



Rural City of  
**Wangaratta**

# Agenda

For the Scheduled Council Meeting  
Bowmans-Murmungee Hall  
6 Nearys Lane, Murmungee  
**6pm 25 March 2025**





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## Rural City of Wangaratta Live Stream

Clause 24 of the Governance Rules provides the following:

*“This public meeting is being recorded to improve access to the meeting for our community. The recording will be published and will be retained by Council in accordance with Council’s legal obligations. As a visitor in the public gallery, your presence may be recorded.”*

### 1. Acknowledgement to Country

*We acknowledge the traditional custodians of the lands, on which the Rural City of Wangaratta communities reside. We pay our respect to their Elders past, present and emerging, and celebrate and respect their continuing cultures. We are committed to walking beside all traditional owners as we move toward reconciliation.*

### 2. Opening Prayer

*Almighty God, we humbly ask thee to bless and guide this council in its deliberations so that we may truly preserve the welfare of the people whom we serve. Amen*

### 3. Present

### 4. Absent

### 5. Acceptance of Apologies & Granting of Leave of Absence

## Order of Business

### 6. Citizen Ceremony

### 7. Confirmation of Minutes

#### Recommendation:

That Council read and confirm the Minutes of the Ordinary Meeting of 25 February 2025 as a true and accurate record of the proceedings of the meeting.

### 8. Conflict of Interest Disclosure

In accordance with section 130 of the Local Government Act 2020 a councillor who has a conflict of interest in respect of a matter must disclose the conflict of interest in the manner required by Council's Governance Rules and exclude themselves from the decision making process in relation to that matter, including any discussion or vote on the matter and any action in relation to the matter.

Clause 28.1 of Council's Governance Rules requires a councillor to indicate that they have a conflict of interest by clearly stating:

- (a) the item for which they have a conflict of interest; and
- (b) whether their conflict of interest is general or material; and
- (c) the circumstances that give rise to the conflict of interest.

**Immediately prior to the consideration of the item in which they have a conflict of interest, a councillor must indicate to the meeting the existence of the conflict of interest and leave the meeting.**

A councillor who discloses a conflict of interest and leaves a Council meeting must not communicate with any participants in the meeting while the decision is being made.

### 9. Reception of Petitions

### 10. Hearing of Deputations

## **Presentation Of Reports**

### **11. Councillor Reports**

Nil

## **Officers' Reports**

### **12. Executive Services**

Nil

## 13. Corporate and Leisure

### 13.1 Reappointment of Directors to the Wangaratta Livestock Exchange Pty Ltd

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	25 March 2025
Category:	Operational
Author:	Director Corporate and Leisure
Approver:	Director Corporate and Leisure

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### Executive Summary

This report is presented to Council to re-appoint four independent directors, whose current terms are soon due to expire, to the Board of the Wangaratta Livestock Exchange Pty Ltd (WLE).

#### Recommendation:

That Council:

1. Re-appoints the four Directors listed in the confidential attachments to the Wangaratta Livestock Exchange Pty Ltd for a term of 2 years commencing 26 March 2025 and ending 25 March 2027.
2. Authorises the Mayor and Chief Executive Officer to sign a record of the resolution in point 1 above that documents the date and time that it is signed and includes the Directors' names and the length, start, and end dates of their terms.
3. Discloses the names of the re-appointed Directors.

#### Background

The Wangaratta Livestock Exchange (WLE) directors were appointed by Council following a thorough recruitment and selection process.

The terms of four directors have expired. These directors have nominated to being reappointed for a further term of 2 years and have provided signed consent forms (see *Confidential Attachments*) and should be re-appointed.

WLE is a single member company. As the sole member (shareholder) of WLE, the power to appoint a person as a Director by resolution in a 'General Meeting' lies solely with Council under clause 15.1.2(a) of the WLE Constitution.

Council has the power to make decisions by recording and signing them. The recording of this decision is deemed to be the passing of a resolution and the resolution is deemed to have been passed at a 'General Meeting'. The date and time of the meeting is deemed to be the date and time that the resolution is signed. Refer to clauses 13.2.1 and 13.3.1 of the WLE Constitution for further details.

### Implications

#### Policy Considerations

There are no specific Council policies or strategies that relate to this report.

#### Financial/Economic Implications

There are no financial or economic implications identified for the subject of this report. Remuneration of Directors is already budgeted within the WLE's Annual Budget.

#### Legal/Statutory

Council must meet the provisions of the *Corporations Act 2001* and, from a legal perspective, the obligations set out in the Constitution of the WLE. A copy of the WLE Constitution is available to members the public upon request.

#### Social and Diversity

It is important that an appointed Board is in place to ensure that the WLE operates as a going concern, providing important economic and social benefits for the municipality's agricultural sector.

#### Equity Impact Assessment (EIA)

There are no equity impacts identified for the subject of this report.

#### Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for the subject of this report.

### Strategic Links

#### Council Plan 2021 – 2025

This report supports the 2021-2025 Council Plan through the following objectives and actions:

##### 1. Expanding our Economy

4.2.2.3 Continue to support the Board of the Wangaratta Livestock Exchange to further develop its services and to strengthen its long-term financial sustainability.

### Risk Management

Reappointing experienced Directors to the WLE mitigates risk by ensuring WLE strategies and decisions are well informed and maintains continuity, particularly during the current period of leadership transition in the WLE management team.

### Consultation/Communication

The WLE Directors whose terms of appointment have expired have been consulted regarding their interest in reappointment. They have submitted signed consents to do so and their reappointments have been endorsed by the WLE Board.

Officers believe that appropriate consultation has occurred, and the matter is now ready for Council consideration.

### Options for Consideration

- |          |  |
|----------|--|
| Option 1 | Reappoint the Directors as outlined in this paper. Recommended.  |
| Option 2 | Do not reappoint the Director(s) and commence a process seeking expressions of interest for those Director position(s). Not recommended as this will create an additional risk for the company due to uncertainty and lack of ability to meet a quorum at Board level. |

### Conclusion

The WLE Board endorses the reappointment of these Directors. The candidates have consented to be reappointed for a further term of 2 years. Councillor authorisation is now sought as council is the sole shareholder of the WLE.

### Attachments

- 1 Nomination Consent Form - Wangaratta Livestock Exchange - Confidential
- 2 Nomination Consent Form - Wangaratta Livestock Exchange - Confidential
- 3 Nomination Consent Form - Wangaratta Livestock Exchange - Confidential
- 4 Nomination Consent Form - Wangaratta Livestock Exchange - Confidential



## 13.2 Privacy Policy 2025

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	25 March 2025
Category:	Operational
Author:	Governance & Reporting Advisor
Approver:	Director Corporate and Leisure

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

### Executive Summary

This report is presented to Council to adopt the revised Privacy Policy 2025.

#### Recommendation:

That Council:

1. Adopts the Privacy Policy 2025 (**Attachment 1**).

### Background

The Audit and Risk Committee is required under its Charter and the *Local Government Act 2020* (Vic) to monitor the compliance of Council policies with legislation and best practice obligations.

The Committee requested further work be undertaken on the Privacy Policy to ensure that it contained clear, specific examples to Council staff on how to interpret the policy. The Committee considered the policy at the December Audit and Risk Committee and were satisfied with the proposed changes.

The key changes to this policy are:

- The scope of the policy has been extended to apply to Wangaratta Sports and Aquatic Centre, Wangaratta Performing Arts and Conference Centre, Children's Services and Maternal and Child Health Services (at 2.1 of the policy);
- a section outlining Council's functions and service delivery areas has been included (through 3 of the policy);
- a table indicating the Information Privacy Principles and Health Principles has been included for clarity (under 4.2 of the policy);
- specific wording and circumstances in which Council may be required to collect personal/health information (at 4.3 of the policy) have been included;
- specific examples of when Council may be required to disclose personal/health information (at 5.3 and 5.4 and 6.2 - 6.5 of the policy) have been included;
- a section indicating that Council will report any incorrect handling of personal information and it will be remedied in a manner consistent with OVIC guidelines (at 8.3 of the policy);

- Contract managers are responsible for ensuring that any personal information that they manage in relation to a contract is managed in accordance with this policy (at 13.2 of the policy);
- The Governance and Reporting Advisor is responsible for ensuring sufficient understanding of this policy across the organisation at 13.4

### Implications

#### Policy Considerations

There are no specific Council policies or strategies that relate to this report.

#### Legal/Statutory

Council is a public sector organisation under section 13 of the *Privacy and Data Protection Act 2014* (Vic) and is required to have in effect a robust personal information collection regime.

### Strategic Links

#### Council Plan 2021 – 2025

This report supports the 2021-2025 Council Plan through the following objectives and actions:

##### 1. Strengthening our Leadership

1.1.1.4 – Provide interactive websites for all Council facilities

1.1.3.2 – Increase the availability of Council services, processes and information beyond hard-copy, telephone and face-to-face channels, by increasing access to services and forms online

1.2.2 – Provide reliable and secure information technology services across Council

##### 2. Nurturing our Wellbeing

2.2.1.2 – Ensure that key projects engage people, including people of all abilities in the design process, to ensure the needs of all community members are considered.

2.3.2.1 – With support and training, ensure that our community groups and committees have strong governance and are inclusive and viable.

#### Rural City of Wangaratta 2033 Community Vision

This report supports the 2033 Community Vision through the following objectives:

A1 Provide open and transparent communication to the community to build trust, respect and understanding;

A2 Commit to the delivery of thorough and responsible community engagement practices;

A3 Serve the community by providing a great customer experience;

C3 Provide reliable and secure information technology services across Council;

D2 Engage in meaningful dialogue with the community and demonstrate how community participation is being used to inform decisions

**Risk Management**

Risks	Likelihood	Consequence	Rating	Mitigation Action
The failure to have in effect sufficiently robust privacy policies	3 – Possible	Moderate	6 – Medium	Ensuring the Privacy Policy is reviewed alongside sector guidelines and operational requirements

**Options for Consideration**

1. Councilors adopt the policy as presented; or
2. Councillors request council officers make some changes to the document to be presented for adoption at a future Scheduled Council Meetings.

**Conclusion**

The Privacy Policy 2025 has been reviewed after recommendations by the Audit and Risk Committee and is presented today for formal council adoption.

**Attachments**

- 1 Privacy Policy 2025 [↓](#) 

### 13.3 Instrument of Delegations - Council to other members of council staff

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	25 March 2025
Category:	Strategic
Author:	Governance & Reporting Advisor
Approver:	Director Corporate and Leisure

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### Executive Summary

This report is presented to Council to adopt the updated Councillor to Council staff Instrument of Delegation (**Attachment 1**).

#### Recommendation:

That Council:

1. Delegates to the members of Council staff holding, acting in, or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.

#### Background

Council provides a wide range of services to its residents and requires decisions to be made on an extensive range of matters. It is impractical for the elected Council members or the CEO to provide all these services and make all these decisions by themselves. The *Local Government Act 2020* (Vic) recognised this and allows for the Council and CEO to delegate some of their functions to other staff within the organisation who have the relevant expertise or knowledge on the subject matter. Some of these delegations have been amended to satisfy operational or legislative changes (**Attachment 2**).

Maddocks law firm provides Council with regular notifications of amendments required to be made to the Instruments of Delegations as legislation and regulations evolve. The associated changes have been made, reviewed by the Corporate Management Team and are now presented to Council for formal adoption of the Instrument of Delegation to members of Council staff.

#### Implications

##### Policy Considerations

There are no specific Council policies or strategies that relate to this report.

##### Financial/Economic Implications

There are no financial or economic implications identified for the subject of this report.

**Legal/Statutory**

The *Local Government Act 2020* and its associated regulations sets out the legal requirements for delegations. Section 11 outlines a Council may delegate a power, duty or function to its Chief Executive Officer and section 47 of the Act outlines the Chief Executive Officer's power to delegate their powers to Council Officers. Further, the Chief Executive Officer is required to keep a register of their delegations.

**Social and Diversity**

There are no social impacts identified for the subject of this report.

**Equity Impact Assessment (EIA)**

There are no equity impacts identified for the subject of this report.

**Environmental/Sustainability Impacts**

There are no environmental/ sustainability impacts identified for the subject of this report.

**Strategic Links****Council Plan 2021 – 2025**

This report supports the 2021-2025 Council Plan through the following objectives and actions:

**1. Strengthening our Leadership**

1.1.1.6 Continue to provide transparency for the community regarding the information being considered in decision making processes.

**Rural City of Wangaratta 2033 Community Vision**

This report supports the 2033 Community Vision through the following objectives:

Provide open and transparent communication to the community to build trust, respect and understanding.

**Risk Management**

Risks	Likelihood	Consequence	Rating	Mitigation Action
Inaccurate Instrument of Delegations allowing for insufficient coverage of legislative obligations	3 – Possible	Moderate	6 – Medium	Reviewing Council's various Instruments of Delegation regularly ensures that council officers are suitably delegation provisions in which they have a responsibility.

### Consultation/Communication

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.



### Options for Consideration

There are no alternative options available. Failure to adopt the updated Instrument of Delegation will result in Council officers being unable to formally undertake key aspects of their role.

### Conclusion

Council's S6 Instrument of Delegation – Council to other council staff has been updated based on legal advice from Maddocks, provisions have been assigned to the relevant council staff and the Instrument is presented for formal council adoption today.

### Attachments

- 1 S6 Instrument of Delegation - Council to other council staff [↓](#) 
- 2 S6 Instrument of Delegation - Updates [↓](#) 

## 14. Community and Infrastructure

### 14.1 Award Tree and Arboriculture Services Panel

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	25 March 2025
Category:	Strategic
Author:	Maintenance Coordinator
Approver:	Director Community and Infrastructure

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### Executive Summary

This report is presented to Council to Award Contract C15497 – Tree and Arboriculture Services Panel.

The Rural City of Wangaratta is seeking suitable, qualified, and certified expert arborists and consultants to provide a prompt and efficient service to the Rural City of Wangaratta.

#### Recommendation:

That Council:

1. Awards Contract C15497 – Tree and Arboriculture Services panel to:
  1. Arborescence
  2. ENSPEC Pty Ltd
  3. Ultimate Arbor
  4. Homewood Consulting Pty Ltd
  5. The Trustee of C&R Ryder Family Trust
  6. Northeast Tree Services Pty Ltd
  7. G&J Tree Services Pty Ltd
2. Authorises the Chief Executive Officer to sign and seal all the relevant contract documents when available, including possible extensions.

## Background

Council requires a panel of suitably qualified and experienced suppliers to carry out arboriculture and general tree maintenance service in accordance with the requirements of the contract specification. The purpose of this tender is to establish a panel capable of performing a variety of essential tree-related services, including:

- Tree Pruning
- Rural roadside tree clearance and envelope clearing
- Stump removal and site reinstatement
- Electrical line clearance pruning
- Root control, including root pruning and root barrier installation
- Tree Removal
- Tree planting and establishment
- Formative Pruning
- Pest and disease treatment
- Emergency works
- Tree inspection and report writing

The establishment of this panel will facilitate the efficient execution of approved tree maintenance works, as well as the prompt response to urgent tree-related works throughout the municipality including Storm Clean ups.

## Implications

### Policy Considerations

Council's procurement policy 2022-2025 outlines the approved methods and processes for procurement.

### Financial/Economic Implications

The number of suppliers will secure value for money, reliability, for councils horticulture / projects / maintenance programs. Contract will be undertaken and managed within Council's existing maintenance budgets.

### Legal/Statutory

Planning and Environment Act 1987, the Environment Protection and Biodiversity Conservation Act 1999, and Urban Tree management Plan. Additionally, Arboricultural Association sets industry standards for tree care, while Occupational Health and Safety regulations ensure worker safety.

### Social and Diversity

Contractors are prioritised from the local area (within 100km) whenever possible, promoting community engagement and supporting local businesses.

### Environmental/Sustainability Impacts

All contractors must adhere to relevant environmental legislation and plans, including those outlined above. Additionally, contractors submitting bids for the project must have environmental plans in place at the time of tender.



## Strategic Links

### Council Plan 2021 – 2025

This report supports the 2021-2025 Council Plan through the following objectives and actions:

#### 1. Strengthening our Leadership

1.2 - An effective and efficient Council

1.3 - Partnerships that bring benefit and opportunities to our community

### Rural City of Wangaratta 2033 Community Vision

This report supports the 2033 Community Vision through the following objective:

A3 - Serve the community by providing a great customer experience

C1 - Ensure Council's financial sustainability through transparent and accountable financial management

## Risk Management

### Risk Management Framework

Risks	Likelihood	Consequence	Rating	Mitigation Action
Inability to provide Council with value for money	Possible (3)	Moderate (3)	Medium (9)	Council may seek multiple quotes from the panel to ensure value for money
Availability of quality services	Unlikely (2)	Moderate (3)	Medium (6)	Multiple Contractor on panel can do the same work. Contractor have Quality management plans. Council evaluates all submissions to ensure quality of service
Incident / Risk Management	Unlikely (2)	Major (4)	Medium (6)	All contractor must be insured. All contractors have safety and incident management process.

### Consultation/Communication

This was a public Tender process. This tender was advertised on eProcure and was also advertised in the Wangaratta Chronicle in accordance with the procurement policy.

### Options for Consideration

1. Award Contract C15497 – Tree and Arboriculture Services panel.
2. Not award Contract C15497– Tree and Arboriculture Services panel and retender as per Council's procurement policy.

### Conclusion

Following an evaluation process against pre-determined evaluation criteria and weightings, Contract C15479 – Tree and Arboriculture Services Panel is recommended to be awarded in accordance with the attached evaluation report. By having a comprehensive panel of qualified professionals, Council will be well-equipped to meet the varied and evolving needs of the community, while maintaining the highest standards of tree and landscape management. This process will further strengthen the Council's capacity to effectively manage and improve the urban and rural green spaces within the municipality.

### Attachments

- 1 C15497 - Tree and Arboriculture Evaluation Report - Confidential

## 14.2 Field Services Budget Variation

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	25 March 2025
Category:	Strategic
Author:	Field Services Manager
Approver:	Director Community and Infrastructure

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

### Executive Summary

This report is presented to Council seeking a budget re-allocation of \$223,000 from Operational Project Budget (Re-Sheeting) to General Ledger Budget (Arboriculture). This budget variation request seeks no additional funds over and above the approved budget value from Council.

### Recommendation:

That Council:

1. Approves the Budget reallocation of \$223,000 from Operational Project Budget (Re-Sheeting) to General Ledger Budget (Arboriculture).

### Background

Council is responsible for performing Powerline Clearance in areas it manages, specifically for High Voltage, Low Voltage, and service wire lines. This work must be carried out in accordance with the Electrical Safety Act 1998. As Council does not have the in-house resources to complete these works, it is outsourced through panel contracts.

These clearance works are required to be completed annually. Non-compliance with this obligation may result in fines if identified during an audit.

Due to several severe storms in late 2024, these works were delayed, and significant damage requiring cleanup also impacted the normal budget allocated for this task.

The Gravel Resheeting Budget is primarily used to purchase gravel for unsealed roads, with resheeting of each road typically occurring every 10 to 15 years. It is proposed that instead of resheeting two roads due for resheeting in the next 3 months, they will be graded, with resheeting planned for the 2025/26 financial year.

### Implications

### Policy Considerations

This report has been prepared and presented in accordance with the Budget Variation Policy.

### Financial/Economic Implications

This report proposes a variation to the current approved budget through the reallocation of funds totaling \$223,000 from the Gravel Re-Sheet Project Ledger to the Arboriculture General Ledger. There are no net changes to the overall Field Services Budget as a result of this reallocation.

The amount of reallocation is based on an estimate for the works prepared by officers.

### Legal/Statutory

Council have a legal obligation, under the Electrical Safety Act 1998, to undertake these line clearance works.

### Social and Diversity

There are no social impacts identified for the subject of this report.

### Equity Impact Assessment (EIA)

There are no equity impacts identified for the subject of this report.

### Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for the subject of this report.

## Strategic Links

### Council Plan 2021 – 2025

This report supports the 2021-2025 Council Plan through the following objectives and actions:

1. **Strengthening our Leadership**
  - 1.2 An efficient and effective Council

## Risk Management

Officers have assessed the overall risks associated with the affected tasks and deemed the proposed cause of action as having the lowest potential risk to Council. These considerations are outlined in the table below.

### Risk Management Framework

Risks	Likelihood	Consequence	Rating	Mitigation Action
Not undertaking line clearance works resulting in penalties.	4 - Likely	4 - Major	16 - High	Undertake line clearing works as required.
Not undertaking line clearance works resulting in fires.	3 - Possible	5 - Catastrophic	15 - High	Undertake line clearing works as required.
Decreasing road quality and safety of postponed road re-sheet	3 - Possible	3 - Moderate	9 - Medium	Undertake works at start of new financial year.

**Consultation/Communication**

Officers do not believe communication or consultation is required for this item.

**Options for Consideration**

- 1 That Council approve the budget re-allocation of \$223,000
2. That Council do not approve the budget re-allocation and an alternative source of funding is sought.
3. That Council do not approve the budget re-allocation and don't complete the line clearance works.

**Conclusion**

This report has been developed in accordance with the Budget Variation Policy. The request to re-allocate funds from an operational project ledger to a general ledger will result in no change to the overall budget of Field Services. The delayed road re-sheet works will have minimal impact on the community. Not undertaking the line clearance works as soon as possible poses significant risks for Council.

**Attachments**

Nil.

## 15. Sustainability and Culture

### 15.1 Draft Local Law No 1 - Community Amenity 2025

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	25 March 2025
Category:	Strategic
Author:	Manager - Economic Development, Environment & Compliance
Approver:	Director Sustainability and Culture

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### Executive Summary

This report is presented to Council to seek endorsement of a proposed revision of Council's Local Law No.1 – Community Amenity (see **Attachment 1**) for public exhibition.

Local Law No.1 has been reviewed and updated to ensure the local law reflects current best practice, is fit for purpose and Council meets its requirements under the *Local Government Act 2020*.

#### Recommendation:

That Council:

1. Endorses the draft Rural City of Wangaratta Local Law No 1 – Community Amenity for public exhibition in accordance with the *Local Government Act 2020*.
2. Reviews and considers all submission and amendments made to the draft Rural City of Wangaratta Local Law No 1 – Community Amenity at a future Scheduled Council Meeting.
3. If no submission requesting changes to the Local Laws are received, adopts the Rural City of Wangaratta Local Law No 1 - Community Amenity without further resolution of Council.

#### Background

Council's current Local Law No.1 (**Attachment 2**) came into operation in 2018 and is due for review.

Proposed changes to the Local law are shown in **Attachment 3 & 4**. Key changes include, but not limited to:

- Reorganised the structure of the Local Law enabling its provisions to be easily located and understood in accordance with current best practise.
- Updated and simplified the language and definitions.

- Altered provisions due to changes to other legislation since the current local law was adopted.
- Removed provisions that are no longer required and/or covered by other legislation or processes.
- Used more consistent language, extent and penalties with similar local laws at other Victorian Councils.
- Strengthened provisions relating to waste management (Waste Management Policy **Attachment 5**), firewood collection and animal management (e.g. added number of animals that can be kept at small properties/apartments/townhouses/flats/units).

### Implications

#### Policy Considerations

There are no specific Council policies or strategies that relate to this report. The Local Law assists in the consistent delivery of Council requirements for the safety and wellbeing of all residents.

#### Financial/Economic Implications

New or revised penalties while necessary for improved governance are unlikely to involve a large number of infringements.

