under crop is 20 hectares or more but so as not to allow more than 2 scare guns for each 10 hectares of crop.
- (7) An Authorised Officer may impound a scare gun used in breach of subclause (1) or (6).

22. Heavy and Long Vehicles in Residential Zones

A person must obtain a permit to park, store or repair a heavy vehicle or a long vehicle on any land in a residential zone.

Penalty: 10 Penalty Units

23. Camping, Caravans and Motorhomes

- (1) A person must obtain a permit to camp or leave or occupy a caravan or motorhome on a road or Council Land other than in an area designated by the Council for the purpose⁵.

Penalty: 10 Penalty Units

- (2) A person must obtain a permit to camp or to leave or occupy a caravan or motorhome on land, where there is no dwelling.

Penalty: 10 Penalty Units

- (3) A permit granted under subclause (2) will expire 6 months after the date it was issued, but the Council may grant a 6 month extension provided that:
 - (a) there is progress towards completion of construction of a dwelling on the land;
 - (b) no nuisance has been complained of to the Council within the previous 6 months; and
 - (c) any other relevant requirements have been satisfactorily complied and can continue to be complied with.
- (4) The requirement to obtain a permit under subclause (2) does not apply to:
 - (a) a person who leaves a caravan or motorhome or occupies a caravan or motorhome in a caravan park that is registered with the Council: or
 - (b) the use is specifically authorised in the Planning Scheme or a permit has been granted under the Planning Scheme.
- (5) A person may leave or occupy a caravan or motorhome on land on which there is a dwelling provided that:
 - (a) adequate sanitary facilities are provided for any occupant of the caravan or motorhome;
 - (b) the caravan or motorhome is sited on the land so that it does not adversely affect the occupants of other properties; and

⁵ Council may designate such areas by way of Council resolution including for example, a resolution to adopt a Council Policy that may identify areas where caravans and motorhomes are allowed to be left or occupied.

- (c) the caravan or motorhome is only for private use and not commercial purposes.

Penalty: 10 Penalty Units

- (6) A person or organisation may apply for a permit to camp on land in the municipal district if camping is associated with a special event and the Authorised Officer is satisfied that any nuisance from camping can be reduced by compliance with conditions on a permit.

24. Motorised Recreation Vehicles

- (1) A person must obtain a permit to use or allow others to use a motorised recreation vehicle on land owned or occupied by him or her if:

- (a) that land is within a residential, commercial or industrial zone; or
- (b) that land is less than 4 hectares.

Penalty: 10 Penalty Units

- (2) Whether a permit is required under sub-clause (1) or not, a person must not use or allow others to use a motorised recreation vehicle on land owned or occupied by him or her, which in the opinion of an authorised officer causes a nuisance to others because of sound, smell, dust, smoke, soil erosion or any other factor that causes a nuisance.

Penalty: 10 Penalty Units

- (3) In addition to the requirement that the use of a motorised recreation vehicle on land must not cause a nuisance, a person must not use or allow others to use a motorised recreation vehicle on land owned or occupied by him or her:

- (a) unless it is possible to maintain a 500 metre distance from where the motorised recreation vehicle is being used and any neighbouring dwelling;
- (b) unless it is fitted with a muffler that effectively reduces external noise from motor vehicles or motor cycles and a spark arrester;
- (c) the number of vehicles is no more than 2 motorised recreation vehicles at any one time on land which is less than 20 hectares or no more than 4 motorised recreation vehicles at any one time on any land greater than 20 hectares;
- (d) the motorised recreation vehicle is not used continuously for a period in excess of 1 hour after which no motorised recreation vehicle must be used for a minimum 2 hour period; and
- (d) the motorised recreation vehicle is not used other than between 10am to 6pm Monday to Saturday and 1pm to 4pm on Sundays and public holidays; and
- (e) on a day declared to be a Total Fire Ban Day under the **Country Fire Authority Act 1958**.

Penalty: 10 Penalty Units

25. Storing Machinery Materials, Goods or Vehicles on Land

- (1) A person must obtain a permit to store or to assemble or dismantle machinery, vehicles or second-hand goods or materials.

Penalty: 20 Penalty Units

- (2) The requirement to obtain a permit does not apply if:
- (a) the use is specifically authorised in the Planning Scheme or a permit has been granted under the Planning Scheme;
 - (b) the use is for recreational purposes and is not conducted for:
 - (i) financial gain; and
 - (ii) not stored in a way that is unsightly or detrimental to the general amenity of the neighbourhood; or
 - (c) the use is established within normal or other lawfully established commercial activities.

26. Amenity associated with Building Sites

- (1) A person in charge of a building site for which a building permit has been issued must also obtain an Asset Protection Permit before commencing works on the building site.

Penalty: 20 Penalty Units

- (2) In addition to any requirements in the Asset Protection Permit a person must comply with the Council's *Asset Protection Policy* or any subsequent Policy adopted by the Council.

Penalty: 20 Penalty Units

- (3) A person in charge of a building site must ensure that prior to commencing works the building site has in place:
- (a) sanitary facilities to the satisfaction of the Authorised Officer;
 - (b) adequate litter devices that contain all building rubbish on the site to the satisfaction of the Authorised Officer; and
 - (c) adequate fencing within the perimeter of the building site to the satisfaction of the Authorised Officer.

Penalty: 20 Penalty Units

27. Wasps and Bees on Land

- (1) An owner or occupier of land must ensure that any English or European wasps nesting on the land are destroyed.
- (2) An owner or occupier of any land who keeps bees on that land must do so in accordance with the planning scheme and the relevant Apiary Code of Practice.
- (3) The owner or occupier of any land must ensure that any feral European honey beehive is destroyed or must ensure that any feral European honey bees that are swarming on the land and are considered by an Authorised Officer to be causing a nuisance to any person, are removed from the land.