#### Legal/Statutory

Local Government Act 2020, once adopted by Council the Local Law must be published in the Victorian Government Gazette. A legal review of the draft local law has been completed.

#### Social and Diversity

A local law must not be inconsistent the any Act (including the Charter of Human Rights and Responsibilities Act 2006)

#### Equity Impact Assessment (EIA)

An Equity Impact Assessment has been undertaken and will inform community engagement.

#### Environmental/Sustainability Impacts

The environmental impacts considered in this draft local law are in relation to permits and requirements around fire and firewood collection, invasive pest, and grazing.

### Strategic Links

#### Council Plan 2021 – 2025

This report supports the 2021-2025 Council Plan through the following objectives and actions:

##### 1. Strengthening our Leadership

1.4.1.1 Keep informed of emerging trends and issues that may impact our community, our region and our Council.

##### 2. Nurturing our Wellbeing

2.6.2 Ensure our community understands and meets the requirements of safety legislation and compliance

#### Rural City of Wangaratta 2033 Community Vision

This report supports the 2033 Community Vision through the following objectives:

K2: Ensure our community understands and meets the requirements of safety legislation and compliance

### Other strategic links

Local Government Act 2020 – Part 3, Division 3 Local Laws.

### Risk Management

#### Risk Management Framework

Risks	Likelihood	Consequence	Rating	Mitigation Action
The Local Law is not revised and remains outdated	Low	Medium	Medium	Exhibit the draft local law for community consultation with a view to implementing a revised local law, in accordance with Council's Community Engagement Policy and the Local Government Act 2020.

### Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Draft Local Law 2025 is to be advertised	Council's website and digital media, Local Newspaper
Consult	Draft Local Law 2025 available for public consultation	Inform the community in the newspaper and other local media that the draft local law is on exhibition and inviting submissions
Involve	All submissions will be considered	Submissions will be considered prior to adoption

Officers believe that appropriate internal consultation has occurred for the draft Rural City of Wangaratta Local Laws No1 – Community Amenity and the matter is now ready for Council consideration and public exhibition.

### Options for Consideration






1. That Council endorses the Draft Rural City of Wangaratta Local Law No 1 – Community Amenity for public exhibition 2025 (Recommended).
2. That Council does not endorse the draft Rural City of Wangaratta Local Law No 1 – Community Amenity for public exhibition.



### Conclusion

The draft Rural City of Wangaratta Local Law No 1 – Community Amenity is ready for public exhibition and community feedback.

### Attachments

- 1 Draft Local Law No 1 - Community Amenity 2025 [↓](#) 
- 2 Current - Local Law No 1 - Community Amenity [↓](#) 
- 3 Local Law Review 2025 Listed Changes [↓](#) 
- 4 Draft Local Law No 1 – Marked up Changes [↓](#) 
- 5 Draft Waste Management Policy 2025 [↓](#) 

## 15.2 Draft Community Engagement Policy 2025

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	25 March 2025
Category:	Strategic
Author:	Community Engagement Advisor
Approver:	Director Sustainability and Culture

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

### Executive Summary

The draft Community Engagement Policy 2025 (refer **Attachment 1**) is ready for public exhibition.

The existing Policy was adopted in 2020, and the scheduled review began in 2024, and is now complete. The draft Community Engagement Policy 2025 sets out the Rural City of Wangaratta's intentions for the support and delivery of community engagement and reflects Council's commitment to the principles of engagement as set out in the *Local Government Act 2020*.

### Recommendation:

That Council:

1. Endorses the draft Community Engagement Policy 2025 for a 30-day public exhibition period.
2. Reviews and adopts the Community Engagement Policy 2025 at a future meeting, taking into consideration any submissions made.
3. If no submissions are received requesting changes to Community Engagement Policy 2025, adopts the policy without further resolution.

### Background

The existing Policy was developed and adopted by Council in 2020 after changes to the Local Government Act in 2020. These changes included a requirement for deliberative engagement and set out principles that should be applied to any community engagement project.

Since the adoption of the existing Policy, Council has progressed its understanding of community engagement, deliberative engagement, and how these can be implemented in line with the Act. The Policy has evolved to provide a framework to allow meaningful and consistent engagement that both meets Council's requirements under the Act, and also helps build Council's relationship with the community.

The draft Community Engagement Policy 2025 focuses on the principles of engagement outlined in the *Local Government Act 2020*, Council's legislated requirements, and how those are delivered by Council. This includes a clear scope, roles and responsibilities, and definitions. This brings the Policy in line with our other policy documents, and sets Council's commitment to consistent, meaningful, and inclusive community engagement.

## Implications

### Policy Considerations

The current Community Engagement Policy is due for review. It has further links to other Council areas through project management and engagement delivery.

### Financial/Economic Implications

While there are no direct financial implications to this report, the Policy implementation will be the responsibility of each individual project. These costs will need to be reflected in project plans bids, through grants and operational budgets.

### Legal/Statutory

The *Local Government Act 2020* requires Councils to have a Community Engagement Policy that considers a number of principles. These have been incorporated into the Policy. Additionally, there are legal requirements around community engagement in other Acts and legislation, including planning legislation that supercede this policy.

### Social and Diversity

Ensuring accessible, diverse and meaningful engagement with the people who are impacted by the decision is the cornerstone of the principles outlined in the *Local Government Act 2020*.

### Equity Impact Assessment (EIA)

The Act states that engagement must be accessible, include those who are impacted, and make reasonable efforts to ensure those who are involved are engaged meaningfully. These principles are the foundation of this policy.

### Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for the subject of this report.

## Strategic Links

### Council Plan 2021 – 2025

This report supports the 2021-2025 Council Plan through the following objectives and actions:

#### 1. Strengthening our Leadership

- 1.1.2 Commit to the delivery of thorough and inclusive community engagement practices

### Rural City of Wangaratta 2033 Community Vision

This report supports the 2033 Community Vision through the following objectives:

A1 Provide open and transparent communication to the community to build trust, respect and understanding

A2 Commit to the delivery of thorough and responsible community engagement practices

D2 Engage in meaningful dialogue with the community and demonstrate how community participation is being used to inform decisions

## Risk Management

### Risk Management Framework

Risks	Likelihood	Consequence	Rating	Mitigation Action
Implementation of new policy by staff	3 - Possible	Minor	5 - Medium	Council will develop a toolkit to support the Policy, and roll out training to
Community fatigue with consultation may impact engagement levels	3 - Possible	Moderate	6 - Medium	Council will adopt a variety of tools and methods in order to reach audiences and get meaningful feedback

## Consultation/Communication

The draft Community Engagement Policy 2025 has gone through extensive internal consultation to understand how engagement is currently being delivered and how it can be improved. Data from the previous three Community Satisfaction Surveys has also been considered, and community preferences for engagement and communication will be incorporated into tools provided to Council Officers.

Additionally, the community will have an opportunity to provide feedback on the draft Community Engagement Policy 2025 for 30 days from 28 March to 27 April 2025. Feedback will be reviewed and provided to Councillors for consideration.

Officers believe that appropriate consultation has occurred, and the matter is now ready for Council consideration and public exhibition.

## Options for Consideration

1. That Council endorses the draft Community Engagement Policy 2025 for public exhibition for 30 days (Recommended).
2. That Council does not endorse the draft Community Engagement Policy 2025 for public exhibition.

### Conclusion

The draft Community Engagement Policy 2025 is ready for public exhibition and community feedback.

### Attachments

- 1 Draft Community Engagement Policy 2025 [↓](#) 

## 16. Special Committee Reports

Nil

## 17. Advisory Committee Reports

### 17.1 Biannual Audit and Risk Report

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	25 March 2025
Author:	Governance & Reporting Advisor
Approver:	Director Corporate and Leisure

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### Executive Summary

This report is presented to Council to note the Audit and Risk Committee's Biannual Audit and Risk Report. This report was prepared in January 2025 to outline the activities of the Audit and Risk Committee between July – December 2024. This report is a requirement of the *Local Government Act 2020* (Vic) and this report is for Councillors to note only.

#### Recommendation:

That Council notes the Biannual Audit and Risk Report attached to this report.

#### Background

##### Biannual Audit and Risk Report

Section 54(5) of the *Local Government Act 2020* (the Act) requires that the Audit and Risk Committee (the committee) prepare a biannual audit and risk report that describes the activities of the committee and includes its findings and recommendations.

To comply with this requirement, a biannual audit and risk report was produced for the period 1 July 2024 – 31 December 2024.

The attached report (**Attachment 1**) was also presented at the 18 March 2024 Audit and Risk Committee meeting for endorsement and is now presented to Council for noting.

#### Implications

##### Policy Considerations

There are no specific Council policies or strategies that relate to this report.

##### Financial/Economic Implications

There are no financial or economic implications identified for the subject of this report.

**Legal/Statutory**

Section 54(5) of the Act requires the Audit and Risk Committee to prepare a biannual audit and risk report and provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting.

The Act requires that the Chief Executive Officer must table the biannual audit and risk report at the next Council meeting.

**Social and Diversity**

There are no social impacts identified for the subject of this report.

**Equity Impact Assessment (EIA)**

There are no equity impacts identified for the subject of this report.

**Environmental/Sustainability Impacts**

There are no environmental/ sustainability impacts identified for the subject of this report.

**Conclusion**

The completion and tabling of the Audit and Risk Committee Biannual Audit ensures that the committee complies with the requirements of the *Local Government Act 2020* and that the committee's activities can be monitored by Council.

**Attachments**

- 1 Biannual Audit and Risk Report July - December 2024 [↓](#) 



**18. Minutes of Advisory Committee Meetings**

Nil

**19. Notices of Motion**

Nil

**20. Urgent Business****21. Public Question Time****22. Confidential Business****Recommendation:**

That Council resolves to close the meeting to members of the public in accordance with Division 3(1) of the Local Government Act 2020 to consider the following items:

**22.1 Confidential Report**

**Item 22.1 is Confidential under the Local Government Act 2020 as it contains information relating to : (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released..**

**23. Closure of Meeting****Attachments**



Rural City of  
**Wangaratta**

## Privacy Policy 2025

<b>Document Type</b>	Council Policy
<b>Department</b>	Council-wide
<b>Date of Council Endorsement</b>	TBC
<b>Date for Review</b>	TBC
<b>Responsible Officer</b>	Corporate Planning & Governance Specialist
<b>Authorising Officer</b>	Director Corporate and Leisure
<b>Version Reference Number</b>	3.0
<b>SIM Reference Number</b>	RCOW-631633092-3291

### 1. Statement and Purpose

- 1.1 The Rural City of Wangaratta (Council) is committed to ensuring that all personal and sensitive information collected by Council officers is handled in accordance with the requirements of the Information Privacy Principles (IPPs) as contained in the *Privacy and Data Protection Act 2014* (Vic) (the PDP Act) and is only collected, used and disclosed for its primary purpose and only for core business reasons.

1.2 This Policy relates to the collection, use and disclosure of personal and/or sensitive information by a Council representative. Unauthorised third-party access to personal information is captured under Council's Data Breach Policy 2021.

1.3 This Policy is administered by the Governance and Reporting Advisor.

## 2. Scope

2.1 This policy applies to all areas within Council's operations, including the Wangaratta Sports and Aquatics Centre, the Wangaratta Performing Arts Centre, Maternal and Child Health and Children's Services.

2.2 This policy applies to all persons employed with or who undertake work on behalf of Council in any capacity, including but not limited to Council employees, Councillors, agents, contractors, members of Council Advisory Committees or Community Reference Groups and independent members of the Audit and Risk Committee.

2.3 This policy also applies to health information that Council officers obtain specifically for a Council function; health information is regulated by the *Health Records Act 2001* (Vic) ('HRA') and the Health Privacy Principles (HPPs) contained therein.

## 3. Functions of Council

3.1 The *Local Government Act 2020* (Vic) states that the role of a council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.

3.2 Council manages a diverse range of functions and services to give effect to the key role of councils, including the provision of:

- a) Aged and Community Care services, including in-home support;
- b) Arts and cultural programs;
- c) Community asset management;
- d) Community compliance, including enforcement of Council's Local Laws;
- e) Environment and sustainability and Environmental Health;
- f) Food safety regulation;
- g) Facilities maintenance of council-owned facilities, property and other assets.
- h) Field services, including the works depot;
- i) Maternal and Child Health, including immunisations;

- j) Media, Marketing and Communications;
- k) Property, rating and revenue collection
- l) Recycling and waste management;
- m) Statutory services (including planning and building matters)
- n) Tourism and economic development;
- o) Wangaratta Sports and Aquatic Centre;
- p) Wangaratta Performing Arts and Convention Centre; and
- q) Wangaratta Art Gallery;

4. Policy

- 4.1 The privacy rights of the public are protected under the PDP Act and the *Health Records Act* (Vic) ('HRA').
- 4.2 The IPPs outline how Victorian public sector organisations must handle personal information and the HPPs outline how public sector organisations must handle health information.

PRINCIPLES

Information Privacy Principles (IPPs)	Health Privacy Principles (HPPs)
1 - Collection	1 - Collection
2 - Use and Disclosure	2 - Use and Disclosure
3 - Data Quality	3 - Data Quality
4 - Data Security	4 - Data Security and Data Retention
5 - Openness	5 - Openness
6 - Access and Corrections	6 - Access and Correction
7 - Unique Identifiers	7 - Unique Identifiers
8 - Anonymity	8 - Anonymity
9 - Transborder Data Flows	9 - Transborder Data Flows
10 - Sensitive Information	10 - Transfer or closure of the practice of a health service provider
11 - Making information available	

- 4.3 Council may need to collect your personal or health information to fulfill its operations and functions. This information may include your full name, telephone number and address.

- 4.4 Other types of information may be required to satisfy specific Council functions or to assist Council in delivering specific services.

## 5. Collection of personal or health information

- 5.1 Under IPP and HPP 1, organisations must only collect personal information necessary for a core function of that organisation.
- 5.2 Council will only obtain personal or health information for purposes relating to a specific Council purpose or function and will communicate the necessity of such collection to any person affected by that collection. Council will provide an opportunity for any person to remain anonymous if appropriate and practicable.
- 5.3 Council will collect your personal or health information for specific reasons (the below list is non-exhaustive), including when:
- a. required to by law;
  - b. you submit a customer request, request for service or complaint (unless this is done so anonymously in accordance with Council's Complaints Policy)
  - c. you are requesting immunisation or other services from the Maternal Child Health team;
  - d. applying for community grants;
  - e. requesting or receiving services from the aged and community care team;
  - f. applying for or amending an existing planning and/or building permit(s);
  - g. submitting questions for Public Question Time at a Scheduled Council Meeting in accordance with the Council's Governance Rules;
  - h. property ownership and rates and revenue collection, including financial hardship;
  - i. council is managing insurance claims relating to a specific individual;
  - j. you register for membership of a community group, the Wangaratta Sports and Aquatic Centre or the Wangaratta Performing Arts and Convention Centre.
- 5.4 Council will only ever need your health information in very specific circumstances and to deliver specific functions. These functions are:
- a. Aged and Community Care to ensure that the quality provision of care can be administered;
  - b. Immunisations; and
  - c. Maternal and child health to determine any allergy or dietary requirements;

5.5 Upon collection of an individual's personal or health information for a council function as above, Council will outline how that person's personal information will be used and the circumstances and third parties to whom the personal information may be used.

## 6. Use and Disclosure of personal or health information

- 6.1 Under IPP and HPP 2, organisations must only use and disclose personal information it has obtained for the purpose it has been collected.
- 6.2 When information has been obtained for a specific purpose under 5.3 and 5.4, Council will only use and disclose that information for that purpose, unless the disclosure for a secondary purpose is permitted and not unreasonable in the circumstances or for the provision of health service by a registered health care provider. Secondary purposes are provided in more detail below.
- 6.3 For example, information provided for the purposes of addressing a customer request or complaint will *only* be used for the purposes of addressing that request or complaint, unless the individual provides consent for this release or unless the disclosure of this information to another internal or external party is necessary for the satisfactory resolution of this request or complaint.
- 6.4 Notwithstanding 6.2, Council will only disclose personal information if it is safe to do so and does not establish any danger to person or property.
- 6.5 Council will inform that individual of how their information will be used and, wherever possible, the third parties or agencies to whom their information may be disclosed, including the circumstances that would warrant this disclosure.

### SECONDARY PURPOSES

- 6.6 The eight secondary purposes in which Council can use or disclose the personal information include when:
- the individual in which the personal information relates would reasonably expect Council to release this information to a third party;
  - the individual has provided consent to release this information for a specific purpose;
  - necessary for research or the compilation of statistics;
  - necessary to lessen or prevent serious threats to health or safety;
  - investigating suspected unlawful activity;

- f. required or authorised by law;
- g. reasonably necessary to assist with law enforcement and/or protection of public revenue; and
- h. requested to do so by a Commonwealth security agency (i.e., ASIO or ASIS).

6.7 For example, if your personal information is sought by a third party due to imminent and/or serious threat of damage to life or property, Council will be obliged to release this information to prevent this action occurring without initially obtaining your consent.

6.8 If Council releases your information for a secondary purpose, Council will, either prior to the release wherever possible or as soon as practicable after the release, provide that individual notice in writing of this disclosure, the reasons for this disclosure and any available appeal rights.

6.9 Whenever disclosing personal information under clauses 5.3 and 5.4 (excepting when required to do so by law), Council will ensure that the information requested by the third party is being requested for legitimate reasons and will be recorded by that third party securely.

## 7. Quality of your personal and/or health information

7.1 Under IPP and HPP 3, organisations must take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate and remains current.

7.2 Where possible, Council staff will verify the accuracy of the information provided to them for the specific function or activity in which that information was provided.

7.3 For example, if you regularly liaise with the community and recreation team for the purposes of your involvement in a community asset committee or council group, council staff will ensure that the personal information Council uses for that function is accurate and current. The frequency of Council's verification depends on the frequency and nature of your engagement with that function or department.

7.4 Council will ensure that all personal and/or health information is maintained in accordance with its Information Retention and Disposal Policy and Information and Records Management Policy.

7.5 If you detect any errors with the personal information Council has obtained, please contact Council's governance team who can assist:

### **Governance and Reporting Advisor**

**Wangaratta Rural City Council**

**PO Box 238**

**Wangaratta VIC 3676**

**[council@wangaratta.vic.gov.au](mailto:council@wangaratta.vic.gov.au)**

## **8. Security of your personal and/or health information**

- 8.1 Under IPP and HPP 4, organisations must take reasonable steps to protect the personal and/or health information it possesses from misuse and loss and from any unreasonable access, modification or disclosure and to destroy or permanently de-identify personal information if it is no longer required.
- 8.2 Council utilises a range of mechanisms to safeguard the information that it obtains, including frequent, mandatory training for council staff on their obligations to protect personal information and technological restrictions on the council staff that can access certain information. Access is governed by Council's Information and Records Management Policy and Information Management and Retention Policy.
- 8.3 If Council becomes aware that an individual's personal information has been incorrectly handled by a member of council staff, Council will undertake an immediate remedial course of action, consistent with existing Council policy or any existing Officer of the Victorian Information Commissioner (OVIC) guidelines relevant to the nature of that incorrect usage.
- 8.4 Information is destroyed or permanently de-identified when it is no longer required in accordance with the *Public Records Act 1973* (Vic).

## **9. Access and Correction**

- 9.1 Under IPP and HPP 6, organisations who hold the personal and/or health information of individuals must make that information accessible to the person in which that information relates, unless:
- a. providing access would pose a serious threat to the safety of that person or another person;
  - b. the disclosure would unreasonably breach the privacy of another person;
  - c. the request is frivolous or vexatious;



- d. the information relates to legal proceedings;
- e. providing access would be unlawful;
- f. denying the request is authorised by a relevant law; or
- g. granting access would prejudice an investigation of a possible unlawful event.

- 9.2 If Council cannot provide a person access to their personal and/or health information under 9.1, it will identify ways, if possible, of providing sufficient information to satisfy both parties and will inform the individual in writing of why access cannot be granted in full.
- 9.3 All individuals maintain the ability to correct any personal information that Council has in its disposal at any time.
- 9.4 Under IPP and HPP 7, organisations must not apply unique identifiers to any personal information it obtains, unless that unique identification assists that organisation in achieving its core business functions.
- 9.5 Council will only provide a unique identifier when Council must communicate with the community on a matter and, for practical reasons and to protect the identity of a person, bulk communications are identified as the preferred method.

## 10. Anonymity

- 10.1 Under IPP 8, organisations must allow individuals the opportunity to not identify themselves wherever lawful and practical in the circumstances.
- 10.2 Council recognises that individuals may wish to remain anonymous. Council will endeavour to ensure that anonymity is protected whenever necessary but there may be some occasions when anonymity cannot be ensured (for example, rates notices or when a customer requests a call back when making a complaint or request).
- 10.3 If anonymity cannot be guaranteed, Council will ensure that only Council employees to whom the information is provided or council officers who perform duties relating specifically to the council function in which the information is sought have access to that information.
- 10.4 In the event anonymity is not a practical option, Council will ensure all personal information is de-identified.
- 10.5 If personal information cannot be de-identified, Council has an information management policy framework in place to ensure access is only granted to Council employees who require access and access is only provided for the reasons in which the information was obtained.

## 11. Transborder Data Flows

- 11.1 Under IPP and HPP 9, Council must ensure that any personal information it collects remains subject to all applicable privacy provisions once that information is transferred outside of Victoria.
- 11.2 Council will ensure that it exercises all due diligence in any situation in which the personal information it collects is disclosed to an interstate or international entity. The due diligence includes but is not limited to requesting evidence of any privacy policy of the organisation requesting the personal information and a rationale as to why the information is being sought.

## 12. Sensitive Information

- 12.1 Under IPP and HPP 10, Council must not collect any sensitive information, unless a customer has given express consent for the collection of this information or if the collection of this type of information is required or authorised by law.
- 12.2 Circumstances in which Council may require access to sensitive information may include surveys or data collection being conducted by Council to serve a vital or public interest purpose (for example, emergency assistance or the provision of essential health care).

## 13. Roles and Responsibilities

### 13.1 Contract Managers

- a. Ensuring that contracts with third parties include provisions for data protection and security;
- b. Monitoring the activities of third parties to ensure compliance with data protection requirements.

### 13.2 Council Representatives

- a. comply with this policy when managing the personal or sensitive information of any person (any uncertainty regarding the release of any personal information should be communicated to the Governance and Reporting Advisor for determination);
- b. Protecting the confidentiality and security of the personal data they handle;

- c. Reporting any breaches or incidents involving personal data to their line manager and the Governance and Reporting Advisor.

### **13.3 Corporate Planning and Governance Specialist**

- a. Investigate any breaches of this policy and escalate to the Office of the Victorian Information Commissioner (OVIC) if the breach is notifiable.

### **13.4 Governance and Reporting Advisor**

- a. Responsible for ensuring any breaches of this policy are reported to the relevant body as per the applicable legislative instrument.
- b. Responsible for ensuring the maintenance and general awareness and understanding of this policy.

## **14. Breaches**

- 14.1 Any breaches relating to the collection, use or disclosure of the private and/or sensitive information under this policy will be considered by the Corporate Planning & Governance Specialist.
- 14.2 Any breach in relation to the unauthorised access, modification or disclosure by third parties will be actioned in accordance with the Data Breach Policy 2021 and escalated to the applicable agency for determination.
- 14.3 Council's Data Breach Response Plan outlines the remedial actions available to Council in case of a breach of policy and internal procedures for managing breaches will be followed and communicated to all relevant parties.
- 14.4 Depending on the nature and scope of the breach, potential legal repercussions outside the scope of the policy may exist. For further guidance, Council's governance unit can provide further advice.

## **15. Human Rights**

- 15.1 This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

## 16. Gender Impact Assessment

16.1 This policy has considered and applied Council's Gender Impact Assessment Template and satisfies the provisions established in the *Gender Equality Act 2020* (Vic).

## 17. Monitoring and evaluation

17.1 This policy must be considered by Council's Audit and Risk Committee at least once in its three-year cycle to determine its effectiveness and scope.

## 18. Definitions

**Core Business** relates to a situation in which Council is required to obtain personal information from a community member to fulfil any legal obligations. For example, rates notices, for a period of community consultation that may have a direct impact on a person's property, to action a complaint (if applicable) etc.

**Data Breach** means any unauthorised access, modification or disclosure of the private or sensitive information of any person by a third party<sup>6</sup>.

**Personal Information** means information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the Health Records Act 2001 applies.

**Primary purpose** relates to the specific purpose of collecting that information. For example, if personal information is collected to ensure a missing waste bin is collected, Council must not use that personal information for another purpose, except in accordance with this policy or the Act.

**Secondary purpose** relates to a situation which does not relate to the primary purpose of collecting such information.

**Sensitive Information** means information or an opinion about an individual's— (a) racial or ethnic origin; or (b) political opinions; or (c) membership of a political association; or (d) religious beliefs or affiliations; or (e) philosophical beliefs; or (f) membership of a professional or trade association; or (g) membership of a trade union; or (h) sexual preferences or practices; or (i) criminal record—that is also personal information.

**Unique Identifier** means a number or letter sequence that marks that particular record as unique from every other record of its type.

19.References and Related Policies

Legislation

- *Aged Care Act 1997* (Cth)
- *Health Records Act*
- *Privacy and Data Protection Act 2012* (Vic)

External

- OVIC – *The Guidelines to the Information Privacy Principles* (November 2019)

20. Review

This policy must be reviewed at least once every four years or whenever required due to operational or legislative change.

Version History		
Version Number	Date of change	Reasons for change
1.0	April 2018	Establishment of policy
2.0	April 2023	Standard review
3.0	November 2024	Review through feedback from Audit and Risk Committee

## RURAL CITY OF WANGARATTA

### RELIANSYS® DELEGATIONS - EXPORT FROM LIBRARY

#### S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

Note - Exported provisions are sorted by Delegation Source and Section.

06 MARCH 2025

Rural City of Wangaratta

**Delegation Sources**

- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024
- Cemeteries and Crematoria Act 2003
- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Cemeteries and Crematoria Regulations 2015
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

**Positions**

Abbreviation	Position
APC	Asset Planning Coordinator
AOI	Assets Officer - Inspections
CP	Cadet Planner
CEO	Chief Executive Officer
CC	Compliance Coordinator
DEVE	Development Engineer
DC&I	Director Community and Infrastructure
DC&L	Director Corporate and Leisure
DS&C	Director Sustainability and Culture

## Rural City of Wangaratta

Abbreviation	Position
EHO	Environmental Health Officer
G&RA	Governance & Reporting Advisor
HC	Horticulture Coordinator
MBP&C	Manager Building, Planning & Compliance
MEDE&C	Manager Economic Development Environment & Compliance
MFS	Manager Field Services
MF	Manager Finance
MIP&D	Manager Infrastructure Planning & Delivery
MP&G	Manager People & Culture
MSS	Manager Statutory Services
Not applicable	Not Applicable
P	Planner
PCO	Planning Compliance Officer
PCBPC	Planning Coordinator
SPBPC	Senior Planner
SPSGE	Strategic Planner
SCFS	Supervisor Cemetery



Rural City of Wangaratta

Abbreviation	Position
SW	Supervisor Works
TSC	Technical Services Coordinator
WMC	Waste Management Coordinator

## Rural City of Wangaratta

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738896	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 7	Power to enter into a written agreement with a caravan park owner	DS&C, EHO, MSS	
738897	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 10	Function of receiving application for registration	EHO, MSS	
738898	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 11	Function of receiving application for renewal of registration	EHO, MSS	
738899	A*	Residential Tenancies (Caravan Parks and Movable Dwellings	r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with	EHO, MSS	

## Rural City of Wangaratta

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Registration and Standards) Regulations 2024		these regulations		
738900	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(1)	Power to refuse to grant the registration if not satisfied that the caravan park complies with these regulations	EHO, MSS	
738901	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHO, MSS	
738902	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	DS&C, EHO, MSS	

## Rural City of Wangaratta

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738903	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	DS&C, EHO, MSS	
738904	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 12(4) & (5)	Duty to issue certificate of registration	EHO	
738905	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 14(1)	Function of receiving notice of transfer of ownership.	EHO	
742732	A*	Residential Tenancies (Caravan Parks and Movable Dwellings	r 14(3)	Power to determine where notice of transfer is displayed	EHO, MSS	

## Rural City of Wangaratta

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Registration and Standards) Regulations 2024				
738906	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 15(1)	Duty to transfer registration to new caravan park owner	EHO, MSS	
738907	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 15(2)	Duty to issue a certificate of transfer of registration	EHO, MSS	
738908	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 15(3)	Power to determine where certificate of transfer of registration is displayed	EHO, MSS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738909	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	DS&C, EHO, MSS	
738910	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 17	Duty to keep register of caravan parks	EHO, MSS	
738911	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 21(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	EHO, MSS	
738912	A*	Residential Tenancies (Caravan Parks and Movable Dwellings	r 21(2)	Duty to consult with relevant emergency services agencies	EHO, MSS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Registration and Standards) Regulations 2024				
738913	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 22	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHO, MSS	
738914	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 23	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHO, MSS	
738915	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 24(2)	Power to consult with relevant floodplain management authority	EHO, MSS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738916	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 26(b)(i)	Power to approve system for the discharge of sewage and wastewater from a movable dwelling	EHO, MSS	
738917	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 38	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHO, MSS	
738918	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 38(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHO, MSS	
738919	A*	Residential Tenancies (Caravan Parks and Movable Dwellings	r 39(3)	Function of receiving installation certificate	EHO, MSS	



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Registration and Standards) Regulations 2024				
738920	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 45(3)	Power to determine places in which caravan park owner must display name and telephone number of an emergency contact person	EHO, MSS	
738921	A*	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	r 45(5)	Power to determine places in which caravan park owner must display the certificate of registration or certificate of renewal of registration, the plan of the caravan park and a copy of the caravan park rules	EHO, MSS	
659726	A*	Cemeteries and Crematoria Act 2003	s 8(1)(a)(ii)	Power to manage one or more public cemeteries	CEO	Where Council is a Class B cemetery trust

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659727	A*	Cemeteries and Crematoria Act 2003	s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	CEO	Where Council is a Class B cemetery trust
659728	A*	Cemeteries and Crematoria Act 2003	s 12(2)	Duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions	CEO	Where Council is a Class B cemetery trust
659729	A*	Cemeteries and Crematoria Act 2003	s 12A(1)	Function to do the activities set out in paragraphs (a) - (n)	Not applicable	Where Council is a Class A cemetery trust
659730	A*	Cemeteries and Crematoria Act 2003	s 12A(2)	Duty to have regard to matters set out in paragraphs (a) - (e) in exercising its functions	Not applicable	Where Council is a Class A cemetery trust

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659731	A*	Cemeteries and Crematoria Act 2003	s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	CEO	
659732	A*	Cemeteries and Crematoria Act 2003	s 14	Power to manage multiple public cemeteries as if they are one cemetery.	CEO	
659733	A*	Cemeteries and Crematoria Act 2003	s 15(4)	Duty to keep records of delegations	MFS	
659734	A*	Cemeteries and Crematoria Act 2003	s 17(1)	Power to employ any persons necessary	CEO	
659735	A*	Cemeteries and Crematoria Act 2003	s 17(2)	Power to engage any professional, technical or other assistance considered necessary	CEO	
659736	A*	Cemeteries and Crematoria Act 2003	s 17(3)	Power to determine the terms and conditions of employment or	CEO	Subject to any guidelines or directions of the Secretary

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				engagement		
659737	A*	Cemeteries and Crematoria Act 2003	s 18(3)	Duty to comply with a direction from the Secretary	HC, MFS, SCFS	
659738	A*	Cemeteries and Crematoria Act 2003	s 18B(1) & (2)	Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	Not applicable	Where Council is a Class A cemetery trust
659739	A*	Cemeteries and Crematoria Act 2003	s 18C	Power to determine the membership of the governance committee	Not applicable	Where Council is a Class A cemetery trust
659740	A*	Cemeteries and Crematoria Act 2003	s 18D	Power to determine procedure of governance committee	Not applicable	Where Council is a Class A cemetery trust

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659741	A*	Cemeteries and Crematoria Act 2003	s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	Not applicable	Where Council is a Class A cemetery trust
659742	A*	Cemeteries and Crematoria Act 2003	s 18D(1)(b)	Power to appoint any additional community advisory committees	Not applicable	Where Council is a Class A cemetery trust
659743	A*	Cemeteries and Crematoria Act 2003	s 18D(2)	Duty to establish a community advisory committee under section 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	Not applicable	Where Council is a Class A cemetery trust
659744	A*	Cemeteries and Crematoria Act 2003	s 18D(3)	Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the Financial Management Act 1994	Not applicable	Where Council is a Class A cemetery trust

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659745	A*	Cemeteries and Crematoria Act 2003	s 18F(2)	Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	Not applicable	Where Council is a Class A cemetery trust
659746	A*	Cemeteries and Crematoria Act 2003	s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	Not applicable	Where Council is a Class A cemetery trust
659747	A*	Cemeteries and Crematoria Act 2003	s 18I	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	Not applicable	Where Council is a Class A cemetery trust
659748	A*	Cemeteries and	s.18J	Duty to provide leadership, assistance	Not	Where Council is a Class A cemetery

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Crematoria Act 2003		and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2))	applicable	trust
659749	A*	Cemeteries and Crematoria Act 2003	s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	Not applicable	Where Council is a Class A cemetery trust
659750	A*	Cemeteries and Crematoria Act 2003	s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	Not applicable	Where Council is a Class A cemetery trust
659751	A*	Cemeteries and Crematoria Act 2003	s 18N(3)	Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	Not applicable	Where Council is a Class A cemetery trust

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659752	A*	Cemeteries and Crematoria Act 2003	s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	Not applicable	Where Council is a Class A cemetery trust
659753	A*	Cemeteries and Crematoria Act 2003	s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request	Not applicable	Where Council is a Class A cemetery trust
659754	A*	Cemeteries and Crematoria Act 2003	s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	Not applicable	Where Council is a Class A cemetery trust
659755	A*	Cemeteries and Crematoria Act 2003	s 18O(4)	Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	Not applicable	Where Council is a Class A cemetery trust



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659756	A*	Cemeteries and Crematoria Act 2003	s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	Not applicable	Where Council is a Class A cemetery trust
659757	A*	Cemeteries and Crematoria Act 2003	s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year.	Not applicable	Where Council is a Class A cemetery trust
659758	A*	Cemeteries and Crematoria Act 2003	s 19	Power to carry out or permit the carrying out of works	MFS	
659759	A*	Cemeteries and Crematoria Act 2003	s 20(1)	Duty to set aside areas for the interment of human remains	MFS	
659760	A*	Cemeteries and Crematoria Act 2003	s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	CEO	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659761	A*	Cemeteries and Crematoria Act 2003	s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	CEO	
659762	A*	Cemeteries and Crematoria Act 2003	s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	CEO	
659763	A*	Cemeteries and Crematoria Act 2003	s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	CEO	Subject to the approval of the Minister
659764	A*	Cemeteries and Crematoria Act 2003	s 37	Power to grant leases over land in a public cemetery in accordance with s 37	CEO	Subject to the Minister approving the purpose
659765	A*	Cemeteries and	s 40	Duty to notify Secretary of fees and	DC&I, MFS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Crematoria Act 2003		charges fixed under s 39		
659766	A*	Cemeteries and Crematoria Act 2003	s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	DC&I, MFS	Provided the street was constructed pursuant to the Local Government Act 1989
660430	A*	Cemeteries and Crematoria Act 2003	s 52	Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery	DC&I, MFS, SCFS	
659767	A*	Cemeteries and Crematoria Act 2003	s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	DC&I, MFS	Report must contain the particulars listed in s 57(2)
659768	A*	Cemeteries and Crematoria Act 2003	s 59	Duty to keep records for each public cemetery	DC&I, MFS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659769	A*	Cemeteries and Crematoria Act 2003	s 60(1)	Duty to make information in records available to the public for historical or research purposes	HC, SCFS	
659770	A*	Cemeteries and Crematoria Act 2003	s 60(2)	Power to charge fees for providing information	HC, SCFS	
659771	A*	Cemeteries and Crematoria Act 2003	s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	DC&I	
659772	A*	Cemeteries and Crematoria Act 2003	s 64B(d)	Power to permit interments at a reopened cemetery	DC&I	
659773	A*	Cemeteries and Crematoria Act 2003	s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part	DC&I	The application must include the requirements listed in s 66(2)(a)-(d)

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				of it, to a historic cemetery park		
659774	A*	Cemeteries and Crematoria Act 2003	s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	DC&I	
659775	A*	Cemeteries and Crematoria Act 2003	s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	HC, SCFS	
659776	A*	Cemeteries and Crematoria Act 2003	s 70(2)	Duty to make plans of existing place of interment available to the public	HC, SCFS	
659777	A*	Cemeteries and Crematoria Act 2003	s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	HC, SCFS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659778	A*	Cemeteries and Crematoria Act 2003	s 71(2)	Power to dispose of any memorial or other structure removed	HC, SCFS	
659779	A*	Cemeteries and Crematoria Act 2003	s 72(2)	Duty to comply with request received under s 72	HC, SCFS	
659780	A*	Cemeteries and Crematoria Act 2003	s 73(1)	Power to grant a right of interment	HC, SCFS	
659781	A*	Cemeteries and Crematoria Act 2003	s 73(2)	Power to impose conditions on the right of interment	HC, MFS	
660404	A*	Cemeteries and Crematoria Act 2003	s 74(3)	Duty to offer a perpetual right of interment	MFS, SCFS	
659782	A*	Cemeteries and	s 75	Power to grant the rights of interment set	HC, MFS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Crematoria Act 2003		out in s 75(a) and (b)		
659783	A*	Cemeteries and Crematoria Act 2003	s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	HC, MFS	
659784	A*	Cemeteries and Crematoria Act 2003	s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	DC&I, MFS	
659785	A*	Cemeteries and Crematoria Act 2003	s 80(1)	Function of receiving notification and payment of transfer of right of interment	HC, SCFS	
659786	A*	Cemeteries and Crematoria Act 2003	s 80(2)	Function of recording transfer of right of interment	HC, SCFS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659787	A*	Cemeteries and Crematoria Act 2003	s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	HC, SCFS	
659788	A*	Cemeteries and Crematoria Act 2003	s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment	HC, MFS, SCFS	
659789	A*	Cemeteries and Crematoria Act 2003	s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	HC, SCFS	
659790	A*	Cemeteries and Crematoria Act 2003	s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	HC, SCFS	
660405	A*	Cemeteries and Crematoria Act 2003	s 84F(2)(d)	Function of receiving notice of decision to vary or force the surrender of a right of	HC, SCFS	



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				interment under s 84C(2), (3) or (5)		
660406	A*	Cemeteries and Crematoria Act 2003	s 84H(4)	Power to exercise the rights of a holder of a right of interment	HC, SCFS	
660424	A*	Cemeteries and Crematoria Act 2003	s 84I(4)	Power to exercise the rights of a holder of a right of internment	HC, SCFS	
660407	A*	Cemeteries and Crematoria Act 2003	s 84I(5)	Duty to pay refund to the previous holder or holders of the right of interment	HC, SCFS	
660408	A*	Cemeteries and Crematoria Act 2003	s 84I(6)(a)	Power to remove any memorial on the place of interment	HC, SCFS	
660409	A*	Cemeteries and Crematoria Act 2003	s 84I(6)(b)	Power to grant right of interment under s 73	HC, SCFS	
659791	A*	Cemeteries and Crematoria Act 2003	s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	HC, SCFS	The notice must be in writing and contain the requirements listed in s 85(2)

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660276	A*	Cemeteries and Crematoria Act 2003	s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	HC, SCFS	Does not apply where right of interment relates to remains of a deceased veteran.
660277	A*	Cemeteries and Crematoria Act 2003	85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or;  remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	HC, SCFS	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
659792	A*	Cemeteries and Crematoria Act 2003	s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right	HC, SCFS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				holder within time specified		
660267	A*	Cemeteries and Crematoria Act 2003	s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	HC, SCFS	
660268	A*	Cemeteries and Crematoria Act 2003	s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	HC, SCFS	
660269	A*	Cemeteries and Crematoria Act 2003	s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	HC, SCFS	
660270	A*	Cemeteries and Crematoria Act 2003	s.86(4)	Power to take action under s.86(4) relating to removing and re-interring cremated human remains	HC, SCFS	
660271	A*	Cemeteries and	s.86(5)	Duty to provide notification before taking	HC, SCFS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Crematoria Act 2003		action under s.86(4)		
660272	A*	Cemeteries and Crematoria Act 2003	s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	HC, SCFS	
659793	A*	Cemeteries and Crematoria Act 2003	s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	HC, SCFS	
659794	A*	Cemeteries and Crematoria Act 2003	s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	HC, MFS, SCFS	
659795	A*	Cemeteries and Crematoria Act 2003	s 91(1)	Power to cancel a right of interment in accordance with s 91	HC, MFS	
659796	A*	Cemeteries and Crematoria Act 2003	s 91(3)	Duty to publish notice of intention to cancel right of interment	HC, MFS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659797	A*	Cemeteries and Crematoria Act 2003	s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	HC, MFS, SCFS	
659798	A*	Cemeteries and Crematoria Act 2003	s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	HC, SCFS	
659799	A*	Cemeteries and Crematoria Act 2003	s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	HC, MFS	
659800	A*	Cemeteries and Crematoria Act 2003	s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information	HC, MFS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				where requested		
659801	A*	Cemeteries and Crematoria Act 2003	s 100(1)	Power to require a person to remove memorials or places of interment	HC, MFS	
659802	A*	Cemeteries and Crematoria Act 2003	s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	HC, MFS, SCFS	
659803	A*	Cemeteries and Crematoria Act 2003	s 100(3)	Power to recover costs of taking action under s 100(2)	HC, MFS	
659804	A*	Cemeteries and Crematoria Act 2003	s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	HC, MFS, SCFS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659805	A*	Cemeteries and Crematoria Act 2003	s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	HC, MFS	
659806	A*	Cemeteries and Crematoria Act 2003	s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	HC, MFS	
659807	A*	Cemeteries and Crematoria Act 2003	s 103(1)	Power to require a person to remove a building for ceremonies	HC, MFS	
659808	A*	Cemeteries and Crematoria Act 2003	s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	HC, MFS	
659809	A*	Cemeteries and	s 103(3)	Power to recover costs of taking action	HC, MFS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Crematoria Act 2003		under s 103(2)		
659810	A*	Cemeteries and Crematoria Act 2003	s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	HC, MFS	
659811	A*	Cemeteries and Crematoria Act 2003	s 106(2)	Power to require the holder of the right of interment to provide for an examination	HC, MFS	
659812	A*	Cemeteries and Crematoria Act 2003	s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	HC, MFS	
659813	A*	Cemeteries and Crematoria Act 2003	s 106(4)	Power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not	HC, MFS	



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				complied with		
659814	A*	Cemeteries and Crematoria Act 2003	s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	HC, MFS	
659815	A*	Cemeteries and Crematoria Act 2003	s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	HC, SCFS	
659816	A*	Cemeteries and Crematoria Act 2003	s 108	Power to recover costs and expenses	HC, MFS	
659817	A*	Cemeteries and Crematoria Act 2003	s 109(1)(a)	Power to open, examine and repair a place of interment	HC, MFS	Where the holder of right of interment or responsible person cannot be found

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659818	A*	Cemeteries and Crematoria Act 2003	s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	HC, MFS	Where the holder of right of interment or responsible person cannot be found
659819	A*	Cemeteries and Crematoria Act 2003	s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	HC, MFS	Where the holder of right of interment or responsible person cannot be found
659820	A*	Cemeteries and Crematoria Act 2003	s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	HC, MFS	
660410	A*	Cemeteries and	s 110(1A)	Power to maintain, repair or restore the	MFS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Crematoria Act 2003		place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary		
659821	A*	Cemeteries and Crematoria Act 2003	s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	HC, MFS	
660273	A*	Cemeteries and Crematoria Act 2003	s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	HC, MFS	
659822	A*	Cemeteries and Crematoria Act 2003	s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	HC, MFS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659823	A*	Cemeteries and Crematoria Act 2003	s 112	Power to sell and supply memorials	HC, SCFS	
659824	A*	Cemeteries and Crematoria Act 2003	s 116(4)	Duty to notify the Secretary of an interment authorisation granted	HC, MFS, SCFS	
659825	A*	Cemeteries and Crematoria Act 2003	s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	HC, MFS, SCFS	
659826	A*	Cemeteries and Crematoria Act 2003	s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	HC, MFS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659827	A*	Cemeteries and Crematoria Act 2003	s 119	Power to set terms and conditions for interment authorisations	HC, MFS	
659828	A*	Cemeteries and Crematoria Act 2003	s 131	Function of receiving an application for cremation authorisation	HC, SCFS	
659829	A*	Cemeteries and Crematoria Act 2003	s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	HC, MFS	Subject to s 133(2)
659830	A*	Cemeteries and Crematoria Act 2003	s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	HC, MFS	
659831	A*	Cemeteries and Crematoria Act 2003	s 146	Power to dispose of bodily remains by a method other than interment or	DC&I	Subject to the approval of the Secretary

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				cremation		
659832	A*	Cemeteries and Crematoria Act 2003	s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	DC&I	
659833	A*	Cemeteries and Crematoria Act 2003	s 149	Duty to cease using method of disposal if approval revoked by the Secretary	HC, MFS	
659834	A*	Cemeteries and Crematoria Act 2003	s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	HC, MFS	
659835	A*	Cemeteries and Crematoria Act 2003	s 151	Function of receiving applications to inter or cremate body parts	HC, SCFS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659836	A*	Cemeteries and Crematoria Act 2003	s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	HC, MFS	
659837	A*	Cemeteries and Crematoria Act 2003	sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	HC, MFS	
659838	A*	Cemeteries and Crematoria Act 2003	sch 1 cl 8(8)	Power to regulate own proceedings	DC&I	Subject to cl 8
659839	A*	Cemeteries and Crematoria Act 2003	sch 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	Not applicable	Where Council is a Class A cemetery trust

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659840	A*	Cemeteries and Crematoria Act 2003	sch 1A cl 8(8)	Power to regulate own proceedings	Not applicable	Where Council is a Class A cemetery trust Subject to cl 8
659841	A*	Domestic Animals Act 1994	s 41A(1)	Power to declare a dog to be a menacing dog	CC, DS&C, MEDE&C	Council may delegate this power to a Council authorised officer
659842	A*	Food Act 1984	s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	EHO, MSS	If s 19(1) applies
659843	A*	Food Act 1984	s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	EHO, MSS	If s 19(1) applies
660336	A*	Food Act 1984	s 19(3)	Power to direct by written order that the food premises not be kept or used for	EHO, MSS	If s 19(1) applies