Penalty: 20 Penalty Units

28. Shipping Containers

A person must obtain a permit where it is proposed to place a shipping container on any land in a residential zone unless it:

- (1) is permitted under the Planning Scheme; or
- (2) a building permit has been issued under **Building Regulations 2006**.

Penalty: 10 Penalty Units

PART 4 – COMMUNITY AMENITY AND SAFETY

Division 1 – Uses and activities impacting on amenity and safety

29. Consumption and Possession of Alcohol

- (1) A person must obtain a permit to consume any alcohol or have in his or her possession an open container of alcohol on a road or Council land unless one of the exemptions under subclause (2) applies.

Penalty: 10 Penalty Units

- (2) The requirement to obtain a permit under subclause (1) does not apply to a person who is consuming alcohol or who has in his or her possession an open container of alcohol:
- (a) in licensed premises or authorised premises under the **Liquor Control Reform Act 1998**;
 - (b) in a place which the Council has designated⁶ to be exempt from the operation of this clause;
 - (c) in an area designated by the Council to be a picnic area during daylight hours and listed in Schedule 4, unless an Authorised Officer reasonably believes that:
 - (i) the person in possession of an open container of alcohol is intoxicated; or
 - (ii) the consumption of alcohol by the person or a group of persons of which the person is a member is causing a nuisance, intimidating or disturbing others in the vicinity;
 - (d) on a sporting field or reserve during a time when that sporting field or reserve is in the exclusive use and control of an incorporated body that has a hire agreement or other arrangement with the Council except:
 - (i) when the incorporated body has made a written request for an alternative arrangement as to times and the Council has consented; or
 - (ii) during and one hour immediately before and immediately after events intended for participants under 18 years of age.
- (3) In determining whether to grant a permit under subclause (1), the Council must take into account:
- (a) the nature of the event; and
 - (b) any other matter relevant to the circumstances of the application.
- (4) Where an Authorised Officer believes on reasonable grounds that a person is contravening or has contravened subclause (1), the Authorised Officer may direct the person to seal or dispose of the contents of any unsealed container in that person's possession.
- (5) Any liquid is deemed to be alcohol until the contrary is proven.

⁶ Council may designate such areas for the purposes of this Local Law by resolution.

30. Unsightly or Dangerous Land or Buildings

- (1) An owner or occupier of land must not allow land to be kept in a way:
- (a) that is unsightly or detrimental to the general character and amenity of the neighbourhood in which it is located; or
 - (b) that could be a danger or a risk to people or property in the vicinity.
- (2) In assessing whether the condition or appearance of land contravenes subclause (1), the Authorised Officer may take into consideration factors including whether:
- (a) the conditions on the land provide a harbour or encourage vermin or pest animals;
 - (b) the volume or type of goods such as second-hand goods, vehicles or machinery is excessive;
 - (c) the volume or type of substances or materials, including building materials and fill from building sites is excessive;
 - (d) there is noxious weeds or vegetation that exceeds 200 millimetres in height;
 - (d) there is graffiti on the exterior walls of buildings or fences;
 - (e) the volume of unconstrained rubbish or litter is excessive;
 - (f) there is an incomplete or partially demolished building or a dilapidated building on the land; and
 - (g) any other matter that the Authorised Officer considers is relevant to making an assessment under subclause (1).

Penalty: 20 Penalty Units

- (3) The owner or occupier of land must not allow a building located on the land to:
- (a) be unsightly or detrimental to the general character and amenity of the area in which it is located; or
 - (b) become dilapidated or further dilapidated so that the features of the building are not reasonably maintained.

Penalty: 20 Penalty Units

- (4) A building will be considered to contravene subclause (3) if it has a substantial visual impact in the context of the surrounding area taking into account its appearance from the road but not taking into account its intended design or its siting.

31. Operation and maintenance of septic tank systems

- (1) An owner or occupier of land on which a septic tank system is located must ensure that the system operates and is maintained so that it does not:
- (a) cause a nuisance to others because of odour or by nature of a discharge;
 - (b) cause or could cause a risk to public health; or
 - (c) cause or have the potential to cause environmental degradation.

Penalty: 10 Penalty Units

- (2) An owner or occupier of land on which a septic tank system is installed must:
- (a) make the septic tank system available for inspection by an Authorised Officer when requested to do so; and
 - (b) have the septic tank system inspected by a licensed plumber or an accredited service technician every 3 years or at a frequency prescribed in the risk based compliance program contained in Council's *Domestic Wastewater Management Plan*.
- (3) In determining whether a septic tank system is operated and maintained in contravention of subclause (1) an Authorised Officer may consider:
- (a) whether the system is operated and maintained in accordance with the requirements in the *Code of Practice for Onsite Wastewater Management*; and
 - (b) whether it discharges water contrary to Council's *Domestic Wastewater Management Plan*.
- (4) If an Authorised Officer considers that a septic tank system is operating or maintained contrary to subclause (1), the owner of the land on which the system is located may be required to modify the system to the standards prescribed in the *Code of Practice for Onsite Wastewater Management and the Australian Standard AS/NZS 1547*.

Division 2 – Open Air burning and Incinerators

32. Requirements applying to burning in the open air

- (1) In addition to the requirements in the **Country Fire Authority Act 1958**⁷ to obtain a permit to burn in the open air during the declared fire danger period, a person must comply with the requirements of this Local Law.
- (2) A person must not light a fire without a permit on any Council land, a road or a public place except where:
- (a) a fire is in a permanent or portable barbecue being used for cooking food; or
 - (b) the fire is lit by an officer, employee or authorised agent of a public authority in the course of their duty.