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process		Only in relation to temporary food premises or mobile food premises
659844	A*	Food Act 1984	s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, (ia) displayed at any point of sale, (ib) be published on the food business's Internet site and (ii) inform the public by notice in a published newspaper, on the Internet site or otherwise	EHO, MSS	If s 19(1) applies
659845	A*	Food Act 1984	s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	EHO, MSS	If s 19(1) applies

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659846	A*	Food Act 1984	s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	EHO, MSS	If s 19(1) applies
659847	A*	Food Act 1984	s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	EHO, MSS	Where Council is the registration authority
659848	A*	Food Act 1984	s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	EHO, MSS	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution  Only in relation to temporary food premises or mobile food premises
659849	A*	Food Act 1984	s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	EHO, MSS	Where Council is the registration authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659850	A*	Food Act 1984	s 19CB(4)(b)	Power to request copy of records	EHO, MSS	Where Council is the registration authority
659851	A*	Food Act 1984	s 19E(1)(d)	Power to request a copy of the food safety program	EHO, MSS	Where Council is the registration authority
660411	A*	Food Act 1984	s 19EA(3)	Function of receiving copy of revised food safety program	EHO, MSS	Where Council is the registration authority
738892	A*	Food Act 1984	s 19FA(1)	Power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program	EHO, MSS	Where Council is the registration authority  Subject to s 19FA(2), which requires a time limit for compliance to be specified
738893	A*	Food Act 1984	s 19FA(3)(a)	Power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a	EHO, MSS	Where Council is the registration authority

## Rural City of Wangaratta

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				food premises fails to comply with a direction given under s 19FA(1)		Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
738894	A*	Food Act 1984	s 19FA(3)(b)	Power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	EHO, MSS	Where Council is the registration authority
738895	A*	Food Act 1984	s 19FA(3)(c)	Power to suspend the registration of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	EHO, MSS	Where Council is the registration authority
659852	A*	Food Act 1984	s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHO, MSS	Where Council is the registration authority
660412	A*	Food Act 1984	s19IA(1)	Power to form opinion that the food safety requirements or program are non-	EHO, MSS	Where Council is the registration authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				compliant.		
660413	A*	Food Act 1984	s 19IA(2)	Duty to give written notice to the proprietor of the premises	EHO, MSS	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
659853	A*	Food Act 1984	s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHO, MSS	Where Council is the registration authority
660414	A*	Food Act 1984	s 19N(2)	Function of receiving notice from the auditor	EHO, MSS	Where Council is the registration authority
659854	A*	Food Act 1984	s 19NA(1)	Power to request food safety audit reports	EHO, MSS	Where Council is the registration authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659855	A*	Food Act 1984	s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	DS&C, EHO, MSS	
659856	A*	Food Act 1984	s 19UA	Power to charge fees for conducting a food safety assessment or inspection	DS&C, MSS	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
659857	A*	Food Act 1984	s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	EHO, MSS	Where Council is the registration authority
659858	A*	Food Act 1984	s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	EHO, MSS	Where Council is the registration authority

## Rural City of Wangaratta

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659859	A*	Food Act 1984	s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	EHO, MSS	Where Council is the registration authority
659860	A*	Food Act 1984		Power to register or renew the registration of a food premises	EHO, MSS	Where Council is the registration authority  Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
660396	A*	Food Act 1984	s 36A	Power to accept an application for registration or notification using online portal	EHO, MSS	Where Council is the registration authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660397	A*	Food Act 1984	s 36B	Duty to pay the charge for use of online portal	EHO, MSS	Where Council is the registration authority
659861	A*	Food Act 1984	s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHO, MSS	Where Council is the registration authority
659862	A*	Food Act 1984	s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	EHO, MSS	Where Council is the registration authority
659863	A*	Food Act 1984	s 38A(4)	Power to request a copy of a completed food safety program template	EHO, MSS	Where Council is the registration authority



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659864	A*	Food Act 1984	s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	EHO, MSS	Where Council is the registration authority
659865	A*	Food Act 1984	s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHO, MSS	Where Council is the registration authority
659866	A*	Food Act 1984	s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHO, MSS	Where Council is the registration authority
659867	A*	Food Act 1984	s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	EHO, MSS	Where Council is the registration authority
659868	A*	Food Act 1984	s 38D(2)	Duty to be satisfied of the matters in s	EHO, MSS	Where Council is the registration

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				38D(2)(a)-(d)		authority
659869	A*	Food Act 1984	s 38D(3)	Power to request copies of any audit reports	EHO, MSS	Where Council is the registration authority
659870	A*	Food Act 1984	s 38E(2)	Power to register the food premises on a conditional basis	EHO, MSS	Where Council is the registration authority  not exceeding the prescribed time limit defined under s 38E(5)
659871	A*	Food Act 1984	s 38E(4)	Duty to register the food premises when conditions are satisfied	EHO, MSS	Where Council is the registration authority
659872	A*	Food Act 1984	s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHO, MSS	Where Council is the registration authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660398	A*	Food Act 1984	s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	EHO, MSS	Where Council is the registration authority
660415	A*	Food Act 1984	s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	EHO, MSS	Where Council is the registration authority
660399	A*	Food Act 1984	s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	EHO, MSS	Where Council is the registration authority
660416	A*	Food Act 1984	s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	EHO, MSS	
659873	A*	Food Act 1984	s 39A	Power to register, or renew the registration of a food premises despite minor defects	EHO, MSS	Where Council is the registration authority  Only if satisfied of matters in s

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
						39A(2)(a)-(c)
660417	A*	Food Act 1984	s 39A (6)	Duty to comply with a direction of the Secretary	EHO, MSS	
660418	A*	Food Act 1984	s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	EHO, MSS	Where Council is the registration authority
659874	A*	Food Act 1984	s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	EHO, MSS	
659875	A*	Food Act 1984	s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	EHO, MSS	Where Council is the registration authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659876	A*	Food Act 1984	s 40D(1)	Power to suspend or revoke the registration of food premises	EHO, MSS	Where Council is the registration authority
660419	A*	Food Act 1984	s 40E	Duty to comply with direction of the Secretary	EHO, MSS	
660400	A*	Food Act 1984	s 40F	Power to cancel registration of food premises	DS&C, EHO, MSS	Where Council is the registration authority
660420	A*	Food Act 1984	s 43	Duty to maintain records of registration	EHO, MSS	Where Council is the registration authority
659877	A*	Food Act 1984	s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	MSS	Where Council is the registration authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659878	A*	Food Act 1984	s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	MSS	Where Council is the registration authority  Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
660421	A*	Food Act 1984	s 45AC	Power to bring proceedings	DS&C, EHO, MSS	
659879	A*	Food Act 1984	s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	DS&C, EHO, MSS	Where Council is the registration authority
659880	A*	Heritage Act 2017	s 116	Power to sub-delegate Executive Director's functions, duties or powers	DS&C	Must first obtain Executive Director's written consent

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
						Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation
660391	A*	Local Government Act 1989	s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	
659881	A*	Planning and Environment Act 1987	s 4B	Power to prepare an amendment to the Victorian Planning Provisions	DS&C, MSS	If authorised by the Minister
659882	A*	Planning and Environment Act 1987	s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	DS&C, MSS	
659883	A*	Planning and Environment Act 1987	s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	DS&C, MSS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659884	A*	Planning and Environment Act 1987	s 4I(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	DS&C, MSS	
659885	A*	Planning and Environment Act 1987	s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	DS&C, MSS, PCBPC, SPSGE	
659886	A*	Planning and Environment Act 1987	s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	DS&C, MSS	
659887	A*	Planning and Environment Act 1987	s 8A(5)	Function of receiving notice of the Minister's decision	DS&C, MSS, PCBPC, SPSGE	
659888	A*	Planning and Environment Act 1987	s 8A(7)	Power to prepare the amendment specified in the application without the	DS&C, MSS	



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Minister's authorisation if no response received after 10 business days		
659889	A*	Planning and Environment Act 1987	s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	DS&C, MSS, PCBPC, SPSGE	
659890	A*	Planning and Environment Act 1987	s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	DS&C, MSS, PCBPC, SPSGE	
659891	A*	Planning and Environment Act 1987	s 12B(1)	Duty to review planning scheme	DS&C, MSS	
659892	A*	Planning and Environment Act 1987	s 12B(2)	Duty to review planning scheme at direction of Minister	DS&C, MSS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659893	A*	Planning and Environment Act 1987	s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	DS&C, MSS	
659894	A*	Planning and Environment Act 1987	s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	DS&C, MSS	
659895	A*	Planning and Environment Act 1987	s 17(1)	Duty of giving copy amendment to the planning scheme	DS&C, MSS	
659896	A*	Planning and Environment Act 1987	s 17(2)	Duty of giving copy s 173 agreement	DS&C, MSS	
659897	A*	Planning and Environment Act 1987	s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10	DS&C, MSS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				business days		
659898	A*	Planning and Environment Act 1987	s 18	Duty to make amendment etc. available in accordance with public availability requirements	DS&C, MSS	Until the proposed amendment is approved or lapsed
659899	A*	Planning and Environment Act 1987	s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	DS&C, MSS, PCBPC, SPSGE	
659900	A*	Planning and Environment Act 1987	s 19	Function of receiving notice of preparation of an amendment to a planning scheme	Not applicable	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
						the planning scheme to designate Council as an acquiring authority.
659901	A*	Planning and Environment Act 1987	s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	DS&C, MSS	Where Council is a planning authority
659902	A*	Planning and Environment Act 1987	s 21(2)	Duty to make submissions available in accordance with public availability requirements	DS&C, MSS, PCBPC, SPSGE	Until the end of 2 months after the amendment comes into operation or lapses
659903	A*	Planning and Environment Act 1987	s 21A(4)	Duty to publish notice	DS&C, MSS, PCBPC, SPSGE	
659904	A*	Planning and Environment Act 1987	s 22(1)	Duty to consider all submissions received before the date specified in the notice	DS&C, MSS, PCBPC, SPSGE	Except submissions which request a change to the items in s 22(5)(a) and (b)

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660425	A*	Planning and Environment Act 1987	s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	DS&C, MSS, PCBPC, SPSGE	
659905	A*	Planning and Environment Act 1987	s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	DS&C, MSS, PCBPC, SPSGE	
659906	A*	Planning and Environment Act 1987	s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	DS&C, MSS, PCBPC, SPSGE	
659907	A*	Planning and Environment Act 1987	s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	DS&C, MSS, PCBPC, SPSGE	
659908	A*	Planning and	s 26(1)	Power to make report available for	DS&C,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987		inspection in accordance with the requirements set out in s 197B of the Act	MSS, PCBPC, SPSGE	
659909	A*	Planning and Environment Act 1987	s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	DS&C, MSS, PCBPC, SPSGE	During the inspection period
659910	A*	Planning and Environment Act 1987	s 27(2)	Power to apply for exemption if panel's report not received	DS&C, MSS, PCBPC, SPSGE	
659911	A*	Planning and Environment Act 1987	s 28(1)	Duty to notify the Minister if abandoning an amendment	DS&C, MSS, PCBPC, SPSGE	Note: the power to make a decision to abandon an amendment cannot be delegated
660401	A*	Planning and	s 28(2)	Duty to publish notice of the decision on	DS&C,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987		Internet site	MSS, PCBPC, SPSGE	
660402	A*	Planning and Environment Act 1987	s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	DS&C, MSS, PCBPC, SPSGE	
659912	A*	Planning and Environment Act 1987	s 30(4)(a)	Duty to say if amendment has lapsed	DS&C, MSS, PCBPC, SPSGE	
659913	A*	Planning and Environment Act 1987	s 30(4)(b)	Duty to provide information in writing upon request	DS&C, MSS, PCBPC, SPSGE	
659914	A*	Planning and Environment Act 1987	s 32(2)	Duty to give more notice if required	DS&C, MSS, PCBPC, SPSGE	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659915	A*	Planning and Environment Act 1987	s 33(1)	Duty to give more notice of changes to an amendment	DS&C, MSS, PCBPC, SPSGE	
659916	A*	Planning and Environment Act 1987	s 36(2)	Duty to give notice of approval of amendment	DS&C, MSS, PCBPC, SPSGE	
659917	A*	Planning and Environment Act 1987	s 38(5)	Duty to give notice of revocation of an amendment	DS&C, MSS, PCBPC, SPSGE	
659918	A*	Planning and Environment Act 1987	s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	DS&C, MSS, PCBPC, SPSGE	
659919	A*	Planning and Environment Act 1987	s 40(1)	Function of lodging copy of approved amendment	DS&C, MSS, PCBPC,	



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					SPSGE	
659920	A*	Planning and Environment Act 1987	s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	DS&C, MSS, PCBPC, SPSGE	
660403	A*	Planning and Environment Act 1987	s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	DS&C, MSS, PCBPC, SPSGE	
659921	A*	Planning and Environment Act 1987	s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	DS&C, MSS, PCBPC, SPSGE	
660337	A*	Planning and Environment Act 1987	s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with	Not applicable	Where Council is a responsible public entity and is a planning

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity		authority
660339	A*	Planning and Environment Act 1987	s 46AW	Function of being consulted by the Minister	DS&C, MSS	Where Council is a responsible public entity
660340	A*	Planning and Environment Act 1987	s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy  Power to endorse the draft Statement of Planning Policy	DS&C, MSS	Where Council is a responsible public entity
660278	A*	Planning and Environment Act 1987	s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the	DS&C, MSS	Where Council is a responsible public entity

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				responsible public entity		
660279	A*	Planning and Environment Act 1987	s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	DS&C, MSS	Where Council is a responsible public entity
660280	A*	Planning and Environment Act 1987	s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	DS&C, MSS	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
660341	A*	Planning and Environment Act 1987	s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DS&C, MSS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660342	A*	Planning and Environment Act 1987	s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DS&C, MSS	
660343	A*	Planning and Environment Act 1987	s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	DS&C, MF, MSS	
660344	A*	Planning and Environment Act 1987	s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DS&C, MSS	
660345	A*	Planning and Environment Act 1987	s 46GP	Function of receiving a notice under s 46GO	DS&C, MSS	Where Council is the collecting agency
660346	A*	Planning and Environment Act 1987	s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	DS&C, MSS	
660347	A*	Planning and Environment Act 1987	s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under	DS&C, MSS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				s 46GO		
660348	A*	Planning and Environment Act 1987	s 46GR(2)	Power to consider a late submission  Duty to consider a late submission if directed to do so by the Minister	DS&C, MSS	
660349	A*	Planning and Environment Act 1987	s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	DS&C, MSS	
660350	A*	Planning and Environment Act 1987	s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	DS&C, MSS	
660351	A*	Planning and	s 46GT(2)	Duty to pay half of the fee fixed by the	DS&C,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987		valuer-general for arranging and attending the conference	MSS	
660352	A*	Planning and Environment Act 1987	s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	DS&C, MSS	
660353	A*	Planning and Environment Act 1987	s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	DS&C, MSS	
660354	A*	Planning and Environment Act 1987	s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	DS&C, MSS	
660355	A*	Planning and	s 46GV(3)	Function of receiving the monetary component and any land equalisation	DS&C, MF,	Where Council is the collecting

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987		amount of the infrastructure contribution  Power to specify the manner in which the payment is to be made	MSS	agency
660356	A*	Planning and Environment Act 1987	s 46GV(3)(b)	Power to enter into an agreement with the applicant	DS&C, MSS, PCBPC	Where Council is the collecting agency
660357	A*	Planning and Environment Act 1987	s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DS&C, MSS, PCBPC	Where Council is the development agency
660358	A*	Planning and Environment Act 1987	s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DS&C, MSS, PCBPC	Where Council is the collecting agency
660359	A*	Planning and Environment Act 1987	s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	DS&C, MSS, PCBPC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660360	A*	Planning and Environment Act 1987	s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	DS&C, MSS	Where Council is the collecting agency
660281	A*	Planning and Environment Act 1987	s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	DS&C, MF, MSS	Where Council is the collecting agency
660361	A*	Planning and Environment Act 1987	s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	DS&C, MSS	Where Council is the collecting agency
660362	A*	Planning and Environment Act 1987	s 46GY(1)	Duty to keep proper and separate accounts and records	DS&C, MF, MSS	Where Council is the collecting agency
660363	A*	Planning and	s 46GY(2)	Duty to keep the accounts and records in	DS&C, MF,	Where Council is the collecting



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987		accordance with the Local Government Act 2020	MSS	agency
660364	A*	Planning and Environment Act 1987	s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DS&C, MF, MSS	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is that planning authority
660365	A*	Planning and Environment Act 1987	s 46GZ(2)(a)	Function of receiving the monetary component	DS&C, MF, MSS	Where the Council is the planning authority  This duty does not apply where Council is also the collecting agency
660282	A*	Planning and Environment Act 1987	s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is	DS&C, MF, MSS	Where Council is the collecting agency under an approved infrastructure contributions plan

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				specified in the plan, as responsible for those works, services or facilities		This provision does not apply where Council is also the relevant development agency
660366	A*	Planning and Environment Act 1987	s 46GZ(2)(b)	Function of receiving the monetary component	DS&C, MF, MSS	Where Council is the development agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
660367	A*	Planning and Environment Act 1987	s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s	DS&C, MF, MSS	Where Council is the collecting agency under an approved infrastructure contributions plan

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				46GZ(5)		
660283	A*	Planning and Environment Act 1987	s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	DS&C, MF, MSS	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency
660368	A*	Planning and Environment Act 1987	s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DS&C, MF, MSS	Where Council is the development agency specified in the approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency  Where Council is the collecting

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
						agency under an approved infrastructure contributions plan
660369	A*	Planning and Environment Act 1987	s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	DS&C, MF, MSS	Where Council is the collecting agency under an approved infrastructure contributions plan
660284	A*	Planning and Environment Act 1987	s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	DS&C, MF, MSS	<p>If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development</p>

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
						agency
660370	A*	Planning and Environment Act 1987	s 46GZ(9)	Function of receiving the fee simple in the land	DS&C, MF, MSS	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
660371	A*	Planning and Environment Act 1987	s 46GZA(1)	Duty to keep proper and separate accounts and records	DS&C, MF, MSS	Where Council is the development agency under an approved infrastructure contributions plan
660285	A*	Planning and Environment Act 1987	s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	DS&C, MF, MSS	Where Council is a development agency under an approved infrastructure contributions plan
660372	A*	Planning and Environment Act 1987	s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	DS&C, MF, MSS	Where Council is a development agency under an approved infrastructure contributions plan

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660286	A*	Planning and Environment Act 1987	s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	DS&C, MF, MSS	If the VPA is the collecting agency under an approved infrastructure contributions plan  Where Council is a development agency under an approved infrastructure contributions plan
660373	A*	Planning and Environment Act 1987	s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	DS&C, MF, MSS	Where Council is the development agency under an approved infrastructure contributions plan
660374	A*	Planning and Environment Act 1987	s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	DS&C, MF, MSS	Where Council is the collecting agency under an approved infrastructure contributions plan
660287	A*	Planning and Environment Act 1987	s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	DS&C, MF, MSS	Where Council is the collecting agency under an approved infrastructure contributions plan

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660288	A*	Planning and Environment Act 1987	s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	DS&C, MF, MSS	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
660375	A*	Planning and Environment Act 1987	s 46GZE(2)	Function of receiving the unexpended land equalisation amount	DS&C, MF, MSS	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
660376	A*	Planning and Environment Act 1987	s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the	DS&C, MF, MSS	Where Council is the collecting agency under an approved infrastructure contributions plan

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				steps set out in s 46GZE(3)(a) and (b)		
660377	A*	Planning and Environment Act 1987	s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DS&C, MF, MSS	Where Council is the development agency under an approved infrastructure contributions plan
660378	A*	Planning and Environment Act 1987	s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	DS&C, MF, MSS	Where Council is the development agency under an approved infrastructure contributions plan
660379	A*	Planning and Environment Act 1987	s 46GZF(3)	Function of receiving proceeds of sale	DS&C, MF, MSS	Where Council is the collection agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the development agency



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660380	A*	Planning and Environment Act 1987	s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	DS&C, MF, MSS	Where Council is the collecting agency under an approved infrastructure contributions plan
660381	A*	Planning and Environment Act 1987	s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	DS&C, MF, MSS	Where Council is the collecting agency under an approved infrastructure contributions plan
660382	A*	Planning and Environment Act 1987	s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DS&C, MF, MSS	Where Council is the collecting agency under an approved infrastructure contributions plan
660289	A*	Planning and Environment Act 1987	s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	DS&C, MSS, PCBPC, SPBPC	Where Council is a collecting agency or development agency

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660383	A*	Planning and Environment Act 1987	s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DS&C, MSS	Where Council is a collecting agency or development agency
660384	A*	Planning and Environment Act 1987	s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	DS&C, MSS, PCBPC, SPBPC	
659922	A*	Planning and Environment Act 1987	s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	DS&C, MSS, PCBPC, SPBPC	
659923	A*	Planning and Environment Act 1987	s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	DS&C, MSS, PCBPC, SPBPC	
659924	A*	Planning and Environment Act 1987	s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DS&C, MSS,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					PCBPC	
659925	A*	Planning and Environment Act 1987	s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	DS&C, MSS, PCBPC, SPBPC	
659926	A*	Planning and Environment Act 1987	s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DS&C, MSS, PCBPC	
659927	A*	Planning and Environment Act 1987	s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	DS&C, MSS, PCBPC, SPBPC	
659928	A*	Planning and Environment Act 1987	s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	DS&C, MSS, PCBPC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659929	A*	Planning and Environment Act 1987	s 46Q(1)	Duty to keep proper accounts of levies paid	MF	
659930	A*	Planning and Environment Act 1987	s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	DS&C, MF, MSS	
659931	A*	Planning and Environment Act 1987	s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	DS&C, MSS	
659932	A*	Planning and Environment Act 1987	s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to	DS&C, MSS	Only applies when levy is paid to Council as a 'development agency'

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				proceed		
659933	A*	Planning and Environment Act 1987	s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	DS&C, MSS	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
659934	A*	Planning and Environment Act 1987	s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	DS&C, MSS	Must be done in accordance with Part 3
659935	A*	Planning and Environment Act 1987	s46Q(4)(e)	Duty to expend that amount on other works etc.	DS&C, MSS	With the consent of, and in the manner approved by, the Minister

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659936	A*	Planning and Environment Act 1987	s 46QC	Power to recover any amount of levy payable under Part 3B	DS&C, MSS	
660290	A*	Planning and Environment Act 1987	s 46QD	Duty to prepare report and give a report to the Minister	MF	Where Council is a collecting agency or development agency
659937	A*	Planning and Environment Act 1987	s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period	Not applicable	
660426	A*	Planning and Environment Act 1987	s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in	Not applicable	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period		
660427	A*	Planning and Environment Act 1987	s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	Not applicable	
660428	A*	Planning and Environment Act 1987	s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements	Not applicable	
659938	A*	Planning and Environment Act 1987	s 46Y	Duty to carry out works in conformity with the approved strategy plan	Not applicable	
659939	A*	Planning and Environment Act 1987	s 47	Power to decide that an application for a planning permit does not comply with that Act	DS&C, MSS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659940	A*	Planning and Environment Act 1987	s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CP, DS&C, MSS, P, PCBPC, SPBPC	
659941	A*	Planning and Environment Act 1987	s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	CP, DS&C, MSS, P, PCBPC, SPBPC	
659942	A*	Planning and Environment Act 1987	s 50(4)	Duty to amend application	CP, DS&C, MSS, P, PCBPC, SPBPC	
659943	A*	Planning and Environment Act 1987	s 50(5)	Power to refuse to amend application	DS&C, MSS, PCBPC	



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660389	A*	Planning and Environment Act 1987	s 50(6)	Duty to make note of amendment to application in register	DS&C, MSS, P, SPBPC	
659944	A*	Planning and Environment Act 1987	s 50A(1)	Power to make amendment to application	DS&C, MSS, P, PCBPC, SPBPC	
659945	A*	Planning and Environment Act 1987	s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	DS&C, MSS, P, SPBPC	
659946	A*	Planning and Environment Act 1987	s 50A(4)	Duty to note amendment to application in register	CP, DS&C, MSS, P, PCBPC, SPBPC	
659947	A*	Planning and Environment Act 1987	s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	CP, DS&C, MSS, P, PCBPC, SPBPC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659948	A*	Planning and Environment Act 1987	s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CP, DS&C, MSS, P, PCBPC, SPBPC	
659949	A*	Planning and Environment Act 1987	s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CP, DS&C, MSS, P, PCBPC, SPBPC	
659950	A*	Planning and Environment Act 1987	s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CP, DS&C, MSS, P, PCBPC, SPBPC	
659951	A*	Planning and Environment Act 1987	s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	CP, DS&C, MSS, P, PCBPC, SPBPC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659952	A*	Planning and Environment Act 1987	s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CP, DS&C, MSS, P, PCBPC, SPBPC	
659953	A*	Planning and Environment Act 1987	s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CP, DS&C, MSS, P, PCBPC, SPBPC	
659954	A*	Planning and Environment Act 1987	s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CP, DS&C, MSS, P, PCBPC, SPBPC	
659955	A*	Planning and Environment Act 1987	s 52(3)	Power to give any further notice of an application where appropriate	DS&C, MSS, P, PCBPC, SPBPC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659956	A*	Planning and Environment Act 1987	s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	DS&C, MSS, P, SPBPC	
659957	A*	Planning and Environment Act 1987	s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	DS&C, MSS, P, PCBPC, SPBPC	
659958	A*	Planning and Environment Act 1987	s 54(1)	Power to require the applicant to provide more information	DS&C, MSS, P, PCBPC, SPBPC	
659959	A*	Planning and Environment Act 1987	s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CP, DS&C, MSS, P, PCBPC, SPBPC	
659960	A*	Planning and Environment Act 1987	s 54(1B)	Duty to specify the lapse date for an application	CP, DS&C, MSS, P, PCBPC, SPBPC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659961	A*	Planning and Environment Act 1987	s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CP, DS&C, MSS, P, PCBPC, SPBPC	
659962	A*	Planning and Environment Act 1987	s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CP, DS&C, MSS, P, PCBPC, SPBPC	
659963	A*	Planning and Environment Act 1987	s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CP, DS&C, MSS, P, PCBPC, SPBPC	
659964	A*	Planning and Environment Act 1987	s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	DS&C, MSS, PCBPC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659965	A*	Planning and Environment Act 1987	s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	DS&C, MSS, PCBPC, SPBPC	
659966	A*	Planning and Environment Act 1987	s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	CP, DS&C, MSS, P, PCBPC, SPBPC	
659967	A*	Planning and Environment Act 1987	s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CP, DS&C, MSS, P, PCBPC, SPBPC	
659968	A*	Planning and Environment Act 1987	s 57A(5)	Power to refuse to amend application	DS&C, MSS, SPBPC	
659969	A*	Planning and	s 57A(6)	Duty to note amendments to application	CP, DS&C, MSS, P,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987		in register	PCBPC, SPBPC	
659970	A*	Planning and Environment Act 1987	s 57B(1)	Duty to determine whether and to whom notice should be given	DS&C, MSS, PCBPC, SPBPC	
659971	A*	Planning and Environment Act 1987	s 57B(2)	Duty to consider certain matters in determining whether notice should be given	DS&C, MSS, PCBPC, SPBPC	
659972	A*	Planning and Environment Act 1987	s 57C(1)	Duty to give copy of amended application to referral authority	CP, DS&C, MSS, P, PCBPC, SPBPC	
659973	A*	Planning and Environment Act 1987	s 58	Duty to consider every application for a permit	CP, DS&C, MSS, P, PCBPC, SPBPC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659974	A*	Planning and Environment Act 1987	s 58A	Power to request advice from the Planning Application Committee	DS&C, MSS	
659975	A*	Planning and Environment Act 1987	s 60	Duty to consider certain matters	CP, DS&C, MSS, P, PCBPC, SPBPC	
659976	A*	Planning and Environment Act 1987	s 60(1A)	Duty to consider certain matters	CP, DS&C, MSS, P, PCBPC, SPBPC	
660291	A*	Planning and Environment Act 1987	s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CP, DS&C, MSS, P, PCBPC, SPBPC	
659977	A*	Planning and Environment Act 1987	s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions	DS&C, MSS, P, PCBPC,	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				or to refuse a permit application	SPBPC	<p>Act 2006</p> <p>the permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p> <p>Limitations:</p> <p>P, SPBPC: For developments &lt;\$1M</p> <p>PCBPC: For developments &lt;\$2M</p> <p>MSS: For developments &lt;\$5M</p> <p>DS&amp;C: For developments &gt;\$5M</p> <p>where the number of objections does not exceed three</p>
659978	A*	Planning and Environment Act 1987	s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DS&C, MSS, PCBPC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660392	A*	Planning and Environment Act 1987	s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DS&C, MSS	
659979	A*	Planning and Environment Act 1987	s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Not applicable	
659980	A*	Planning and Environment Act 1987	s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	Not applicable	
659981	A*	Planning and Environment Act 1987	s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DS&C, MSS, PCBPC	
659982	A*	Planning and Environment Act 1987	s 62(1)	Duty to include certain conditions in deciding to grant a permit	CP, DS&C, MSS, P, PCBPC, SPBPC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659983	A*	Planning and Environment Act 1987	s 62(2)	Power to include other conditions	DS&C, MSS, P, PCBPC, SPBPC	
659984	A*	Planning and Environment Act 1987	s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CP, DS&C, MSS, P, PCBPC, SPBPC	
659985	A*	Planning and Environment Act 1987	s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DS&C, MSS, P, PCBPC, SPBPC	
659986	A*	Planning and Environment Act 1987	s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	DS&C, MSS, P, PCBPC, SPBPC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659987	A*	Planning and Environment Act 1987	s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DS&C, MSS, P, PCBPC, SPBPC	
659988	A*	Planning and Environment Act 1987	s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	CP, DS&C, MSS, P, PCBPC, SPBPC	
659989	A*	Planning and Environment Act 1987	s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	CP, DS&C, MSS, P, PCBPC, SPBPC	
659990	A*	Planning and Environment Act 1987	s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CP, DS&C, MSS, P, SPBPC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659991	A*	Planning and Environment Act 1987	s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CP, DS&C, MSS, P, PCBPC, SPBPC	This provision applies also to a decision to grant an amendment to a permit - see s 75
659992	A*	Planning and Environment Act 1987	s 64(3)	Duty not to issue a permit until after the specified period	DS&C, MSS, PCBPC	This provision applies also to a decision to grant an amendment to a permit - see s 75
659993	A*	Planning and Environment Act 1987	s 64(5)	Duty to give each objector a copy of an exempt decision	DS&C, MSS, PCBPC	This provision applies also to a decision to grant an amendment to a permit - see s 75
659994	A*	Planning and Environment Act 1987	s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	CP, DS&C, MSS, P, SPBPC	This provision applies also to a decision to grant an amendment to a permit - see s 75A

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
659995	A*	Planning and Environment Act 1987	s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	CP, DS&C, MSS, P, SPBPC	
659996	A*	Planning and Environment Act 1987	s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CP, DS&C, MSS, P, PCBPC, SPBPC	
659997	A*	Planning and Environment Act 1987	s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CP, DS&C, MSS, P, PCBPC, SPBPC	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
659998	A*	Planning and Environment Act 1987	s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CP, DS&C, MSS, P, PCBPC,	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					SPBPC	condition be included on the permit
659999	A*	Planning and Environment Act 1987	s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	CP, DS&C, MSS, P, PCBPC, SPBPC	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
660000	A*	Planning and Environment Act 1987	s 69(1)	Function of receiving application for extension of time of permit	CP, DS&C, MSS, P, PCBPC, SPBPC	
660001	A*	Planning and Environment Act 1987	s 69(1A)	Function of receiving application for extension of time to complete development	CP, DS&C, MSS, P, PCBPC, SPBPC	
660002	A*	Planning and Environment Act 1987	s 69(2)	Power to extend time	DS&C, MSS, PCBPC, SPBPC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660003	A*	Planning and Environment Act 1987	s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	CP, DS&C, MSS, P, PCBPC, SPBPC	
660004	A*	Planning and Environment Act 1987	s 71(1)	Power to correct certain mistakes	DS&C, MSS, P, PCBPC, SPBPC	
660005	A*	Planning and Environment Act 1987	s 71(2)	Duty to note corrections in register	CP, DS&C, MSS, P, PCBPC, SPBPC	
660006	A*	Planning and Environment Act 1987	s 73	Power to decide to grant amendment subject to conditions	CP, DS&C, MSS, P, PCBPC, SPBPC	
660007	A*	Planning and Environment Act 1987	s 74	Duty to issue amended permit to applicant if no objectors	CP, DS&C, MSS, P, PCBPC,	



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					SPBPC	
660008	A*	Planning and Environment Act 1987	s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CP, DS&C, MSS, P, SPBPC	
660009	A*	Planning and Environment Act 1987	s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CP, DS&C, MSS, P, PCBPC, SPBPC	
660010	A*	Planning and Environment Act 1987	s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CP, DS&C, MSS, P, PCBPC, SPBPC	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
660011	A*	Planning and Environment Act 1987	s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CP, DS&C, MSS, P, PCBPC, SPBPC	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
						a permit condition be included on the amended permit
660012	A*	Planning and Environment Act 1987	s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CP, DS&C, MSS, P, PCBPC, SPBPC	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
660013	A*	Planning and Environment Act 1987	s 76D	Duty to comply with direction of Minister to issue amended permit	CP, DS&C, MSS, P, PCBPC, SPBPC	
660014	A*	Planning and Environment Act 1987	s 83	Function of being respondent to an appeal	DS&C, MSS, PCBPC	
660015	A*	Planning and Environment Act 1987	s 83B	Duty to give or publish notice of application for review	DS&C, MSS,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					PCBPC	
660016	A*	Planning and Environment Act 1987	s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DS&C, MSS	
660017	A*	Planning and Environment Act 1987	s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	CP, DS&C, MSS, P, SPBPC	
660018	A*	Planning and Environment Act 1987	s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	CP, DS&C, MSS, P, PCBPC, SPBPC	
660019	A*	Planning and Environment Act 1987	s 84(6)	Duty to issue permit on receipt of advice within 3 business days	CP, DS&C, MSS, P, PCBPC, SPBPC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660385	A*	Planning and Environment Act 1987	s 84AB	Power to agree to confining a review by the Tribunal	DS&C, MSS	
660020	A*	Planning and Environment Act 1987	s 86	Duty to issue a permit at order of Tribunal within 3 business days	CP, DS&C, MSS, P, PCBPC, SPBPC	
660021	A*	Planning and Environment Act 1987	s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DS&C, MSS, PCBPC, SPBPC	
660022	A*	Planning and Environment Act 1987	s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	DS&C, MSS, PCBPC, SPBPC	
660023	A*	Planning and Environment Act 1987	s 91(2)	Duty to comply with the directions of VCAT	DS&C, MSS, PCBPC, SPBPC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660024	A*	Planning and Environment Act 1987	s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	DS&C, MSS, PCBPC, SPBPC	
660025	A*	Planning and Environment Act 1987	s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	DS&C, MSS, PCBPC, SPBPC	
660026	A*	Planning and Environment Act 1987	s 93(2)	Duty to give notice of VCAT order to stop development	DS&C, MSS, PCBPC, PCO	
660027	A*	Planning and Environment Act 1987	s 95(3)	Function of referring certain applications to the Minister	DS&C, MSS	
660028	A*	Planning and	s 95(4)	Duty to comply with an order or direction	DS&C,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987			MSS	
660029	A*	Planning and Environment Act 1987	s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DS&C, MSS	
660030	A*	Planning and Environment Act 1987	s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DS&C, MSS	
660031	A*	Planning and Environment Act 1987	s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	DS&C, MSS, PCBPC	
660032	A*	Planning and Environment Act 1987	s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	DS&C, MSS, PCBPC	
660033	A*	Planning and	s 96F	Duty to consider the panel's report under	DS&C, MSS,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987		s 96E	PCBPC, SPBPC, SPSGE	
660034	A*	Planning and Environment Act 1987	s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996	DS&C, MSS, PCBPC	
660035	A*	Planning and Environment Act 1987	s 96H(3)	Power to give notice in compliance with Minister's direction	MSS, PCBPC	
660036	A*	Planning and Environment Act 1987	s 96J	Duty to issue permit as directed by the Minister	MSS, PCBPC, SPSGE	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660037	A*	Planning and Environment Act 1987	s 96K	Duty to comply with direction of the Minister to give notice of refusal	MSS, PCBPC, SPSGE	
660263	A*	Planning and Environment Act 1987	s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	MF, MSS	
660038	A*	Planning and Environment Act 1987	s 97C	Power to request Minister to decide the application	DS&C, MSS	
660039	A*	Planning and Environment Act 1987	s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	DS&C, MSS, PCBPC	
660040	A*	Planning and Environment Act 1987	s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	DS&C, MSS, PCBPC	



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660041	A*	Planning and Environment Act 1987	s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	DS&C, MSS, PCBPC	
660042	A*	Planning and Environment Act 1987	s 97L	Duty to include Ministerial decisions in a register kept under s 49	DS&C, MSS, PCBPC	
660043	A*	Planning and Environment Act 1987	s 97MH	Duty to provide information or assistance to the Planning Application Committee	DS&C, MSS	
660044	A*	Planning and Environment Act 1987	s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DS&C, MSS	
660045	A*	Planning and Environment Act 1987	s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	DS&C, MSS, PCBPC	
660046	A*	Planning and Environment Act 1987	s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DS&C, MSS, PCBPC,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					SPBPC	
660047	A*	Planning and Environment Act 1987	s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DS&C, MSS, PCBPC	
660048	A*	Planning and Environment Act 1987	s 97Q(4)	Duty to comply with directions of VCAT	DS&C, MSS, PCBPC, SPBPC	
660049	A*	Planning and Environment Act 1987	s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	DS&C, MSS, PCBPC	
660050	A*	Planning and Environment Act 1987	s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DS&C, MSS	
660051	A*	Planning and Environment Act 1987	s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DS&C, MSS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660052	A*	Planning and Environment Act 1987	s 101	Function of receiving claim for expenses in conjunction with claim	DS&C, MSS	
660053	A*	Planning and Environment Act 1987	s 103	Power to reject a claim for compensation in certain circumstances	DS&C	
660054	A*	Planning and Environment Act 1987	s.107(1)	Function of receiving claim for compensation	DS&C, MSS	
660055	A*	Planning and Environment Act 1987	s 107(3)	Power to agree to extend time for making claim	DS&C, MSS	
660422	A*	Planning and Environment Act 1987	s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	DS&C, MSS	
660056	A*	Planning and Environment Act 1987	s 114(1)	Power to apply to the VCAT for an enforcement order	DS&C, MSS, PCBPC	
660057	A*	Planning and Environment Act 1987	s 117(1)(a)	Function of making a submission to the VCAT where objections are received	DS&C, MSS,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					PCBPC, SPBPC	
660058	A*	Planning and Environment Act 1987	s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DS&C, MSS, PCBPC	
660059	A*	Planning and Environment Act 1987	s 123(1)	Power to carry out work required by enforcement order and recover costs	DS&C, MSS, PCBPC	
660060	A*	Planning and Environment Act 1987	s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DS&C	Except Crown Land
703129	A*	Planning and Environment Act 1987	s 125(1)	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.	DS&C, MSS	Section 123 of the Victorian Civil and Administrative Tribunal Act 1998 applies on an application to the Tribunal.
660061	A*	Planning and Environment Act 1987	s 129	Function of recovering penalties	DS&C, MSS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660062	A*	Planning and Environment Act 1987	s 130(5)	Power to allow person served with an infringement notice further time	DS&C, MSS, PCBPC	
660063	A*	Planning and Environment Act 1987	s 149A(1)	Power to refer a matter to the VCAT for determination	DS&C, MSS, PCBPC, SPBPC	
660064	A*	Planning and Environment Act 1987	s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DS&C, MSS, PCBPC, SPBPC	
703130	A*	Planning and Environment Act 1987	s 149B	Power to apply to the Tribunal for a declaration.	DS&C, MSS	
660065	A*	Planning and Environment Act 1987	s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the	DS&C, MSS	Where Council is the relevant planning authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)		
660066	A*	Planning and Environment Act 1987	s 171(2)(f)	Power to carry out studies and commission reports	DS&C, MSS	
660390	A*	Planning and Environment Act 1987	s 171(2)(g)	Power to grant and reserve easements	DS&C, MSS	
660386	A*	Planning and Environment Act 1987	s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DS&C, MSS	Where Council is a development agency specified in an approved infrastructure contributions plan
660387	A*	Planning and Environment Act 1987	s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	DS&C, MSS	Where Council is a collecting agency specified in an approved infrastructure contributions plan
660388	A*	Planning and	s 172D(2)	Power to compulsorily acquire any inner	DS&C,	Where Council is the development

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987		public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	MSS	agency specified in an approved infrastructure contributions plan
660067	A*	Planning and Environment Act 1987	s 173(1)	Power to enter into agreement covering matters set out in s 174	DS&C, MSS, PCBPC, SPBPC, SPSGE	
660338	A*	Planning and Environment Act 1987	s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	DS&C, MSS, PCBPC, SPBPC	Where Council is the relevant responsible authority
660068	A*	Planning and Environment Act 1987		Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the	DS&C, MSS, SPBPC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				satisfaction of Council or Responsible Authority		
660069	A*	Planning and Environment Act 1987		Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	DS&C, MSS, SPBPC	
660070	A*	Planning and Environment Act 1987	s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DS&C, MSS, PCBPC, SPBPC	
660071	A*	Planning and Environment Act 1987	s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DS&C, MSS, PCBPC, SPBPC	
660072	A*	Planning and Environment Act 1987	s 178A(1)	Function of receiving application to amend or end an agreement	MSS, PCBPC, SPBPC,	



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					SPSGE	
660073	A*	Planning and Environment Act 1987	s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DS&C, MSS, PCBPC, SPBPC	
660074	A*	Planning and Environment Act 1987	s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DS&C, MSS, PCBPC, SPBPC	
660075	A*	Planning and Environment Act 1987	s 178A(5)	Power to propose to amend or end an agreement	DS&C, MSS, PCBPC, SPBPC	
660076	A*	Planning and Environment Act 1987	s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DS&C, MSS, PCBPC, SPBPC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660077	A*	Planning and Environment Act 1987	s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DS&C, MSS, PCBPC, SPBPC	
660078	A*	Planning and Environment Act 1987	s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DS&C, MSS, PCBPC, SPBPC	
660079	A*	Planning and Environment Act 1987	s 178C(4)	Function of determining how to give notice under s 178C(2)	DS&C, MSS, PCBPC, SPBPC	
660080	A*	Planning and Environment Act 1987	s 178E(1)	Duty not to make decision until after 14 days after notice has been given	DS&C, MSS, PCBPC, SPBPC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660081	A*	Planning and Environment Act 1987	s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DS&C, MSS, PCBPC, SPBPC	If no objections are made under s 178D  Must consider matters in s 178B
660082	A*	Planning and Environment Act 1987	s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DS&C, MSS, PCBPC, SPBPC	If no objections are made under s 178D  Must consider matters in s 178B
660083	A*	Planning and Environment Act 1987	s 178E(2)(c)	Power to refuse to amend or end the agreement	DS&C, MSS, PCBPC, SPBPC	If no objections are made under s 178D  Must consider matters in s 178B
660084	A*	Planning and Environment Act 1987	s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	DS&C, MSS, PCBPC, SPBPC	After considering objections, submissions and matters in s 178B

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660085	A*	Planning and Environment Act 1987	s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DS&C, MSS, PCBPC, SPBPC	After considering objections, submissions and matters in s 178B
660086	A*	Planning and Environment Act 1987	s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	DS&C, MSS, PCBPC, SPBPC	After considering objections, submissions and matters in s.178B
660087	A*	Planning and Environment Act 1987	s 178E(3)(d)	Power to refuse to amend or end the agreement	DS&C, MSS, PCBPC, SPBPC	After considering objections, submissions and matters in s 178B
660088	A*	Planning and Environment Act 1987	s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	DS&C, MSS, PCBPC, SPBPC	
660089	A*	Planning and Environment Act 1987	s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DS&C, MSS,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					PCBPC, SPBPC	
660090	A*	Planning and Environment Act 1987	s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	DS&C, MSS, PCBPC, SPBPC	
660091	A*	Planning and Environment Act 1987	s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DS&C, MSS, PCBPC, SPBPC	
660092	A*	Planning and Environment Act 1987	s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	DS&C, MSS, PCBPC, SPBPC	
660093	A*	Planning and	s 178I(3)	Duty to notify, in writing, each party to	DS&C,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987		the agreement of the ending of the agreement relating to Crown land	MSS, PCBPC, SPBPC	
660094	A*	Planning and Environment Act 1987	s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	DS&C, MSS, PCBPC, SPBPC	
660095	A*	Planning and Environment Act 1987	s 181	Duty to apply to the Registrar of Titles to record the agreement	DS&C, MSS, PCBPC, SPBPC	
660096	A*	Planning and Environment Act 1987	s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DS&C, MSS, PCBPC, SPBPC	
660097	A*	Planning and Environment Act 1987	s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DS&C, MSS, PCBPC,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					SPBPC	
660098	A*	Planning and Environment Act 1987	s 182	Power to enforce an agreement	DS&C, MSS, PCBPC, SPBPC	
660099	A*	Planning and Environment Act 1987	s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DS&C, MSS, PCBPC, SPBPC	
660100	A*	Planning and Environment Act 1987	s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	DS&C, MSS	
660101	A*	Planning and Environment Act 1987	s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an	DS&C, MSS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				agreement		
660102	A*	Planning and Environment Act 1987	s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	DS&C, MSS	
660103	A*	Planning and Environment Act 1987	s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	DS&C, MSS	
660104	A*	Planning and Environment Act 1987	s 184G(2)	Duty to comply with a direction of the Tribunal	DS&C, MSS, PCBPC	
660105	A*	Planning and Environment Act 1987	s 184G(3)	Duty to give notice as directed by the Tribunal	DS&C, MSS, PCBPC	