Penalty: 20 Penalty Units

33. Requirements to reduce Nuisance from open air burning and Incinerators

- (1) Even if a permit to burn in the open air has been obtained under clause 34 or burning in the open air can be done under clauses 35 or 36, a person must ensure that a fire lit by him or her on any land in the open air, including in an incinerator:
- (a) is not offensive or a nuisance to another person in the vicinity or beyond the property boundary;

⁷ During the declared fire danger period open air burning and burning incinerators is regulated by permits requirements and other provisions contained in sections 37 – 39 of the Country Fire Authority Act 1958. The Municipal Fire Prevention Officer of a Council is authorised under the Country Fire Authority Act to issue permits during that period. Offense for lighting a fire on a Total Fire Ban day are in section 40(4) of the Country Fire Authority Act.

- (b) does not cause a hazard to a person's health;
- (c) does not have an adverse impact on visibility beyond the property boundary, including reducing the visibility of motorists and other users of a public road;
- (d) does not create a hazard on or near a public road;
- (e) the fire or use of the incinerator is supervised by an adult at all times;
- (f) sufficient fire protection equipment is available to extinguish the fire if required;
- (g) the vegetation to be burnt is dead and dry prior to lighting it; and
- (h) at the site of the fire, the wind speed must not exceed 15 kilometres an hour (8 knots)

Penalty: 20 Penalty Units

- (2) A person must not light a fire in the open air, including in an incinerator on land to burn, cause or allow to be burnt any:

- (a) green or wet material;
- (b) non timber based building materials;
- (c) rubber or plastic, including plastic mulch, plant pots and packaging materials;
- (d) furnishings and carpet;
- (e) manufactured chemicals;
- (f) petroleum or oil products;
- (g) paint, including any container in which paint is kept;
- (h) food waste;
- (i) manure and straw;
- (j) household waste; or
- (k) other offensive, noxious or toxic matter.

Penalty: 20 Penalty Units

34. Restriction on Burning in the Open Air – Land 4,000 Square Metres or Below

- (1) A person must not, without a permit, light a fire in the open air on land, including in an incinerator, where the land size is less than 4,000 square metres.

Penalty: 20 Penalty Units

- (2) The restriction in sub-clause (1) does not apply to:

- (a) a barbecue, pizza oven or other properly constructed appliance while it is being used for cooking food;
- (b) a fire in a brazier or chimenea while it is being used for heating;
- (c) a tool of trade while being used for the purpose for which it was designed;
- (d) a fire lit during the course of duty by a member of a fire and emergency services agency; or

- (e) a fire where the Council has granted a permit because it considers that the specific circumstances of the case enable it to provide an exemption to the restriction as specified in clause 33(1).

35. Restrictions on Burning in the Open Air – Land above 4,000 square metres and less than 40,000 square metres

- (1) A person may light a fire in the open air on land, including in an incinerator, where the land size exceeds 4,000 square metres but is less than 40,000 square metres, provided that:
 - (a) the fire is lit or allowed to remain alight not before 9am or after 6pm on any day;
 - (b) no more than 10 cubic metres of vegetation is burnt at any one time;
 - (c) the fire is not within 50 metres of any neighbouring dwelling;
 - (d) the fire is lit or allowed to remain alight in accordance with clause 33.

Penalty: 20 Penalty Units

- (2) Where a person wants to burn in the open air under this provision and the requirements in subclause (1) cannot be complied with, a person must obtain a permit.

Penalty: 20 Penalty Units

36. Restrictions on Burning in the Open Air – Land 40,000 square metres or above

- (1) A person may light a fire in the open air on land, including in an incinerator, where the land size is 40,000 square metres or above, provided that:
 - (a) no more than 100 cubic metres (e.g. 5 metres wide x 5 metres long x 4 metres high) of vegetation is burnt at any one time;
 - (b) the fire is not within 100 metres of any neighbouring dwelling; and
 - (c) the fire is lit or allowed to remain alight in accordance with clause 33.

Penalty: 20 Penalty Units

- (2) Where a person wants to burn in the open air under this provision and the requirements in sub-clause (1) cannot be complied with, a person must obtain a permit.

Penalty: 20 Penalty Units

37. Removal of Restrictions on Open Air Burning

The Municipal Fire Prevention Officer may remove some restrictions on open air burning applied by this Local Law for fire prevention purposes only. The removal of any restrictions will be for a period determined by the Municipal Fire Prevention Officer having regard to discussions with the Country Fire Authority and seasonal conditions and Council will give public notice of this period.

38. Applying for a Permit to Burn

A person may apply for a permit by:

- (a) lodging an application with the Council in a form approved by the Council or an Authorised Officer; and
- (b) paying to the Council the appropriate application fee, if applicable.

39. Issue of Permits to Burn

- (1) The Council or an Authorised Officer may issue a permit with conditions or refuse to issue a permit based on the specific circumstances of the case having due regard to:
 - (a) the size of the land;
 - (b) the ability of the landowner to remove the vegetation via more appropriate methods;
 - (c) the proximity to other landowners and risk of smoke nuisance; or
 - (d) any other relevant thing.
- (2) The conditions of the permit must be set out in the permit.
- (3) A person who undertakes open air burning for which the Council or an Authorised Officer has issued a permit must comply with the conditions on the permit.
- (4) Even if a permit has been issued, a person must not light or allow to remain alight any fire in the open air on a day that has been declared as a Total Fire Ban day or smog alert day.

Penalty: 20 Penalty Units

40. Extinguishing Fires

A person who has lit or allowed a fire to remain alight contrary to the provisions in this Division or any condition contained in a permit, must extinguish the fire immediately on being directed to do so by:

- (a) an Authorised Officer; or
- (b) a member of Victoria Police or the Country Fire Authority.

Penalty: 20 Penalty Units

Division 3 – Animal Control

41. Keeping Animals

- (1) A person keeping animals on land must not allow any animal to:
- (a) cause a nuisance to any other person because of noise, smell or any other condition;
 - (b) damage any flora or fauna on the land;
 - (c) pollute any drain, gutter, watercourse or water catchment on or through that land; or
 - (d) cause the invasion or spread of noxious or environmental weeds on or from that land.