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660429	A*	Planning and Environment Act 1987	s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	DS&C, MSS, PCBPC	
660106	A*	Planning and Environment Act 1987	s 198(1)	Function to receive application for planning certificate	Not applicable	
660107	A*	Planning and Environment Act 1987	s 199(1)	Duty to give planning certificate to applicant	Not applicable	
660108	A*	Planning and Environment Act 1987	s 201(1)	Function of receiving application for declaration of underlying zoning	DS&C, MSS, PCBPC, SPSGE	
660109	A*	Planning and Environment Act 1987	s 201(3)	Duty to make declaration	DS&C, MSS, PCBPC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660110	A*	Planning and Environment Act 1987		Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	DS&C, MSS, PCBPC	
660111	A*	Planning and Environment Act 1987		Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	DS&C, MSS	
660112	A*	Planning and Environment Act 1987		Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	MSS, P, SPSGE, MBP&C	
660113	A*	Planning and Environment Act 1987		Power to give written authorisation in accordance with a provision of a planning scheme	DS&C, MSS, SPSGE	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660114	A*	Planning and Environment Act 1987	s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	DS&C, MSS, PCBPC	
660115	A*	Planning and Environment Act 1987	s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	DS&C, MSS, PCBPC	
660116	A*	Residential Tenancies Act 1997	s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	DS&C, EHO, MSS	
660117	A*	Residential Tenancies Act 1997	s 522(1)	Power to give a compliance notice to a person	DS&C, EHO, MSS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660118	A*	Residential Tenancies Act 1997	s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	DS&C, EHO, MSS	
660119	A*	Residential Tenancies Act 1997	s 525(4)	Duty to issue identity card to authorised officers	DC&L, DS&C, EHO, MSS	
660120	A*	Residential Tenancies Act 1997	s 526(5)	Duty to keep record of entry by authorised officer under s 526	DS&C, EHO, MSS	
660121	A*	Residential Tenancies Act 1997	s 526A(3)	Function of receiving report of inspection	DS&C, EHO, MSS	
660122	A*	Residential Tenancies Act 1997	s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	DS&C, EHO, MSS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660123	A*	Road Management Act 2004	s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	DC&I	Obtain consent in circumstances specified in s 11(2)
660124	A*	Road Management Act 2004	s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	DC&I	
660125	A*	Road Management Act 2004	s 11(9)(b)	Duty to advise Registrar	DC&I, MIP&D	
660126	A*	Road Management Act 2004	s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DC&I, MIP&D	Subject to s 11(10A)
660127	A*	Road Management Act 2004	s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DC&I, MIP&D	Where Council is the coordinating road authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
756019	A*	Road Management Act 2004	s 12(2)(b)	Function of providing consent to the Head, Transport for Victoria for the discontinuance of a road or part of a road	DC&I	
660133	A*	Road Management Act 2004	s 12(10)	Duty to notify of decision made	DC&I, MIP&D	Duty of coordinating road authority where it is the discontinuing body  Does not apply where an exemption is specified by the regulations or given by the Minister
660134	A*	Road Management Act 2004	s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	DC&I	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
660135	A*	Road Management Act 2004	s 14(4)	Function of receiving notice from the Head, Transport for Victoria	DC&I, MIP&D	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660136	A*	Road Management Act 2004	s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	DC&I	
660137	A*	Road Management Act 2004	s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	DC&I	
660138	A*	Road Management Act 2004	s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DC&I	
660139	A*	Road Management Act	s 15(2)	Duty to include details of arrangement in	APC, DC&I,	

## Rural City of Wangaratta

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		2004		public roads register	MIP&D	
660140	A*	Road Management Act 2004	s 16(7)	Power to enter into an arrangement under s 15	DC&I	
660141	A*	Road Management Act 2004	s 16(8)	Duty to enter details of determination in public roads register	APC, DC&I, MIP&D	
660142	A*	Road Management Act 2004	s 17(2)	Duty to register public road in public roads register	APC, DC&I, MIP&D	Where Council is the coordinating road authority
660143	A*	Road Management Act 2004	s 17(3)	Power to decide that a road is reasonably required for general public use	DC&I	Where Council is the coordinating road authority
660144	A*	Road Management Act	s 17(3)	Duty to register a road reasonably	APC, DC&I,	Where Council is the coordinating



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		2004		required for general public use in public roads register	MIP&D	road authority
660145	A*	Road Management Act 2004	s 17(4)	Power to decide that a road is no longer reasonably required for general public use	DC&I	Where Council is the coordinating road authority
660146	A*	Road Management Act 2004	s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	APC, DC&I, MIP&D	Where Council is the coordinating road authority
660147	A*	Road Management Act 2004	s 18(1)	Power to designate ancillary area	DC&I	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
660148	A*	Road Management Act 2004	s 18(3)	Duty to record designation in public roads register	APC, DC&I, MIP&D	Where Council is the coordinating road authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660149	A*	Road Management Act 2004	s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	APC, DC&I, MIP&D	
660150	A*	Road Management Act 2004	s 19(4)	Duty to specify details of discontinuance in public roads register	APC, DC&I, MIP&D	
660151	A*	Road Management Act 2004	s 19(5)	Duty to ensure public roads register is available for public inspection	APC, DC&I, MIP&D	
660152	A*	Road Management Act 2004	s 21	Function of replying to request for information or advice	DC&I, MFS, MIP&D	Obtain consent in circumstances specified in s 11(2)
660153	A*	Road Management Act	s 22(2)	Function of commenting on proposed	DC&I	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		2004		direction		
660154	A*	Road Management Act 2004	s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	DC&I	
660155	A*	Road Management Act 2004	s 22(5)	Duty to give effect to a direction under s 22	DC&I, MFS, MIP&D	
660156	A*	Road Management Act 2004	s 40(1)	Duty to inspect, maintain and repair a public road.	APC, DC&I, MFS, MIP&D, SW, WMC, AOI	
660157	A*	Road Management Act 2004	s 40(5)	Power to inspect, maintain and repair a road which is not a public road	DC&I, MFS, MIP&D	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660158	A*	Road Management Act 2004	s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	DC&I, MFS, MIP&D	
660159	A*	Road Management Act 2004	s 42(1)	Power to declare a public road as a controlled access road	DC&I, MIP&D	Power of coordinating road authority and sch 2 also applies
660160	A*	Road Management Act 2004	s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	DC&I	Power of coordinating road authority and sch 2 also applies
660161	A*	Road Management Act 2004	s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	DC&I	Where Council is the coordinating road authority  If road is a municipal road or part thereof
660162	A*	Road Management Act	s 42A(4)	Power to approve Minister's decision to	DC&I	Where Council is the coordinating

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		2004		specify a road as a specified freight road		road authority  If road is a municipal road or part thereof and where road is to be specified a freight road
660163	A*	Road Management Act 2004	s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	DC&I, MFS, MIP&D	Where Council is the responsible road authority, infrastructure manager or works manager
660164	A*	Road Management Act 2004	s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	DC&I, MIP&D	
660165	A*	Road Management Act 2004	s 49	Power to develop and publish a road management plan	DC&I, MFS, MIP&D	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660166	A*	Road Management Act 2004	s 51	Power to determine standards by incorporating the standards in a road management plan	DC&I, MFS, MIP&D	
660167	A*	Road Management Act 2004	s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	DC&I	
660168	A*	Road Management Act 2004	s 54(2)	Duty to give notice of proposal to make a road management plan	DC&I, MFS, MIP&D	
660169	A*	Road Management Act 2004	s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	DC&I, MFS, MIP&D	
660170	A*	Road Management Act	s 54(6)	Power to amend road management plan	DC&I	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		2004				
660171	A*	Road Management Act 2004	s 54(7)	Duty to incorporate the amendments into the road management plan	APC, DC&I, MFS, MIP&D	
660172	A*	Road Management Act 2004	s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	DC&I	
660173	A*	Road Management Act 2004	s 63(1)	Power to consent to conduct of works on road	APC, DC&I, MFS, MIP&D, TSC	Where Council is the coordinating road authority
660174	A*	Road Management Act 2004	s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	DC&I, MFS, MIP&D	Where Council is the infrastructure manager

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660175	A*	Road Management Act 2004	s 64(1)	Duty to comply with cl 13 of sch 7	DC&I, MFS, MIP&D	Where Council is the infrastructure manager or works manager
660176	A*	Road Management Act 2004	s 66(1)	Power to consent to structure etc	DC&I, DS&C, MEDE&C, MIP&D, MSS, PCBPC	Where Council is the coordinating road authority
660177	A*	Road Management Act 2004	s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	DC&I, MIP&D	Where Council is the coordinating road authority
660178	A*	Road Management Act 2004	s 67(3)	Power to request information	DC&I, DS&C, MEDE&C, MIP&D, MSS, PCBPC	Where Council is the coordinating road authority



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660179	A*	Road Management Act 2004	s 68(2)	Power to request information	DC&I, DS&C, MEDE&C, MIP&D, MSS, PCBPC	Where Council is the coordinating road authority
660180	A*	Road Management Act 2004	s 71(3)	Power to appoint an authorised officer	CEO, DC&I	
660181	A*	Road Management Act 2004	s 72	Duty to issue an identity card to each authorised officer	DC&I, DC&L, MIP&D	
660182	A*	Road Management Act 2004	s 85	Function of receiving report from authorised officer	DC&I, MIP&D	
660183	A*	Road Management Act 2004	s 86	Duty to keep register re s 85 matters	DC&I, MIP&D	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660184	A*	Road Management Act 2004	s 87(1)	Function of receiving complaints	DC&I, MIP&D	
660185	A*	Road Management Act 2004	s 87(2)	Duty to investigate complaint and provide report	DC&L, G&RA, MP&G	
660423	A*	Road Management Act 2004	s 96	Power to authorise a person for the purpose of instituting legal proceedings	DC&L	
660186	A*	Road Management Act 2004	s 112(2)	Power to recover damages in court	DC&I, MIP&D	
660187	A*	Road Management Act 2004	s 116	Power to cause or carry out inspection	DC&I, MFS, MIP&D	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660188	A*	Road Management Act 2004	s 119(2)	Function of consulting with the Head, Transport for Victoria	APC, DC&I, MIP&D, TSC	
660189	A*	Road Management Act 2004	s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	APC, DC&I, MFS, MIP&D, TSC, WMC	
660190	A*	Road Management Act 2004	s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	APC, DC&I, MFS, MIP&D, TSC, WMC	
660191	A*	Road Management Act 2004	s 121(1)	Power to enter into an agreement in respect of works	DC&I, MFS, MIP&D	
660192	A*	Road Management Act 2004	s 122(1)	Power to charge and recover fees	DC&I	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660193	A*	Road Management Act 2004	s 123(1)	Power to charge for any service	DC&I, MFS, MIP&D	
660194	A*	Road Management Act 2004	sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	DC&I, MIP&D	
660195	A*	Road Management Act 2004	sch 2 cl 3(1)	Duty to make policy about controlled access roads	DC&I	
660196	A*	Road Management Act 2004	sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	DC&I	
660197	A*	Road Management Act 2004	sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	DC&I	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660198	A*	Road Management Act 2004	sch 2 cl 5	Duty to publish notice of declaration	DC&I	
660199	A*	Road Management Act 2004	sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	DC&I, MIP&D	Where Council is the infrastructure manager or works manager
660200	A*	Road Management Act 2004	sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	DC&I, MIP&D	Where Council is the infrastructure manager or works manager

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660201	A*	Road Management Act 2004	sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	DC&I, MIP&D	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
660202	A*	Road Management Act 2004	sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	DC&I, MIP&D	Where Council is the infrastructure manager or works manager
660203	A*	Road Management Act 2004	sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be	DC&I, MIP&D	Where Council is the infrastructure manager or works manager

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				significantly affected		
660204	A*	Road Management Act 2004	sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	MFS, MIP&D	Where Council is the coordinating road authority
660205	A*	Road Management Act 2004	sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	MFS, MIP&D	Where Council is the coordinating road authority
660206	A*	Road Management Act 2004	sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	MFS, MIP&D	Where Council is the coordinating road authority
660207	A*	Road Management Act 2004	sch 7 cl 12(5)	Power to recover costs	DC&I, MIP&D	Where Council is the coordinating road authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660208	A*	Road Management Act 2004	sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	DC&I, MIP&D	Where Council is the works manager
660209	A*	Road Management Act 2004	sch 7 cl 13(2)	Power to vary notice period	DC&I, MIP&D	Where Council is the coordinating road authority
660210	A*	Road Management Act 2004	sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	DC&I, MIP&D	Where Council is the infrastructure manager
660211	A*	Road Management Act 2004	sch 7 cl 16(1)	Power to consent to proposed works	DC&I, MIP&D	Where Council is the coordinating road authority
660212	A*	Road Management Act 2004	sch 7 cl 16(4)	Duty to consult	DC&I, MIP&D	Where Council is the coordinating road authority, responsible authority or infrastructure manager



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660213	A*	Road Management Act 2004	sch 7 cl 16(5)	Power to consent to proposed works	DC&I, MIP&D	Where Council is the coordinating road authority
660214	A*	Road Management Act 2004	sch 7 cl 16(6)	Power to set reasonable conditions on consent	DC&I, MIP&D	Where Council is the coordinating road authority
660215	A*	Road Management Act 2004	sch 7 cl 16(8)	Power to include consents and conditions	DC&I, MIP&D	Where Council is the coordinating road authority
660216	A*	Road Management Act 2004	sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	DC&I, MIP&D	Where Council is the coordinating road authority
660217	A*	Road Management Act 2004	sch 7 cl18(1)	Power to enter into an agreement	DC&I, MIP&D	Where Council is the coordinating road authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660218	A*	Road Management Act 2004	sch7 cl 19(1)	Power to give notice requiring rectification of works	DC&I, MIP&D	Where Council is the coordinating road authority
660219	A*	Road Management Act 2004	sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DC&I, MIP&D	Where Council is the coordinating road authority
660220	A*	Road Management Act 2004	sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DC&I, MIP&D	Where Council is the coordinating road authority
660221	A*	Road Management Act 2004	sch 7A cl 2	Power to cause street lights to be installed on roads	DC&I, MIP&D	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
660222	A*	Road Management Act 2004	sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is	DC&I, MIP&D	Where Council is the responsible road authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				not an arterial road		
660223	A*	Road Management Act 2004	sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	DC&I, MIP&D	Where Council is the responsible road authority
660224	A*	Road Management Act 2004	sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	DC&I, MIP&D	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)
660292	A*	Cemeteries and Crematoria Regulations 2015	r 24	Duty to ensure that cemetery complies with depth of burial requirements	HC, MFS, SCFS	
660293	A*	Cemeteries and Crematoria Regulations	r 25	Duty to ensure that the cemetery complies with the requirements for	HC, MFS, SCFS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		2015		interment in concrete-lined graves		
660294	A*	Cemeteries and Crematoria Regulations 2015	r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	HC, MFS, SCFS	
660329	A*	Cemeteries and Crematoria Regulations 2015	r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	Not applicable	
660295	A*	Cemeteries and Crematoria Regulations 2015	r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	Not applicable	
660296	A*	Cemeteries and Crematoria Regulations 2015	r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	Not applicable	
660297	A*	Cemeteries and Crematoria Regulations 2015	r 30(2)	Power to release cremated human remains to certain persons	Not applicable	Subject to any order of a court

## Rural City of Wangaratta

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660298	A*	Cemeteries and Crematoria Regulations 2015	r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	Not applicable	
660299	A*	Cemeteries and Crematoria Regulations 2015	r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	Not applicable	
660300	A*	Cemeteries and Crematoria Regulations 2015	r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	Not applicable	
660301	A*	Cemeteries and Crematoria Regulations 2015	r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	Not applicable	
660302	A*	Cemeteries and Crematoria Regulations 2015	r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	DC&I, MFS	
660303	A*	Cemeteries and Crematoria Regulations	r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in	HC, SCFS	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		2015		accordance with paragraphs (a)-(c)		
660304	A*	Cemeteries and Crematoria Regulations 2015	r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	HC, SCFS	
660305	A*	Cemeteries and Crematoria Regulations 2015	r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	HC, SCFS	
660306	A*	Cemeteries and Crematoria Regulations 2015	r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	HC, SCFS	
660307	A*	Cemeteries and Crematoria Regulations 2015	r 40	Power to approve a person to play sport within a public cemetery	DC&I, MFS	
660308	A*	Cemeteries and Crematoria Regulations 2015	r 41(1)	Power to approve fishing and bathing within a public cemetery	DC&I, MFS	

## Rural City of Wangaratta

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660309	A*	Cemeteries and Crematoria Regulations 2015	r 42(1)	Power to approve hunting within a public cemetery	DC&I, MFS	
660310	A*	Cemeteries and Crematoria Regulations 2015	r 43	Power to approve camping within a public cemetery	DC&I, MFS	
660311	A*	Cemeteries and Crematoria Regulations 2015	r 45(1)	Power to approve the removal of plants within a public cemetery	MFS	
660312	A*	Cemeteries and Crematoria Regulations 2015	r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	DC&I, MFS	
660313	A*	Cemeteries and Crematoria Regulations 2015	r 47(3)	Power to approve the use of fire in a public cemetery	DC&I, MFS	

## Rural City of Wangaratta

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660314	A*	Cemeteries and Crematoria Regulations 2015	r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	HC, MFS, SCFS	
660315	A*	Cemeteries and Crematoria Regulations 2015		Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	Not applicable	
660316	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	DC&I, MFS	See note above regarding model rules
660317	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	HC, MFS, SCFS	See note above regarding model rules
660318	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	DC&I, MFS	See note above regarding model rules



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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660319	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	HC, MFS, SCFS	See note above regarding model rules
660320	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	HC, MFS, SCFS	See note above regarding model rules
660321	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 8	Power to approve certain mementos on a memorial	HC, MFS, SCFS	See note above regarding model rules
660322	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	HC, MFS, SCFS	See note above regarding model rules
660323	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	HC, MFS, SCFS	See note above regarding model rules
660324	A*	Cemeteries and Crematoria Regulations	sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment	HC, MFS, SCFS	See note above regarding model rules

## Rural City of Wangaratta

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		2015		and buildings for ceremonies		
660325	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	HC, MFS, SCFS	See note above regarding model rules
660326	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 16(1)	Power to approve construction and building within a cemetery	DC&I, MFS	See note above regarding model rules
660327	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	HC, MFS	See note above regarding model rules
660328	A*	Cemeteries and Crematoria Regulations 2015	sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	HC, MFS	See note above regarding model rules
660225	A*	Planning and Environment Regulations 2015	r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	DS&C, MSS, PCBPC, SPSGE	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend

## Rural City of Wangaratta

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
						the planning scheme to designate Council as an acquiring authority.
660226	A*	Planning and Environment Regulations 2015	r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	DS&C, MSS, PCBPC	
660274	A*	Planning and Environment Regulations 2015	r.25(a)	Duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements	DS&C, MSS, PCBPC	Where Council is the responsible authority
660275	A*	Planning and Environment Regulations 2015	r.25(b)	Function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available in accordance with the public availability requirements	DS&C, MSS, PCBPC	Where Council is not the responsible authority but the relevant land is within Council's municipal district

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660227	A*	Planning and Environment Regulations 2015	r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	DS&C, MSS, PCBPC, SPBPC, SPSGE	where Council is not the planning authority and the amendment affects land within Council's municipal district; or  where the amendment will amend the planning scheme to designate Council as an acquiring authority.
660264	A*	Planning and Environment (Fees) Regulations 2016	r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	DS&C, MSS	
660335	A*	Planning and Environment (Fees) Regulations 2016	r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DS&C, MSS	
660265	A*	Planning and Environment (Fees) Regulations 2016	r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	DS&C, MSS	

## Rural City of Wangaratta

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660253	A*	Road Management (General) Regulations 2016	r 8(1)	Duty to conduct reviews of road management plan	DC&I, MIP&D	
660254	A*	Road Management (General) Regulations 2016	r 9(2)	Duty to produce written report of review of road management plan and make report available	DC&I, MIP&D	
660332	A*	Road Management (General) Regulations 2016	r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	DC&I, MIP&D	Where Council is the coordinating road authority
660255	A*	Road Management (General) Regulations 2016	r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	DC&I, MIP&D	
660333	A*	Road Management	r 13(1)	Duty to publish notice of amendments to	DC&I,	where Council is the coordinating

## Rural City of Wangaratta

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		(General) Regulations 2016		road management plan	MIP&D	road authority
660256	A*	Road Management (General) Regulations 2016	r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	DC&I, MIP&D	
660257	A*	Road Management (General) Regulations 2016	r 16(3)	Power to issue permit	DC&I, MIP&D, TSC	Where Council is the coordinating road authority
660258	A*	Road Management (General) Regulations 2016	r 18(1)	Power to give written consent re damage to road	DC&I, MIP&D, TSC	Where Council is the coordinating road authority
660259	A*	Road Management (General) Regulations 2016	r 23(2)	Power to make submission to Tribunal	DC&I, DS&C	Where Council is the coordinating road authority
660334	A*	Road Management (General) Regulations	r 23(4)	Power to charge a fee for application	DC&I	Where Council is the coordinating

## Rural City of Wangaratta

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		2016		under s 66(1) Road Management Act		road authority
660260	A*	Road Management (General) Regulations 2016	r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CC, DC&I, MFS, MIP&D, SW, TSC, DEVE	Where Council is the responsible road authority
660261	A*	Road Management (General) Regulations 2016	r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	CC, DC&I, MFS, MIP&D	Where Council is the responsible road authority
660262	A*	Road Management (General) Regulations 2016	r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	DC&I, MIP&D	
660330	A*	Road Management (Works and Infrastructure) Regulations 2015	r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	DC&I, MIP&D	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act

## Rural City of Wangaratta

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
660331	A*	Road Management (Works and Infrastructure) Regulations 2015	r 22(2)	Power to waive whole or part of fee in certain circumstances	DC&I	Where Council is the coordinating road authority



## RURAL CITY OF WANGARATTA

### RELIANSYS® DELEGATIONS - EXPORT OF UPDATES BY REGISTER - NEW & CHANGED

### S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

Note - Exported provisions are separated into NEW and CHANGED groupings, sorted by Delegation Source and Section.

06 FEBRUARY 2025

Rural City of Wangaratta

**CHANGED Provisions**

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738892	Food Act 1984	s 19FA(1)	Power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program	EHO, MSS	Where Council is the registration authority  Subject to s 19FA(2), which requires a time limit for compliance to be specified
738893	Food Act 1984	s 19FA(3)(a)	Power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	EHO, MSS	Where Council is the registration authority  Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))

## Rural City of Wangaratta

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
738894	Food Act 1984	s 19FA(3)(b)	Power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	EHO, MSS	Where Council is the registration authority
738895	Food Act 1984	s 19FA(3)(c)	Power to suspend the registration of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	EHO, MSS	Where Council is the registration authority
756019	Road Management Act 2004	s 12(2)(b)	Function of providing consent to the Head, Transport for Victoria for the discontinuance of a road or part of a road	DC&I	



Rural City of **Wangaratta**

***Draft***  
**LOCAL LAW No 1**  
**Community Amenity 2025**

Adopted by Council on .....  
In operation from .....

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**Draft Local Law No. 1 – Community Amenity 2025**

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**PART A – INTRODUCTORY****TITLE**

This is the Rural City of Wangaratta Local Law No. 1 – Community Amenity Local Law and is referred to below as “this Local Law”.

**1. PURPOSE OF THIS LOCAL LAW**

The purpose of this Local Law is to:

- 1.1 revoke Local Law No. 1 of 2018 – Community Amenity made by Council;
- 1.2 provide for and assure equitable, orderly and enjoyable use by people of community facilities, including roads;
- 1.3 protect Council Property and other community assets from loss or unnecessary or avoidable damage;
- 1.4 support provision by Council of a safe, clean and healthy environment in areas under its control and management; and
- 1.5 provide generally for the peace, order and good government of the Municipal District.

**2. ENABLING POWER AND COMMENCEMENT**

This Local Law is made under section 71 of the *Local Government Act 2020* (Vic) and comes into operation on the day that it is made by Council.

**3. DATE THIS LOCAL LAW CEASES OPERATION**

Unless this Local Law is revoked sooner, its operation will cease on the day that is 10 years after it is made.

**4. SCOPE AND STATUS OF THIS LOCAL LAW**

- 4.1 This Local Law operates throughout the Municipal District.
- 4.2 Upon this Local Law coming into operation, Local Law No. 1 of 2018 – Community Amenity made by Council is revoked.

**5. INCORPORATED DOCUMENTS**

Pursuant to section 76 of the *Local Government Act 2020*, the Waste Management Policy is incorporated into this Local Law.



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**6. DEFINITIONS**

In this Local Law, unless inconsistent with the context, the following definitions apply:

**Act** means the Local Government Act 2020;

**Advertising Sign** means any placard, board, sign, card, teardrop flag, partition or banner, whether electronic or mechanical, portable or affixed or attached to any land or building, that contains an advertisement;;

**Animal** means all vertebrate and invertebrate species and other mammals, birds, fish and shellfish, but does not include a human being;

**Applicant** means a person who applies for a Permit under this Local Law;

**Appropriate Fee** means the fee determined by Council from time to time in respect of a particular matter in accordance with this Local Law;

**Approved Bin** has the meaning given by the Waste Management Policy;

**Approved Toilet System** means an existing toilet facility connected to a sewerage or a temporary effluent system that does not cause odours or detriment to the amenity of the area in which the toilet facility is located and is kept in a clean and sanitary condition at all times;

**Asset** means any Council-owned infrastructure asset and other property vested in, or under the control of, Council. **Asset Protection Permit** means a Permit issued by Council under Clause 32 of this Local Law;

**Asset Protection Permit Bond** means a sum of money the amount of which has been determined by Council or an Authorised Officer after taking account of:

- a. the nature of the Building Works;
- b. likely costs that would be incurred for repairs to Council Infrastructure Assets if damage does occur to them, during or as a result of the Building Works;
- c. requirements which are commonly applied in comparable situations; and
- d. any relevant Commonwealth or State government legislation or policy directives;

**Assistance Dog** has the same meaning as in the *Equal Opportunity Act 2010*;

**Authorised Officer** means a person appointed by Council to be an Authorised Officer under section 224 of the *Local Government Act 1989*;

**Barbeque** means any structure or device erected outdoors, whether fixed, portable or mobile, which has as its primary purpose the cooking of food for human or animal consumption; **Bicycle Path** has the same meaning as in the *Road Safety Road Rules 2009*;

**Bird** means a [warm-blooded](#) egg-laying [vertebrate](#) animal distinguished by the possession of feathers, wings, a [beak](#), and typically by being able to fly.

**Building Waste Container** means a waste container of a size and shape that is appropriate for the deposit of waste generated during Building Works which has solid walls and a lid that can be closed securely at all times;

**Building Works** means any works, whether or not a building permit is required under the *Building Act 1993* or equivalent legislation, and includes any work with respect to construction, demolition, renovation, alteration or removal of any building or structure;

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**Bulk Rubbish Container** means a bin, skip or other container used for the deposit of waste (including trade waste, building waste and other bulk waste) but excludes a Garbage Bin used in connection with the Collection Service;

**Charity Donation Bin** means a receptacle used for the donation of clothing or household goods of a type which the organisation owning the bin indicates can be deposited there;

**Chief Executive Officer** means the person appointed to, or acting in, the position of Chief Executive Officer of Council;

**Clause** means a clause of this Local Law;

**Collection Service** has the meaning given by the Waste Management Policy;

**Commercial Area** means any part of the Municipal District which is zoned 'Commercial', including land which is zoned 'Mixed Use', 'Commercial 1' and 'Commercial 2', under the Municipal Planning Scheme;

**Council** means the Rural City of Wangaratta;

**Council Infrastructure Asset** means any physical asset owned by, vested in or under the care, control or management of Council, including but not limited to any Road, drain, tree, vegetation, pavement, kerb, street furniture, sign, pole, light, batter or retaining wall;

**Council Land** means any land, including a road reserve, owned by, vested in or under the care, control or management of Council, other than a Road;

**Council Property** includes any Road, Council Land, Council Infrastructure Asset and building or other structure, fixture, fitting, equipment or furnishing or other such asset, which is owned by or under the control or care or management of Council;

**Designated Camping Area** means an area designated by Council from time to time to be an area set aside for camping.

**Droving of Livestock** means the driving of Livestock from one location to another within or through the Municipal District for the purpose of:

- a. changing their grazing area;
- b. sale; or
- c. relocation after sale;

across Council Land or Roads but does not include Movement of Livestock;

**Floating Vessel** means any kayak, canoe, boat, yacht, raft, tyre tube or any other object that can carry a person on or in water;

**Floodlighting** means any lighting designed for the purpose of providing exterior floodlighting for recreation, entertainment, sporting, security, car parking, advertising or display purposes and providing lighting output greater than 4,000 lumens;

**Grazing of Livestock** means the use of a Road within part of the Municipal District, as determined by Council from time to time, for the purpose of grazing livestock but does not include Droving of Livestock or Movement of Livestock;

**Hard Waste** has the meaning given by the Waste Management Policy;

**Heavy Vehicle** has the same meaning as in the *Heavy Vehicle National Law (Victoria)*;

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**Home Delivery** means the delivery of goods or services to an Owner or Occupier of land, where the delivery takes place and is completed on that land;

**Incinerator** means a structure, device or 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 any matter, material or substance;
- b. not licensed or otherwise subject to control under the provisions of any Act; and
- c. not a Barbeque;

**Industrial Area** means any part of the Municipal District which is zoned 'Industrial', including land which is 'Industrial 1' under the Municipal Planning Scheme;

**Itinerant Trading** means selling, or offering for sale, goods or services from a temporary location or from place to place or from a vehicle or other form of transport;

**Licensed Premises** means any hotel, tavern, bottle shop, bar, nightclub or other premises from which Liquor is sold;

**Liquor** has the same meaning as in the *Liquor Control Reform Act 1998*;

**Litter Device** means an apparatus designed for the purpose of removing animal excrement, and includes a paper or plastic bag;

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

**Motor Home** means any vehicle designed for temporary accommodation purposes, including campervans;

**Movement of Livestock** means individual or regular movements of Livestock:

- a. as part of normal farm management operations of a single farming enterprise;
- b. from one property to another within the Municipal District; and
- c. at a rate not less than one kilometer per hour in the direction of movement between the properties,

where:

- a. the properties concerned are occupied by a single farming enterprise; and
- b. the movement is completed on the same day that it commenced;

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

**Municipal District** means the area proclaimed under the Act to be under the local government of Council;

**Municipal Planning Scheme** means the Wangaratta Planning Scheme;

**Municipal Reserve** means any Council Land dedicated or used for environmental, cultural, recreational or entertainment purposes;

**Notice to Comply** is a notice prepared in accordance with Clause 96 of this Local Law;

**Occupier** means the person or persons in charge, or having the management or control, of or legally entitled to occupy any land (including premises) and includes, in relation to land which has a lot entitlement or lot liability in respect of common property, the Owners Corporation created on the registration of a Plan of Subdivision affecting that land;

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**Owner**, in relation to any land (including a Site or premises) means the person who is registered on the certificate of title as the owner of the land or the person who is or is entitled to exercise any rights of ownership of the land;

**Penalty Unit** has the meaning ascribed to it by section 110 of the *Sentencing Act 1991*;

**Permit** means a permit issued under and in accordance with this Local Law;

**Permit Holder** means a person or persons in whose name or names a Permit has been issued;

**Poultry** means any chicken, duck, fowl, and other domestic fowl or similar sized bird but does not include a Rooster;

**Property Address** means the road name and street number allocated to a property within the Municipal District and may include, where there are multiple tenements within a property or multiple properties at one street number, the use of lot or unit numbers;

**Public Place** has the same meaning as in section 3 of the *Summary Offences Act 1966*;

**Premises** means the whole or part of any land, a lot on a plan of subdivision and a building or building under construction;

**Racing Pigeon** means a pigeon that is kept by a person who is a registered, current member of a recognised National or State Homing or Racing Pigeon Association;

**Rail Trail** means the multi-use recreational pathway developed on a former railway easement and set aside for recreational use and those areas of Council owned or managed land that links those areas of former railway reserve, forming a continuous sealed bike path from Wangaratta to Everton;

**Rail Trail Reserve** means the Crown land reserved for Public Purposes (Rail Trail) in the various Parishes in the Municipal Districts of Council and the Alpine and Indigo Shires as follows:

- a. Bright and Porepunkah as shown red on the plan marked LEGL./98-52;
- b. Barwidgee and Porepunkah as shown red on the plan marked LEGL./97- 191;
- c. Barwidgee as shown red on the plan marked LEGL./97-190;
- d. Myrtleford as shown red on the three plans marked LEGL./96-461;
- e. Myrtleford and Murrunggee as shown red on the plan marked LEGL./99-41;
- f. Murrunggee as shown red on the plan marked LEGL./99-40;
- g. Everton and Murrunggee as shown red on the plan marked LEGL./99-39;
- h. Everton and Murrunggee as shown red on the plan marked LEGL./99-42;
- i. Beechworth as shown red on the plan marked LEGL./99-43;
- j. Tarrawingee and Everton as shown red on the plan marked LEGL./99-38;
- k. Carraragarmunggee as shown red on the plan marked LEGL./99-37;
- l. Carraragarmunggee (Bowser)– additions to Murray to the Mountains Rail Trail 2007421 as shown red on Map C,

lodged in the Land Registry;

**Recreational Vehicle** includes any mini bike, trail bike, quad bike, motor bike, motor car, motor scooter, go cart and any other vehicle propelled by a motor which is used

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for recreational purposes and not registered under the *Road Safety Act 1986* but does not include a motorised wheelchair or other aid used by persons with disabilities or motorised vehicles used for farming purposes;

**Residential Area** means any part of the Municipal District which is zoned 'Residential', including land which is zoned 'General Residential', 'Neighbourhood Residential', 'Residential Growth', 'Low Density Residential', and 'Township' and for this local law also includes 'Rural Living' under the Municipal Planning Scheme;

**Retailer** means a person who sells goods by retail and provides Shopping Trolleys to their customers;

**Road** has the same meaning as in the *Local Government Act 1989*;

**Schedule** means a Schedule to this Local Law;

**Sediment Fencing/Barriers** means a filter fence, sausage or other similar control measure, that prevents sediment, slurry, silt, soil and other materials being transported off Site by water;

**Separated Footpath** has the same meaning as in the *Road Safety Road Rules 2009*;

**Service Authority** means any public authority or corporation other than Council, whether a government department, a government agency, a statutory body or a private sector corporation, responsible for providing infrastructure or utility facilities or services to the community;

**Shared Pathway** means an area open to the public (except a separated footpath) that is designated for, or has as one of its main uses, use by both the riders of bicycles and pedestrians, and includes a length of path for use by both bicycle riders and pedestrians beginning at a shared path sign or shared path road marking and ending at the nearest of the following:

- a. an end shared path sign or end shared path road marking;
- b. a no bicycles sign or no bicycles road marking;
- c. a bicycle path sign or bicycles path road marking;
- d. a Road (except a road related area);
- e. the end of the path;

**Shopping Trolley** means a vehicle used primarily for the carriage of goods by customers of a Retailer;

**Site** means the land where Building Works are occurring and includes any land to which Building Works relate;

**Site Fencing** means a fence around the entire perimeter of a Site at the commencement and for the duration of the Building Works:

- a. at a height of not less than eighteen hundred (1800) millimetres;
- b. capable of preventing litter from being transported from a building Site by wind;
- c. capable of preventing unauthorised persons accessing the Site; and
- d. having not more than one access opening fitted with gates, which is located to correspond with the vehicle crossing for the Site;

**Site Identification** means a sign that is at least six hundred (600) millimetres in height and four hundred (400) millimetres in length, is erected at the entrance to the Site and is clearly visible from the road, and includes on the sign the:

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- a. lot number, as described on the Certificate of Title relevant to the land;
- b. name of the Owner, developer or builder responsible for the Site;
- c. relevant building surveyor's contact name and phone number; and
- d. twenty-four (24) hour contact telephone number or numbers for the Owner, developer or builder responsible for the Site;

**Stormwater System** means the system that provides for the conveyance of stormwater runoff including kerb and channel, open channels, underground pipe systems and natural waterways;

**Trade Waste** means any refuse, rubbish, slops or other waste matter arising from or generated by any trade, industry or commercial undertaking;

**Vehicle** has the meaning as in section 3 of the *Road Safety Act 1986*;

**VicRoads** means the Roads Corporation; and

**Waste Management Policy** means the Waste Management Policy 2025 adopted by Council at the time of making this Local Law, as amended or replaced by Council from time to time, which is incorporated by reference into this Local Law.

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**PART B – MUNICIPAL BUILDINGS****7. ACCESS TO MUNICIPAL BUILDINGS**

7.1 Council may from time to time determine:

- 7.1.1 the hours when any Municipal Building will be open to the public; and
- 7.1.2 conditions of, or limitations on, use of Municipal Buildings that apply to any Municipal Building or class of Municipal Buildings specified.

7.2 A person must not, without a Permit:

- 7.2.1 enter or remain in a Municipal Building during hours in which the Municipal Building is not open to the public;
- 7.2.2 organise any function or event in a Municipal Building;
- 7.2.3 hawk, sell, offer for sale or hire out or supply or promote any goods, articles or services in a Municipal Building;
- 7.2.4 enter or remain in any part of a Municipal Building not set aside for public use;
- 7.2.5 enter a Municipal Building other than through an entrance provided for the purpose of public entry;
- 7.2.6 bring any Animal, other than an Assistance Dog, into, or allow any Animal under their control to remain in, a Municipal Building;
- 7.2.7 bring any Vehicle or Recreational Vehicle into a Municipal Building, except for:
  - 7.2.7.1 a pram or pusher being used by a parent to transport a child;
  - 7.2.8 wheelchair being used by a person with a disability; or
  - 7.2.8.1 a motorised mobility aid used by people with limited mobility;
- 7.2.9 bring into or deliver to a Municipal Building any Liquor;
- 7.2.10 bring into a Municipal Building any substance, liquid or powder which may:
  - 7.2.10.1 be dangerous, injurious or offensive to health;
  - 7.2.10.2 have the potential to foul, pollute or soil any part of the Municipal Building; or
  - 7.2.10.3 cause discomfort to any persons; or
- 7.2.11 ride a bicycle, scooter, skateboard, or in-line or roller skates, or similar device.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****8. PROHIBITION ON ENTRY TO A MUNICIPAL BUILDING**

8.1 An Authorised Officer may direct a person to leave a Municipal Building if the person is behaving in a manner that is threatening or harassing, or which interferes with the reasonable use and enjoyment of the Municipal Building by others.

8.2 A person to whom a direction is issued under Clause 8.1 must:

- 8.2.1 immediately leave the Municipal Building while; and
- 8.2.2 not re-enter the Municipal Building within twenty four (24) hours of the direction being issued under Clause 8.1, or for such longer period

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as may be notified by an Authorised Officer in writing.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**9. CONDUCT IN A MUNICIPAL BUILDING**

A person in a Municipal Building must not:

- 9.1 deposit any litter except in receptacles provided for that purpose; or
- 9.2 obstruct, hinder or interfere with any person employed by, or acting on behalf of, Council at the Municipal Building in the performance of their duties.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**



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**PART C – COUNCIL LAND****10. ACCESS TO COUNCIL LAND**

10.1 Council may from time to time:

determine:

- 10.1.1.1 conditions of, or limitations on, use that apply to any Council Land or a class of Council Land;
- 10.1.1.2 times during which certain Council Land will be open to the public; and
- 10.1.1.3 fees payable for entry onto certain Council Land; and
- 10.1.1.4 close certain Council Land or any part of it to the public for any purpose, including for maintenance.

10.2A person must not, without a Permit:

- 10.2.1 act in a manner that is contrary to any Council Sign on the Council Land;
- 10.2.2 enter or remain on Council Land during hours in which the Municipal Reserve is not open to the public;
- 10.2.3 enter or remain on Council Land without paying any applicable fee for entry;
- 10.2.4 organise any function or sports event on Council Land;
- 10.2.5 being a person other than a player, official or competitor at any organised sports event, or an Authorised Officer, enter or remain within or upon the playing arena of Council Land during the progress of such event;
- 10.2.6 hawk, sell, offer for sale or hire out or supply or promote any goods (including a vehicle), articles or services on any Council Land;
- 10.2.7 conduct any business, including personal training, on any Council Land;
- 10.2.8 enter or remain in any part of Council Land not set aside for public use;
- 10.2.9 drive, ride or park any Vehicle or Recreational Vehicle on Council Land, except on a designated access Road or in a designated parking area within the Council Land, except for:
  - 10.2.9.1 a pram or pusher being used to transport a child;
  - 10.2.9.2 a wheelchair being used by a person with a disability; or
  - 10.2.9.3 a motorised mobility aid used by people with limited mobility;
  - 10.2.9.4 a bicycle, scooter, skateboard, or in-line or roller skates;
- 10.2.10 use or permit to be used any powered and/or remote control model aeroplane, drone, powered water craft, powered car or similar thing on any Council Land;
- 10.2.11 swim in, wade through, enter for recreation purposes, or use any Floating Vessel upon, any lake, pond or excavation containing water located on or in any Council Land;
- 10.2.12 install or permit to be installed a gateway or other means of access between any Council Land and private property;

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- 10.2.13 use on any Council Land any amplifier, musical instrument or sound broadcasting equipment in a manner that interferes with the reasonable use and enjoyment of the Council Land by others;
- 10.2.14 install, erect or place on or in any Council Land any item, equipment or thing which may damage the Council Land or interfere with the use or enjoyment of the Council Land or any part thereof by any other person; or
- 10.2.15 bring onto any Council Land any substance, liquid or powder which may:
  - 10.2.15.1 be dangerous or injurious to health;
  - 10.2.15.2 have the potential to foul, pollute or soil any part of the Council Land; or
  - 10.2.15.3 cause discomfort to any persons.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****11. PROHIBITED CONDUCT ON COUNCIL LAND**

A person on any Council Land must not:

- 11.1 engage in, play or practice golf, archery or any like activity that is likely to interfere with public safety;
- 11.2 ride or lead a horse, except in areas designated and signposted for horse riding or leading;
- 11.3 interfere with any structure, notice, building or part thereof, fence, seat, tree or plant;
- 11.4 use any lifesaving or firefighting device unless during an emergency;
- 11.5 walk on flower beds or borders, damage native vegetation, dig or disturb the ground, climb steep banks or cliff faces, or enter any prohibited areas delineated as such by Council from time to time;
- 11.6 behave in a disorderly manner;
- 11.7 remain at any time when directed to leave by an Authorised Officer, notwithstanding that a fee or charge for admission may have been paid;
- 11.8 obstruct, hinder or interfere with the duties of any person employed by Council in the performance of their duties;
- 11.9 light a fire or allow any fire to remain alight except in a barbeque provided by Council
- 11.10 leave unextinguished or unattended a fire which they have lit or maintained; or
- 11.11 dump rubbish, green waste and/or grass clippings.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**PART D – USE OF COUNCIL LAND AND ROADS****12. COLLECTION OF FIREWOOD**

12.1A person must not collect any wood, for the purpose of fuelling a fire or for any other purpose, from any Council Land or Road.

12.2A person must not, without a Permit, collect firewood from Council firewood depots.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**13. DROVING OF LIVESTOCK**

A person must not, without a Permit, undertake Droving of Livestock on Council Land or a Road.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**14. GRAZING OF LIVESTOCK**

A person must not, without a Permit, undertake Grazing of Livestock on Council Land or a Road.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**15. STREET ACTIVITIES**

15.1A person must not, without a Permit, on any Council Land or Road:

15.1.1 display or permit to be displayed any goods;

15.1.2 place or allow to be placed an Advertising Sign;

15.1.3 place or allow to be placed any table, chair, barrier, stall or other street trading item.

15.2A person must not, without a Permit, undertake Itinerant Trading:

15.2.1 on any Road, Council Land or Public Place;

15.2.2 from land adjacent to any Road, Council Land or Public Place;

15.2.3 within 300 metres of a permanent business that is selling the same or a similar product, except as an approved trader being part of a stall, festival or other event approved by Council;

15.2.4 within 500 metres of a festival or other event approved by Council;

15.2.5 in a way that obstructs or restricts pedestrian or vehicular traffic;

15.2.6 in a way that obstructs or interferes with entry to or exit from any buildings or land;

15.2.7 in a way that obstructs or restricts the use of any footpath or Road;

15.2.8 in an area other than the area specified by Council in their Permit; or

15.2.9 in an area designated by Council as belonging to another Itinerant Trader under their Permit.

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15.3 Nothing in this Clause 15 applies to;

- 15.3.1 Home Delivery of:
  - 15.3.1.1 magazines or newspapers;
  - 15.3.1.2 goods purchased at another location; or
  - 15.3.1.3 goods where the delivery has been requested by the Occupier; or
- 15.3.2 the sale of fundraising products by persons duly authorised by a cultural, recreational, educational, welfare or charity-based facility or organisation which is established within the Municipal District.

15.4A person must not, without a Permit, busk on any Road, Council Land or Public Place with the object, or apparent object, of collecting money, except in an area designated by Council from time to time.

15.5A person must not, without a Permit, solicit or collect on any Road or on any Council Land or from house to house any gifts of money or subscriptions for any purpose other than fundraising for an educational or registered charitable organisation or a cultural or recreational facility or organisation established within the Municipal District.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**16. ITEMS ON COUNCIL LAND**

16.1A person must not, without a Permit or otherwise in accordance with this Local Law, place or keep or allow to be kept any thing, item, structure or goods of any kind on or over a Road or Council Land.

16.2An Owner of any land must ensure that no gate, door or other means of access from that land to a Road or Council Land opens outwards onto a Road or Council Land.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**17. ADVERTISING AND ADVERTISING SIGNS**

17.1A person must not, without a Permit, write, deface, place or affix any letter, figure, device, poster, sign or advertisement on any building, fence or other property under the control of or vested in Council.

17.2A person must not, without a Permit, erect or place an Advertising Sign on a Road or Council Land or any Council Property or cause or authorise another person to do so.

17.3A person must not, without a Permit, erect or place any structure, banner or the like, on or across any Council Land or any Road.

17.4 Nothing in this Clause 17 applies to an activity or act that is authorised under a Municipal Planning Scheme or State or Commonwealth legislation.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**18. SHOPPING TROLLEYS**

18.1A person must not leave a Shopping Trolley on a Road or in a Public Place except in an area designated for the leaving of shopping trolleys.

18.2A retailer who provides shopping trolleys for the use of customers must not leave a shopping trolley on a Road or in a Public Place except in an area

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designated for the leaving of shopping trolleys.