Penalty: 10 Penalty Units

- (2) A person providing housing for animals kept on land must ensure that a nuisance or offensive condition is not caused to adjoining land and that:
- (a) animal housing is:
 - (i) constructed and maintained to the satisfaction of the Authorised Officer;
 - (ii) kept clean and sanitary at all times;
 - (iii) located at a distance from dwellings on other land to the satisfaction of the Authorised Officer;
 - (iv) located at a distance from any property boundary to the satisfaction of the Authorised Officer;
 - (b) food is kept in fly and vermin proof buildings or containers other than baled, rolled, sheaf hay or silage; and
 - (c) the land is kept free of materials, refuse and vegetation that may harbour or attract rats, mice or other vermin.

Penalty: 10 Penalty Units

- (3) A person must not feed or encourage the presence of feral, stray or pest animals or allow such animals access to food on the land on which animals are kept.

Penalty: 5 Penalty Units

42. Limits on Numbers of Animals

- (1) A person must obtain a permit to keep animals in excess of the numbers permitted or to keep animals on land less than the area prescribed as follows:

Dogs and cats⁸

- On land up to 4,000 square metres (1 acre) - 2 dogs and 2 cats

⁸ For the purposes of calculating the maximum limit of numbers of animals kept, the progeny of any animal lawfully kept will be exempt for a period of three months after their birth.

- On land greater than 4,000 square metres (1 acre) - 4 dogs and 4 cats.

Roosters

- Less than 4,000 square metres (1 acre) - 0.

Pigs or piglets

- Less than 10,000 square metres (2.5 acres) – 0.

Farm animals

- Less than 2,000 square metres (0.5acre) – 0 unless sub-clause (2)(c) applies.

Penalty: 20 Penalty Units

- (2) The requirement to obtain a permit under sub-clause (1) does not apply if:
- (a) the number of animals to be kept on land is because of a commercial undertaking on the land and the use is authorised under the Planning Scheme or a permit has been obtained under the Planning Scheme;
 - (b) the dogs are kept for working stock on farm land which is greater than 40 hectares; or
 - (c) farm animals are on the land for not more than 1 month and are being used for fire prevention or weed management purposes.

43. Animal Excrement

- (1) A person in charge of an animal must not allow any part of that animal's excrement to remain on any road or Council land and must immediately collect and dispose of the excrement.

Penalty: 10 Penalty Units

- (2) A person in charge of an animal on any road or Council land must carry sufficient litter devices to collect and dispose of animal excrement and must produce them on request to an Authorised Officer.

Penalty: 5 Penalty Units

44. Effective fencing and confinement of farm animals

- (1) An owner or occupier of land must ensure that the land on which a farm animal is kept is adequately fenced or confined in a satisfactory condition to ensure that the type of farm animal kept on the land cannot escape from it.

Penalty: 10 Penalty Units

- (2) If a farm animal is found at large outside the land of the owner or not securely confined to the owner's land between sunrise and sunset, the owner is guilty of an offence.

Penalty: between sunrise and sunset - 10 Penalty Units

- (3) If a farm animal is found at large outside the land of the owner or not securely confined to the owner's land between sunset and sunrise, the owner is guilty of an offence.

Penalty: between sunset and sunrise - 20 Penalty Units

Division 4 – Waste

45. Domestic Garbage Recycling and Green Waste Bins

- (1) An owner or occupier of land to which the Council provides a bin and collection service for domestic waste must:
- (a) deposit all refuse generated on the land into the bin provided by the Council;
 - (b) wrap waste to minimise windblown litter at the disposal facility;
 - (c) when in a residential zone, place the bin for collection on the nature strip or the kerb as advised by the Council not more than 24 hours before collection;
 - (d) ensure that the bin's lid is closed at all times;
 - (e) keep the bin in a clean, inoffensive and sanitary condition;
 - (f) when in a residential zone, return the bin to the land as soon as possible after collection but no later than 48 hours after collection;
 - (g) remove any litter from a road or Council land which has spilled from the bin supplied to the land;
 - (h) ensure that the land on which the bin is kept is adequately drained and kept in a clean, sanitary and inoffensive condition; and
 - (i) comply with any conditions or requirements that the Council applies to the waste collection service.

Penalty: 10 Penalty Units

- (2) An owner or occupier of land must not:
- (a) place for collection any refuse other than in a garbage or recycling bin;
 - (b) place for collection more than 1 garbage bin and 1 recycling bin unless permitted by the Council; or
 - (c) damage any garbage or recycling bin.

Penalty: 5 Penalty Units

- (3) A person must not without a permit remove anything left for collection under sub-clause (1)(c).

Penalty: 5 Penalty Units

46. Prohibited Waste

A person must not place any of the following substances in a garbage or recycling bin put out for collection:

- (a) sludge, slurry, semi-liquid or liquid waste;
- (b) glass or other sharp objects unless they have been properly wrapped;
- (c) oil, paint, solvents and similar substances;
- (d) radioactive waste;
- (e) material containing asbestos;
- (f) any medical or infectious waste;
- (g) a carcass or parts of a dead animal;
- (h) any hazardous or chemical waste;
- (i) any volatile or explosive substance;
- (j) any excrement;
- (k) any object weighing more than 60 kilograms;
- (l) any item which may damage the bin or reduce its strength or effectiveness;
- (m) any item that would prevent the lid on the bin from closing; or
- (n) any hot ash or embers.

Penalty: 10 Penalty Units

47. Hard Waste Collection

- (1) Where the Council or an Authorised Officer has given public notice that a hard garbage collection will be made, any hard garbage to be collected must be left for collection in accordance with the conditions of collection.

Penalty: 10 Penalty Units

- (2) A person must obtain a permit to remove anything left for collection under sub-clause (1).

Penalty: 5 Penalty Units

48. Commercial Waste

- (1) An owner or occupier of land must ensure that any commercial or trade waste bin kept on land is:
 - (a) constructed of impervious materials, is watertight and fly and pest proof;
 - (b) emptied before it overflows but at least every 7 days or when an Authorised Officer directs;
 - (c) maintained and kept in a clean condition and free from offensive odours;
 - (d) displaying a sign indicating the type of waste or material which may be deposited and stating that it is an offence to deposit material not listed in the notice.
 - (e) not stored or placed on Council land or road without a permit.

Penalty: 5 Penalty Units

- (2) A person using a commercial waste collection service that is not provided by the Council must provide evidence of that service when requested to do so by an Authorised Officer.

Penalty: 5 Penalty Units

- (3) A person must not place commercial waste in a public litter or recycling receptacle provided by the Council.

Penalty: 5 Penalty Units

49. Clothing Bins

A person, business or organisation must obtain a permit to place a clothing bin on a road, Council Land or any public place.

Penalty: 10 Penalty Units

PART 5 –ADMINISTRATION AND ENFORCEMENT

Division 1 – Administration

50. Exercise of Discretion

In exercising any discretion contained in this Local Law, an Authorised Officer must have regard to:

- (1) the objectives of this Local Law and any applicable Council Policy; and
- (2) any other relevant matter.

51. Permits

- (1) The Council or an Authorised Officer in its, his or her absolute discretion may issue a permit under this Local Law with or without conditions, including the payment of any fee the Council may require or may refuse to issue a permit.
- (2) The Council or an Authorised Officer may prescribe:
 - (a) the manner and form in which applications for permits under this Local Law should be made;
 - (b) the manner in which any permit under this Local Law should be issued; and
 - (c) the fee for any such permit application.
- (3) The Council or an Authorised Officer may waive payment of any fee for a permit.
- (4) The Council or an Authorised Officer may require the applicant for a permit to give notice of the application.
- (5) The Council or an Authorised Officer may require an applicant for a permit to provide the Council with more information before the Council or Authorised Officer deals with the permit application.
- (6) A permit expires on the date specified in the permit or if no such date is specified the permit will expire 1 year after the date of issue.
- (7) The Council or an Authorised Officer may issue a permit with conditions or refuse to issue a permit.
- (8) The Council must maintain a register of permits granted, including details of cancellation or corrections made to any permit or any exemption from a requirement to obtain a permit or conditions applied to that exemption.

52. Considering Applications

- (1) In considering an application for a permit the Council or an Authorised Officer may consider:
 - (a) any policy or guideline adopted by the Council relating to the subject matter of the application for the permit;

- (b) any submission that may be received in respect of the application;
 - (c) any comments that may be made in respect of the application by any public authority, Government department, community organisations or other body or person; and
 - (d) any other relevant matters.
- (2) A person who has applied for a permit may appeal in writing to Council's Appeals Panel against the decision of an Authorised Officer to refuse to grant a permit within 21 days of being notified of the decision.

53. Correction of Permit

- (1) The Council or an Authorised Officer may correct a permit issued if the permit contains:
- (a) a clerical mistake or an error arising from any accident, slip or omission; or
 - (b) an evident and material miscalculation of figures or any evident and material.
 - (c) a mistake in the description of any person, thing or property referred to in the permit.
- (2) The Council or the Authorised Officer must note the correction in the register of permits.

54. Grounds for Cancellation or Amendment of Permits

- (1) The Council or an Authorised Officer may cancel or amend any permit if he or she considers that there has been:
- (a) a material misstatement, false representation or concealment of facts in relation to the application for a permit;
 - (b) any material mistake in relation to the use of the permit;
 - (c) any material change of circumstances which has occurred since the issue of the permit;
 - (d) a failure to comply with the conditions of the permit; or
 - (e) a failure to comply with a Notice to Comply within the time specified in the Notice to Comply.
- (2) The Council or the Authorised Officer must notify the holder of a permit of the Council's or Authorised Officer's intention to amend or cancel the permit and give the holder of that permit an opportunity to make a written submission before the permit is amended or cancelled.
- (3) If the Council or the Authorised Officer, after considering any written submission made by the permit holder, determines to cancel or amend the permit, the Council or Authorised Officer must note that cancellation or amendment in the register of permits.

55. Exemptions

- (1) A person may request the Council and 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) In determining whether to grant an exemption to the requirement to obtain a permit, an Authorised Officer will have regard to:
 - (a) the circumstances of the application;
 - (b) whether the application is to raise funds for community or charitable purposes;
 - (c) whether the proposed activity or use will have an overall community benefit;
 - (d) whether the proposed activity or use could have a detrimental effect on adjoining properties;
 - (e) whether the applicant will be given an unfair advantage over any other person or organisation; and
 - (f) any other matters relevant to the circumstances of the application.
- (3) An exemption may be granted subject to conditions.
- (4) A person must comply with the conditions of an exemption.

Penalty: 5 Penalty Units

- (5) An exemption may be cancelled or corrected as if it were a permit.

56. False Representations

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

Penalty: 5 Penalty Units

Division 2 – Enforcement

57. Powers of Authorised Officers

If an Authorised Officer considers that there has been a breach of this Local Law, including a breach of any conditions of a permit, the Authorised Officer may take any or all of the actions provided in this Local Law and may:

- (1) warn the person who is breaching the Local Law, which may also be an official warning issued in accordance with the requirements of the **Infringements Act 2006**;
- (2) direct the person to cease the activity breaching the Local Law;
- (3) serve a notice to comply to remedy the breach; or
- (4) issue an infringement notice.

58. Impounding

- (1) Where any goods, items, animals or equipment which have been placed or left in any public place, road or land in contravention of this Local Law or a permit issued under this Local Law, an Authorised Officer may impound those goods, items, animals or equipment and they must be dealt with in accordance with the requirements of this Local Law.
- (2) Where any item has been impounded under this Local Law, the Council or an Authorised Officer must serve a notice of impounding in the form of Schedule 1 personally or by ordinary mail on the person who appears to be the owner of the impounded item if it is practicable to do so.
- (3) An impounded item must be surrendered to:
 - (a) its owner; or
 - (b) a person acting on behalf of its owner who provides evidence to the satisfaction of an Authorised Officer of his or her authority from the owner; or
 - (c) evidence to the satisfaction of the Authorised Officer being provided of the owner's right to the item; and
 - (d) on payment of any fee determined by the Council or an Authorised Officer.

59. Disposal

- (1) An Authorised Officer may sell, destroy, dispose of or give away any item impounded under the provisions of this Local Law if the owner of the item has not paid the fee within 14 days of service of the notice under clause 58(2).
- (2) In the case that the impounded items are perishable and will not survive the period specified in subclause (1), the Authorised Officer may dispose of the items sooner.
- (3) Council is entitled to retain from the proceeds of sale of any impounded item or its reasonable costs incurred in impounding, keeping and selling the item.

60. Offences and Penalties

- (1) Where any provision in this Local Law requires that something must be done, any person who fails to do that act may be guilty of an offence.
- (2) Where any provision in this Local Law requires that something must not be done, any person who does that act may be guilty of an offence.
- (3) Where any provision in this Local Law requires that something must not be done between specified hours of the day or night, during specified months of the year, or in or at specified locations or specified parts of those locations, any person who does that act between the hours, during the months, on the days, in or at the location or a specified part of a location may be guilty of an offence.
- (4) Where any provision in this Local Law requires that a person obtain a permit from Council for the purpose of engaging in any particular activity, that person may be guilty of an offence if that person engages in that activity without first obtaining a permit from Council.

- (5) Where any permit granted under this Local Law contains conditions any person who contravenes or fails to comply with a condition of a permit may be guilty of an offence.
- (6) Where a provision in this Local Law requires a person to comply with requirements in a Policy or Guidelines applied or incorporated in this Local Law a person who fails to comply with those requirements may be guilty of an offence.
- (7) The penalty for an offence against this Local Law that appears at the foot of a provision is the maximum amount that may be imposed by a Court. Where an infringement notice is issued the fixed penalty for infringement purposes is contained in Schedule 3.
- (8) After a finding of guilt for an offence under a provision of this Local Law, any person who continues in contravention of that provision is liable to a penalty of 2 Penalty Units for each day after a finding of guilt during which the contravention continues.
- (9) A person who is guilty of any offence against this Local Law, for which a specific penalty is not prescribed by another provision under this Local Law, is liable to a penalty for that offence not exceeding 10 Penalty Units for a first offence.
- (10) A person who is guilty of a second or subsequent offence against the same provision in this Local Law is liable to a penalty not exceeding 20 Penalty Units.

61. Notices to Comply

- (1) Where an Authorised Officer considers that there is a breach of this Local Law, including a failure to comply with any conditions of a permit issued under the Local Law or a requirement by an Authorised Officer to abate a nuisance, he or she may serve a Notice to Comply in the form of Schedule 2 on any owner, occupier or other relevant person to remedy the breach.
- (2) A Notice to Comply issued in accordance with this Local Law must state the time and date by which the thing must be remedied.
- (3) The time required by a Notice to Comply served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable:
 - (a) the amount of work involved;
 - (b) the degree of difficulty;
 - (c) the availability of necessary materials or other necessary items;
 - (d) climatic conditions;
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant matter.
- (4) An owner, occupier, builder or appointed agent served with a Notice to Comply who fails to remedy a situation in accordance with a Notice to Comply within the time specified in the Notice is guilty of an offence under this Local Law.

Penalty: 20 Penalty Units

- (5) If any owner, occupier, or other relevant person served with a Notice to Comply fails to carry out any work stipulated in a Notice to Comply, Council or an Authorised Officer may carry out the work itself or approve another person to carry out the work and recover the cost of performing the work from the owner or appointed agent.
- (6) An owner, occupier, or other relevant person may make representations to the Council about matters contained in the Notice to Comply.

62. Power to Act in Urgent Circumstances

- (1) Council or an Authorised Officer may, where an owner, occupier, builder or other relevant person has failed to comply with any requirement of this Local Law, take action considered necessary to prevent any danger to the environment or any nuisance arising, provided that:
 - (a) Council or an Authorised Officer considers the circumstances to be sufficiently urgent and that the time necessary, or potential difficulty in serving a Notice to Comply may place a person, animal, property or the environment at risk or in danger of substantial detrimental effect;
 - (b) the Chief Executive of the Council or his/her delegate not being the Council Officer administering this clause, approves of the proposed action; and
 - (c) details of the circumstances and of the remedial action taken are as soon as practicable forwarded to the owner, occupier, builder or other relevant person.
- (2) Action taken by Council or an Authorised Officer under this Clause shall not extend beyond what is necessary to cause the immediate abatement or minimisation of the risk or danger involved.
- (3) Where Council undertakes work in accordance with this section, the Council may recover the cost of performing the work from the owner, builder, appointed agent or responsible person.

63. Infringement Notices

- (1) As an alternative to prosecution, an Authorised Office may serve an infringement notice on any person who has contravened this Local Law.
- (2) A Local Law infringement notice must contain the information prescribed by the **Infringements Act 2006**.
- (3) A person issued with an infringement notice may make a written representation to the Council within 28 days of the issue of the infringement notice.
- (4) The Chief Executive Officer may authorise any person to consider any written representation and any other relevant information and that person must consider any such material brought to his or her attention.
- (5) Subject to subclause (1) the decision of the person authorised under subclause (3) on any representation received will be final.

- (6) The Council or the Chief Executive Officer or any other person authorised for the purpose may at any time withdraw an infringement notice either as a result of consideration of any representation made or with a view to prosecuting for an offence.
- (7) 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 on the infringement notice.
- (8) In the event of the failure of a person served with an infringement notice to pay the amount specified within 28 days of the issue of the notice or such further time as the Council an Authorised Officer may allow, the Council or an Authorised Officer may pursue the matter by prosecuting for an offence.
- (9) Any person served with a Local Law infringement notice is entitled to disregard the notice and defend the prosecution in Court.

**MACEDON RANGES SHIRE COUNCIL
GENERAL PURPOSES AND AMENITY LOCAL LAW NO. 10**

**SCHEDULE 1
(Clause 58)**

NOTICE OF IMPOUNDING

To:

of:

..... Postcode

The following item/s has/have been impounded in accordance with clause 58 of Local Law No. 10.

.....

.....

.....

You or an agent authorised in writing to act on your behalf may collect the items by attending at the Municipal Offices between the hours of and to see(Contact Officer) and by paying the following:

DETAILS OF FEES AND CHARGES:

.....	\$
.....	\$
.....	\$
Total	\$

If you fail to collect the item (s) and pay the required fees and charges by (date), the Authorised Officer will proceed to dispose of the item(s) in accordance with the provisions of section 58 of this Local Law.

Date:

Name of Authorised Officer:

Telephone No:

Signature of Authorised Officer:

**MACEDON RANGES SHIRE COUNCIL
GENERAL PURPOSES AND AMENITY LOCAL LAW NO. 10**

**SCHEDULE 2
(Clause 61)**

NOTICE TO COMPLY

To: Name:

Address:.....

..... Postcode

You have, in the opinion of Macedon Ranges Shire Council (**the Council**) or an authorised officer of the Council, committed a breach of Clause of the Council's General Purposes and Amenity Local Law No. 10 by:

.....

.....

To remedy the breach you must do the following, within days from the date of this Notice:

.....

.....

.....

You should contact

at the Municipal Office,

between the hours of for any further information about this Notice.

If you fail to comply with this Notice you will be guilty of an offence and liable to a penalty of \$ and the Council will proceed to carry out any required work, for the cost of which, in addition to the above penalty, you will be liable.

Date:

Name of Authorised Officer:

Telephone No:

Signature of Authorised Officer:

Note: If this Notice relates to a contravention of a permit and you do not comply with the Notice, the permit may be cancelled. If you do not wish to have the permit cancelled you should comply with the directions in this Notice or show cause to the Council in writing why the permit should not be cancelled.

MACEDON RANGES SHIRE COUNCIL GENERAL PURPOSES AND AMENITY LOCAL LAW NO. 10

SCHEDULE 3 (Clause 64)

PENALTIES FIXED FOR INFRINGEMENT NOTICE PURPOSES

Provision	Offence	Penalty Unit
Clause 7(1)	Acting contrary to requirements and conditions applying to the use of Council land or roads	2 penalty units
Clause 7(2)	Acting contrary to requirements and conditions applying to the use of Council land or roads	2 penalty units
Clause 7(3)	Interfering with or causing damage to Council land or roads	2 penalty units
Clause 8(1)	Failing to obtain a permit to use Council land or a road	2 penalty units
Clause 9(1)	Failing to obtain a permit for outdoor dining	2 penalty units
Clause 9(2)	Failing to comply with policies applicable to outdoor dining	2 penalty units
Clause 10(1)	Failing to obtain a permit for moveable or temporary advertising signs	2 penalty units
Clause 11(1)	Failing to obtain a permit to carry out works on a road	5 penalty units
Clause 12(1)	Failing to obtain a permit to collect firewood	2 penalty units
Clause 12(3)	Failing to obtain a permit to plant or landscape a naturestrip or road reserve	2 penalty units
Clause 13	Failing to obtain a permit to graze on a road or council land	4 penalty units
Clause 15(1)	Damaging, destroying or obstructing Council drain	2 penalty units
Clause 15(2)	Failing to maintain a council drain on their property	2 penalty units
Clause 15(3)	Failing to obtain a permit to undertake works on a drain	2 penalty units
Clause 16	Failing to remove obstructions from roads caused from owners land	2 penalty units
Clause 17(1)	Failing to return shopping trolley to designated area	2 penalty units
Clause 17(2)	Supermarket owner leaving shopping trolley on Council land	2 penalty units
Clause 18 (1) (a)	Leaving or parking an unregistered vehicle on a road or council land	2 penalty units
Clause 18 (1) (b)	Leaving an abandoned vehicle on a road or Council land	1 penalty unit

Provision	Offence	Penalty Unit
Clause 18(3)	Carrying out vehicle repairs or maintenance on a road or Council land	2 penalty units
Clause 19(1)	Using a wheeled toy on Council land or a road and causing a nuisance	1 penalty unit
Clause 19(2)	Using a wheeled toy on Council land or a road unless in a designated area	1 penalty unit
Clause 20(1)	Failing to mark a property with a legible and unobstructed allocated property number	1 penalty unit
Clause 20(2)	Failing to mark a flat or unit with a legible and unobstructed allocated property number	1 penalty unit
Clause 21(1)	Failing to comply with the requirements for the use of a scare gun	2 penalty units
Clause 22	Failing to obtain a permit to store or repair a heavy/long vehicle on any land in a residential zone in a township	2 penalty units
Clause 23(1)	Failing to obtain a permit to camp or leave or occupy a caravan or motorhome on a road or Council land	2 penalty units
Clause 23(2)	Failing to obtain a permit to camp or leave or occupy a caravan or motorhome on land where there is no existing dwelling	2 penalty units
Clause 23(5)	Failing to comply with the requirements of leaving or occupying a caravan or motorhome on land where there is a dwelling.	2 penalty units
Clause 24(1)	Failing to obtain a permit to use or allow others to use a motorised recreation vehicle on land that is within a residential, commercial or industrial zone or is less than 2 hectares	2 penalty units
Clause 24(2)	Allowing a motorised vehicle to cause a nuisance	2 penalty units
Clause 24(3)	Failing to comply with the requirements for the use of a motorised vehicle	2 penalty units
Clause 25(1)	Failing to obtain a permit to store/assemble/dismantle machinery vehicles or second hand goods or materials	2 penalty units
Clause 26(1)	Failing to obtain an Asset Protection Permit	4 penalty units
Clause 26(2)	Failing to comply with Council's Policies	4 penalty units
Clause 26(3)	Failing to comply with requirements prior to commencement of works	4 penalty units
Clause 27	Failing to remove wasps and feral bees from land	2 penalty units
Clause 28	Failing to obtain a permit to place a shipping container on land in a residential zone for longer than 6 months	2 penalty units
Clause 29(1)	Consuming or possessing alcohol in an open container on a road or Council land contrary to the provision	2 penalty units

Provision	Offence	Penalty Unit
Clause 30(1)	Failing to keep/maintain land or dangerous land	4 penalty units
Clause 30(3)	Failing to keep/maintain building or dangerous building	4 penalty units
Clause 31(1)	Failing to keep/maintain septic tank system so that it is not a nuisance	2 penalty units
Clause 31(2)	Failing to comply with the direction of an authorised officer.	2 penalty units
Clause 32(2)	Lighting a fire on Council land, a road or a public place without a permit	3 penalty units
Clause 33	Failing to comply with requirements to reduce nuisance burning	4 penalty units
Clause 34	Failing to obtain a permit to light a fire in the open air where land size is less than 4,000 square meters	2 penalty units
Clause 35	Failing to comply with conditions for lighting fires for land above 4,000 square meters but less than 40,000 square meters	2 penalty units
Clause 36	Failing to comply with conditions for lighting fires for land above 40,000 square meters	2 penalty units
Clause 40	Failing to comply with a direction of an Authorised Officer	4 penalty units
Clause 41(1)	Failing to comply with conditions for keeping animals	2 penalty units
Clause 41(2)	Failing to comply with conditions to keep and maintain an animal house	2 penalty units
Clause 41(3)	Feeding or encourage presence of feral/stray/pest animals	2 penalty units
Clause 42(1)	Failing to obtain a permit to keep additional animals on land less than the area prescribed	2 penalty units
Clause 43(1)	Failing to remove animal excrement	2 penalty units
Clause 43(2)	Failing to carry litter devices	2 penalty units
Clause 44(1)	Failing to adequately fence land to confine farm animals	2 penalty units
Clause 44(2)	Failing to securely confine farm animals between sunrise and sunset	2 penalty units
Clause 44(3)	Failing to securely confine farm animals between sunset and sunrise	4 penalty units
Clause 45(1)	Failing to comply with conditions for domestic garbage, recycling and green waste bins	1 penalty unit
Clause 45(2)	Failing to comply with conditions for placing waste for collection	1 penalty unit
Clause 45(3)	Failing to obtain a permit to remove anything left for collection	1 penalty unit

Provision	Offence	Penalty Unit
Clause 46	Placing prohibited waste for collection	2 penalty unit
Clause 47(1)	Failing to comply with conditions for placing hard waste	2 penalty units
Clause 47(2)	Failing to obtain a permit to remove anything left for hard waste collection	2 penalty units
Clause 48(1)	Failing to comply with conditions for providing/maintaining commercial waste containers	2 penalty units
Clause 48(2)	Failing to provide evidence of a commercial waste service not provided by council	2 penalty units
Clause 48(3)	Failing to comply with conditions for placing commercial waste	2 penalty units
Clause 49	Failing to obtain a permit to place a clothing bin	2 penalty units
Clause 55(4)	Failing to comply with any conditions applying to an exemption from a requirement to obtain a permit	2 penalty units
Clause 56	Making false representations	3 penalty units
Clause 60(5)	Failing to comply with a condition of a permit	3 penalty units
Clause 61(4)	Failing to comply with a notice to comply	3 penalty units

MACEDON RANGES SHIRE COUNCIL GENERAL PURPOSES AND AMENITY LOCAL LAW NO. 10

SCHEDULE 4 (Clause 29(2)(c))

Designated Picnic Areas

- Gisborne
 - ☞ Area between Sankey Reserve and Gardiner Reserve, Aitken Street
 - ☞ The area along the Jacksons Creek at the end of Brantome Street
 - ☞ Gisborne Botanic Gardens, Station Street
- Kyneton
 - ☞ Botanical Gardens, Mollison Street and Clowes Street
 - ☞ Quarry Reserve, Piper Street/Campaspe Crescent
 - ☞ Kyneton Mineral Springs, Burton Avenue
- Lancefield
 - ☞ Lancefield Park, Chauncey Street
- Macedon
 - ☞ Ash Wednesday Park, Smith Street
- Mount Macedon
 - ☞ Centennial Park, Mount Macedon Road
 - ☞ Stanley Park, Waterfalls Road
- Malmsbury
 - ☞ Malmsbury Botanical Gardens, High Street
- Newham
 - ☞ Wesley Park, Rochford Road
- Riddells Creek
 - ☞ Lions Memorial Park, Main Road
 - ☞ Lake Park, Main Road
- Romsey
 - ☞ Lions Park, Main Street
 - ☞ Romsey Park, Park Lane
- Tylden
 - ☞ Tylden Hall Reserve, Tylden Woodend Road
- Woodend
 - ☞ Woodend Children's Park, Nicholson Street
 - ☞ Woodend Campaspe Park, Campaspe Drive