18.3A retailer who provides shopping trolleys intended for the use of customers must ensure that their name and trading name are clearly marked on the shopping trolley.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**19. CHARITY DONATION BINS**

A person must not, without a Permit, place, or allow to be placed, a Charity Donation Bin on a Road or Council Land or in any Public Place.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**20. STREET PARTIES, FESTIVALS AND PROCESSIONS**

A person must not, without a Permit, conduct, organise or otherwise hold a function in the nature of a street party, street festival or procession on a Road.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**21. FLOODLIGHTING**

Where Floodlighting is installed on land which may spill light onto adjoining property, it must be installed so that:

21.1 it is shielded with devices to prevent glare causing a nuisance outside the boundary of the site on which the Floodlighting is installed; and

21.2 the level of illumination emitted by the Floodlighting does not exceed 8 lux when measured at a height of 1.3 metres and a distance of 1.5 metres from the boundary of the property on which the Floodlighting is installed, whether the illumination is the result of direct, reflected or other incidental light.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**PART E – VEHICLES****22. USE OF VEHICLES ON COUNCIL LAND**

A person must not, without a Permit, use a Vehicle or Recreational Vehicle on any Council Land unless the land has been designated and signposted for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**23. USE OF RECREATIONAL VEHICLES ON PRIVATE LAND**

A person must not, without a Permit, use a Recreational Vehicle on any land in a Residential Area.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**24. REPAIR AND DISPLAY FOR SALE OF VEHICLES**

24.1A person must not, without a Permit on any Road or Council Land:

24.1.1 paint, service, dismantle or make any major repairs to any Vehicle;  
or;

24.1.2 display any Vehicle for sale,

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

24.2This Clause 24.1 does not apply to any minor repairs carried out to a Vehicle which has broken down and which are reasonably necessary to allow the Vehicle to be removed under its own propulsion.

**25. VEHICLES ON ROADS AND COUNCIL LAND**

25.1A person must not allow any Vehicle not currently registered with or having a permit from VicRoads or any other relevant authority to be left standing on any Road or Council Land.

25.2A person must not, without a Permit, allow any trailer, caravan, boat or other Vehicle unable to move on its own accord to be left standing on any Road or Council Land, other than a Designated Camping Area or in accordance with applicable parking restrictions, for longer than forty-eight (48) hours.

25.3A person must not abandon, leave or allow to be left on a Road or Council Land any Vehicle, including a trailer, caravan or Recreational Vehicle, that is in a state of disrepair that prevents it from being able to move under normal means, whether registered or not.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**PART F – CONDUCT GENERALLY****26. DAMAGING, DEFACING OR INTERFERING WITH COUNCIL PROPERTY**

26.1 Subject to Clause 26.2, a person must not alter, destroy, damage, write on, affix anything to, remove, or interfere with any Council Property.

26.2 A person must not, without a Permit:

- 26.2.1 plant, remove or interfere with any trees or plants (dead or alive) on or in any Council Land or Road;
- 26.2.2 alter, destroy, damage or interfere with a watercourse, ditch, creek, swale, gutter, drain, tunnel, bridge, levee, culvert or fence which belongs to or is under the control of Council;
- 26.2.3 alter, destroy, damage, interfere with or remove any thing belonging to Council in, on or from any Council Land or Road;
- 26.2.4 alter, destroy, damage, tamper or interfere with any parking meter or ticket machine;
- 26.2.5 take, destroy or damage any lair or nest or take any fauna or its lair or nest or take any skeletal remains on or in any Council Land or Road.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**27. VEHICLE CROSSINGS**

27.1 A person must not, without a Permit, install, construct, alter, or reconstruct a vehicle crossing, whether permanent or temporary.

27.2 Each point of Vehicle access from any land to a Road must have a vehicle crossing constructed and maintained to the standard approved by Council from time to time.

27.3 A person must not, without a Permit, allow any Vehicle to enter or leave any land except by way of a vehicle crossing constructed in accordance with this Clause 27.

27.4 Where a vehicle crossing is no longer required, the Owner must remove the vehicle crossing and reinstate the Road to its original condition, to the satisfaction of an Authorised Officer.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**28. CONSUMPTION OF LIQUOR OR POSSESSION IN UNSEALED CONTAINER AND BEHAVIOUR NEAR LICENSED PREMISES**

28.1 A person must not, without a Permit, in any place or area designated by Council from time to time:

- 28.1.1 consume or ingest any Liquor; or
- 28.1.2 have in their possession a bottle, can, wine cask or other receptacle, which contains Liquor and has been opened.

28.2 Clause 28.1 does not apply:

- 28.2.1 to a person in licensed premises or authorised premises under the

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*Liquor Control Reform Act 1998; or*

- 28.2.2 where the consumption of Liquor is taking place at an organised function conducted with a Permit or as part of a picnic with family and/or friends within a Municipal Reserve between sunrise and sunset, or such other hours as are determined by Council from time to time, provided that no nuisance is being caused in connection with the consumption of the Liquor.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****29. BICYCLES, SCOOTERS, SKATEBOARDS, IN-LINE AND ROLLER SKATES**

- 29.1 Council may from time to time designate areas of Council Land other than a road reserve in which the riding of a bicycle, scooter, skateboard, in-line or roller skates or similar device is prohibited.
- 29.2 Areas under Clause 29.1 will have Council Signs displayed advising of the prohibition.
- 29.3 A person must not ride a bicycle, scooter, a skateboard, or in-line or roller skates or similar device in an area designated by Council under Clause 29.1.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

- 29.4 This Clause 29 does not apply to a person with a disability or infirmity who is using a motorised mobility aid for its intended purpose.

**30. PROPERTY ADDRESS AND NUMBERS**

- 30.1 Council may allocate a Property Address to each property in the Municipal District and, from time to time, may make changes to Property Addresses.
- 30.2 For each property that has been allocated a Property Address under Clause 30.1, the Owner must mark the property with the street number allocated, which number must be of sufficient size, in such a position, made of such material and kept in such state of repair as to be clearly readable from the Road, which the property fronts, under all normal lighting conditions.
- 30.3 An Owner or Occupier must not use an address other than a Property Address for any property in the Municipal District.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****31. INCINERATORS AND BURNING**

- 31.1 A person must not, without a Permit, light, allow to be lit, or allow to remain alight any fire in the open air or in an Incinerator in a Residential Area, Commercial Area or Industrial Area.
- 31.2 This Clause 31 does apply to a fire that is:
- 31.2.1 authorised or directed to be lit under the provisions of any Act or Regulations or the Municipal Planning Scheme;
  - 31.2.2 in a Barbeque, pizza oven or other properly constructed appliance while it is being used for the exclusive purpose of cooking food;
  - 31.2.3 lit by a Service Authority carrying out training or fire hazard reduction activities; or
  - 31.2.4 lit for the purpose of the person enjoying their culture or practicing



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their religion,

31.3 provided that the fire is at all times appropriately located and managed so as to reduce, to the extent reasonably possible, any nuisance to neighbouring properties.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**32. BURNING OF MATERIALS**

32.1 A person must not, without a Permit, burn any of the following materials in the Municipal District:

- 32.1.1 plastic;
- 32.1.2 waste petroleum oil or any waste containing petroleum oil;
- 32.1.3 paints or empty paint containers;
- 32.1.4 pressurised cans;
- 32.1.5 textile fabrics;
- 32.1.6 rubber;
- 32.1.7 food waste; or
- 32.1.8 any other noxious or offensive material.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**33. CONDITION OF LAND**

33.1 An Owner or Occupier of land must not keep that land or allow that land to be kept in a manner which causes the land to become:

- 33.1.1 unsightly;
- 33.1.2 dangerous; or
- 33.1.3 detrimental to the general amenity of the area in which it is located.

33.2 Without limiting the generality of Clause 33.1, land may be unsightly or detrimental to the general amenity of the area in which it is located by the presence of:

- 33.2.1 unconstrained rubbish;
- 33.2.2 grass or undergrowth that exceeds 100mm in height;
- 33.2.3 machinery, Vehicle parts, scrap metal or other refuse being stored on the land;
- 33.2.4 noxious weeds or other invasive plants or vermin; or
- 33.2.5 offensive odours discernible beyond the land.

33.3 An Authorised Officer may direct an Owner to secure the Owner's land to prevent unauthorised entry.

33.4 An Owner of land to whom a direction is given under Clause 33.2 must comply with that direction.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**34. STORAGE OF DANGEROUS OR HAZARDOUS SUBSTANCES ON LAND**

An Owner or Occupier of any land must not, without a Permit, cause or allow their land to be used for storage of any dangerous or hazardous substances in a manner or in quantities which is or are dangerous or is or are likely to cause danger to life or property.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**35. STORAGE, VEHICLES AND MACHINERY**

35.1A person must not, without a Permit, use any land within a Residential Area or a Commercial Area for the storage of Vehicles or machinery or for the dismantling or breaking up of Vehicles or machinery.

35.2A person must not, without a Permit, use land which is used or intended to be used primarily for residential purposes for the repair or servicing of any Vehicle other than a Vehicle registered or normally housed at the address of that land.

35.3Nothing in Clauses 35.1 or 35.2 applies to a person who is using land in a manner permitted under the Municipal Planning Scheme.

35.4Nothing in Clause 35.1 and 35.2 applies to a person who, for recreational purposes, repairs, services, assembles, dismantles or stores old or second hand Vehicles or machinery provided that such activity is not conducted:

35.4.1 for financial gain or reward;

35.4.2 on more than two (2) Vehicles at any one time such that there are no more than two (2) Vehicles that are not registered with VicRoads on the land at any one time; or

35.4.3 in a manner which is unsightly or detrimental to the general amenity of the area.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**36. SHIPPING CONTAINERS AND TEMPORARY STRUCTURES**

A person, must not, without a Permit, place or keep or allow to be kept a shipping container or other like temporary structure on any land which is used or intended to be used primarily for residential purposes for any period longer than twenty eight (28) days.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**37. CAMPING**

37.1 A person must not, without a Permit, camp on Council Land or a Road in a tent, caravan, motor home or any other temporary or makeshift structure other than in a Designated Camping Area.

37.2 A person must not, without a Permit, occupy or cause to be occupied a tent, caravan, motor home, annex or similar structure on any land other than a Designated Camping Area

37.3Clause 37.2 does not apply to:

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- 37.3.1 the storage of a caravan or similar facility on any private property other than a Designated Camping Area, provided that:
- 37.3.1.1 there is a dwelling on the land; or
  - 37.3.1.2 the caravan, motor home or tent is not set up for ready use as overnight accommodation; and
  - 37.3.1.3 an annex is not attached to caravan or motor home; and
  - 37.3.1.4 the caravan, motor home or tent is not within 6 metres of the front of the land.
- 37.3.2 the reasonable use of a caravan, motor home or tent on private property other than a Designated Camping Area, provided that:
- 37.3.2.1 there is a dwelling on the land;
  - 37.3.2.2 the occupation does not exceed 28 days;
  - 37.3.2.3 no rent, licence fee or charge is paid by any person in respect of the occupation;
  - 37.3.2.4 the toilet, bathing and laundry facilities provided in the dwelling are made available without charge to the occupant/s of the caravan, motor home or tent;
  - 37.3.2.5 waste water from the caravan, motor home or tent is discharged to an approved waste water system and does not cause a nuisance or an offensive condition; and
  - 37.3.2.6 the caravan, motor home or tent is not located within 6 metres of the front of the property or 1.2 metres of any other boundary of the land, not more than 20 metres from the dwelling and no closer than 30 metres to a watercourse.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****38. TREES AND VEGETATION**

An Owner or Occupier of land must not allow any tree or part of a tree or any plant or part of a plant or other vegetation to grow on that land, so that it:

- 38.1 overhangs onto or over any footpath, naturestrip or Road abutting that land at a height of less than 2.5 metres from the level of the adjacent footpath, nature strip or Road;
- 38.2 obstructs or impairs the vision of the driver of a Vehicle travelling along a Road adjacent to or near the land or approaching the intersection adjacent to or near the land;
- 38.3 otherwise interferes with the safe and convenient use of any footpath, naturestrip or Road adjacent to or near the land; or
- 38.4 causes damage to or interference with any:
  - 38.4.1 fixture or other structure in a Road, or on Council Land; or
  - 38.4.2 drain vested in or under the control of Council.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**39. WASP NESTS AND BEES**

Upon becoming aware of the existence of a:

39.1a European wasp nest; or

39.2bee hive that is not suitably constructed and maintained, in accordance with any current relevant Code of Practice;

on land, the Owner or Occupier of the land must immediately take steps to cause the nest or hives to be destroyed.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**PART G – ANIMAL MANAGEMENT****40. APPLICATION OF THIS PART**

40.1 This Part does not apply to:

- 40.1.1 an Animal Shelter owned or contracted by Council;
- 40.1.2 a registered Animal Hospital or Veterinary Surgeon Practice;
- 40.1.3 any Animal keeping permitted by the Municipal Planning Scheme; or
- 40.1.4 any Animal in respect of which a Permit has been issued by another public authority.

**41. LIMITS ON NUMBER OF ANIMALS KEPT**

41.1A person must not, without a Permit, on any land in a Residential Area or a Commercial Area:

- 41.1.1 keep or allow to be kept any more of each species or group of Animals than is stated in Table 1 in this Clause 41; or
- 41.1.2 keep or allow to be kept any more than three (3) different species or groups of Animals listed in Table 1 in this Clause 41, at any time.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****TABLE 1**

Type of Animal or Bird	On land Less than 399m <sup>2</sup> In Townhouse, Apartments, Flats, Units	On Land 400-999m <sup>2</sup>	On Land 1000-3999m <sup>2</sup>	On Land 4000m <sup>2</sup> and Over (excludes Farm Zone)
Dogs	2	2	2	2
Cats	2	2	2	2
Poultry (except Roosters)	Prohibited	3	10	10
Roosters	Prohibited	Prohibited	Prohibited	0
Caged Birds (excluding Racing Pigeons)	3	5	10	20
Rabbits	1	2	4	4
Guinea Pigs, Ferrets and Hamsters	2	5	5	5
Reptiles	2	5	5	5
Racing Pigeons	Prohibited	20	20	100
Horse, Donkey, Alpacas or Similar	Prohibited	Prohibited	0	1 per 4,000m <sup>2</sup>
Cattle	Prohibited	Prohibited	0	1 per 4,000m <sup>2</sup>
Sheep & Goats	Prohibited	Prohibited	2	2 per 4,000m <sup>2</sup>
Pigs	Prohibited	Prohibited	Prohibited	1 per 4,000m <sup>2</sup>
Other Agricultural Animals	Prohibited	Prohibited	2	2 per 4,000m <sup>2</sup>

\*where (0) is nominated animal allowed but permit required.

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**42. RACING PIGEONS**

42.1A person must not keep or allow to be kept any Racing Pigeons on any land in a Residential Area or a Commercial Area unless the Racing Pigeons are housed in a properly constructed pigeon loft or similar structure which is:

- a) of a height not exceeding 2 metres;
- b) at least 1.5 metres from the boundary of any adjoining premises; and
- c) at least 10 metres distance from any dwelling whether on the same or on adjoining premises.

42.2A person must not, on any land in a Residential Area or a Commercial Area, construct or use or cause or suffer or permit to be constructed or used any pigeon loft unless it has adequate roofing, drainage and a floor paved with impervious material to the satisfaction of an authorised officer and is constructed in such a way as to be rat proof.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****43. REMOVAL OF ANIMAL FAECES**

43.1A person in charge of an Animal must:

- 43.1.1 remove any of that Animal's faeces that is deposited on any Road or Council Land; and
- 43.1.2 dispose of the Animal's faeces in a manner which does not cause any nuisance or health hazard to any person or detriment to the environment.

43.2A person in charge of an Animal on any Road or Council Land must carry a Litter Device suitable to clean up any faeces left by any Animal under their care or control and must produce such device upon being requested to do so by an Authorised Officer.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****44. ANIMAL HOUSING**

44.1The owner of an Animal and the Owner or Occupier of the land on which the Animal is housed must ensure that:

- 44.1.1 the animal housing is kept in a clean and sanitary condition to the satisfaction of an Authorised Officer;
- 44.1.2 the size of the enclosure or other form of housing is adequate to house the number of animals;
- 44.1.3 the animal housing meets the welfare needs of the Animal;
- 44.1.4 the animal housing is maintained in good repair so as to not cause nuisance to neighbouring premises;
- 44.1.5 the animal housing is constructed to prevent wastewater from entering into the stormwater system or discharging to adjoining premises; and
- 44.1.6 the land surrounding the animal housing is kept clear of materials which may harbour vermin.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**45. PROVISION OF EFFECTIVE FENCING TO CONTAIN ANIMALS**

The owner of an Animal and/or Livestock and the Owner of the land upon which that Animal is kept must ensure that the land is adequately fenced so as to prevent any and all Animals and/or Livestock being kept on the land from escaping from that land and straying onto any Council Land or Road or otherwise being at large.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**46. POWER TO IMPOUND ADDITIONAL ANIMALS**

Where a Magistrate has found a person to be in breach of Clause 41 and a Permit for additional Animals has not been granted, Council may enter the land on which the Animals are being kept and seize and dispose of any Animals being kept on land in breach of Clause 41 for the purpose of sale, re-homing or destruction.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**47. WANDERING ANIMALS**

47.1 The owner and person in charge of an animal must not allow that animal to wander from the property it is normally kept.

47.2 The owner and person in charge of an animal must ensure that the land in which the animal is normally kept is adequately fenced to prevent the animal from wandering at large.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**PART H – BUILDING SITE MANAGEMENT****48. PROTECTION OF COUNCIL INFRASTRUCTURE ASSETS DURING BUILDING WORKS**

48.1 The Owner of land must, at least seven (7) days before commencing or causing or allowing Building Works to commence on the land:

- 48.1.1 obtain an Asset Protection Permit; and
- 48.1.2 advise Council in writing of any existing damage to Council Infrastructure Assets adjacent to the Site.

48.2 An Asset Protection Permit may be subject to such conditions as Council or an Authorised Officer determines, including conditions:

- 48.2.1 requiring the payment of an Asset Protection Permit Bond;
- 48.2.2 requiring that certain works be done on or around the Site to protect Council Infrastructure Assets, the health and safety of the public, the environment and the amenity of the area or to be in accordance with the relevant legislative framework;
- 48.2.3 requiring that any or all Council Infrastructure Assets damaged in connection with the Building Works be repaired, replaced or re-instated within a specified time and to the satisfaction of Council or an Authorised Officer; and
- 48.2.4 requiring a temporary vehicle crossing to be installed to Council's or an Authorised Officer's specification before commencement of any Building Works or delivery of any equipment or materials to the Site.

48.3 If Council does not receive advice in writing as required under Clause 53.1.2, it will be presumed that there was no prior damage to any Council Infrastructure Assets prior to the commencement of the Building Works.

48.4 The Owner of land on which Building Works are being or have been carried out must repair to the satisfaction of Council or an Authorised Officer any damaged Council Infrastructure Assets adjacent to the land where the Building Works are taking or have taken place.

48.5 Upon completion of the Building Works, the amount of the Asset Protection Permit Bond:

- 48.5.1 may be retained by Council to offset the costs of carrying out any works in accordance with the Act and this Local Law;
- 48.5.2 may be refunded to the person who lodged it, upon Council's or an Authorised Officer's satisfaction that no damage has been caused, or that any damage caused has been repaired by, or on behalf of, that person to Council's or an Authorised Officer's satisfaction; and
- 48.5.3 must be supplemented by a further payment equal to the difference between the cost of carrying out any works in accordance with the Act and this Local Law and the amount of the Asset Protection Permit Bond, if Council or an Authorised Officer is satisfied that the amount of the Asset Protection Permit Bond is insufficient to meet such cost and it makes a demand for such payment in writing.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**



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**49. CONTAINMENT OF BUILDING SITES**

The Owner or Occupier of a Site must ensure that:

- 49.1 the Building Works being carried out on the Site are contained entirely within the Site;
- 49.2 all materials used in the Building Works are contained entirely within the Site;
- 49.3 the Site is provided with Site Fencing; and
- 49.4 gates or access points in the Site Fencing do not open out onto a Road or Council Land.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**50. ENTRY TO BUILDING SITES**

Subject to any conditions of an Asset Protection Permit, the Owner or Occupier of a Site must ensure that:

- 50.1 there is only one point of entry to the Site;
- 50.2 the point of entry to the Site is by way of a vehicle crossing, whether temporary or permanent;
- 50.3 any temporary or permanent vehicle crossing is constructed to the reasonable satisfaction of an Authorised Officer; and
- 50.4 no person enters or exits the Site other than by way of the specified vehicle crossing.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**51. BUILDING SITE IDENTIFICATION**

- 51.1 The Owner or Occupier of a Site must ensure that the Site is provided with clearly legible and clean Site Identification.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**52. APPROVED TOILET SYSTEMS**

- 52.1 The Owner or Occupier of any land on which Building Works are to occur must ensure that an Approved Toilet System is installed on the land prior to any Building Works commencing and is thereafter maintained for the duration of the Building Works to the satisfaction of the Authorised Officer.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**53. BUILDING SITE WASTE**

- 53.1 The Owner or Occupier of a Site must ensure that waste produced as a result of Building Works on the Site is:
  - 53.1.1 stored in a Building Waste Container;
  - 53.1.2 contained entirely within the Site;
  - 53.1.3 stored in a manner that does not attract the depositing of waste from

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sources other than the Site;

53.1.4 stored in a manner that does not cause detriment to the visual amenity of the area in which the Site is located; and

53.1.5 disposed of regularly, and, where that waste is in the form of stormwater, to a legal point of discharge, in accordance with Clause 56.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****54. PEDESTRIAN AND TRAFFIC HAZARDS, AND SAFETY**

54.1 The Owner or Occupier of a Site must ensure that Building Works on the Site do not interfere with the free and safe use by others of any Road or Council Land.

54.2 Without limiting the generality of Clause 59.1, the Owner or Occupier of a Site must adopt reasonable measures to:

54.2.1 minimise the amount of mud, dirt, sand, soil and stones deposited on the adjoining Roads or washed into the stormwater system;

54.2.2 prevent building clean-up, wash-down or other wastes being discharged offsite or allowed to enter the stormwater system;

54.2.3 prevent public access to any excavation works on or immediately adjacent to a Road; and

54.2.4 where pedestrians are diverted from a footpath, provide:

54.2.4.1 adequate signage advising of that diversion; and/or

54.2.4.2 an alternative route on a stable surface, protected from vehicular traffic.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****55. SOIL STOCKPILES**

55.1 The Owner or Occupier of a Site must ensure that soil that is stripped from the Site is stockpiled on the Site for re-use or is transported to a legal place of disposal.

55.2 Where soil is stockpiled on the Site, it must, unless otherwise advised by an Authorised Officer, be protected by Sediment Fencing/Barriers to ensure the retention of silt, sand and waterborne particles within the stockpile.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****56. DRAINS**

56.1 The Owner or Occupier of a Site must ensure that Building Works on the Site do not cause detriment to any Stormwater System or Asset.

56.2 For the purposes of Clause 62.1 detriment to a Stormwater System or Asset occurs if:

material, equipment, litter, waste, mud, silt, sand or another product emanating from Building Works enters or interferes with the Stormwater System or Asset; or

there is any alteration to or interference with a Stormwater System or Asset for which a Permit has not been issued.

56.3 The Owner or Occupier of a Site must ensure that the Site is provided with

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Sediment/Fencing Barriers that ensure the retention of silt and soil on site, and the retention of other water borne particles and pollutants for later transportation to a legal place of disposal.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**PART I – WASTE MANAGEMENT****57. COLLECTION SERVICES**

57.1 The Occupier of all land to which Council provides a Collection Service must comply with the Waste Management Policy.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

57.2 A person must not remove or interfere with an Approved Bin or its contents when the Approved Bin is left on a Road, or at any other collection point, without written authority from an Authorised Officer.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

57.3 Clause 57.2 does not apply to:

- 57.3.1 a person authorised by Council to remove an Approved Bin, or an employee of such person in the course of their employment;
- 57.3.2 the person placing the Approved Bin out for collection; or
- 57.3.3 an Authorised Officer in the course of their employment.

**58. SUSPENSION OF COLLECTION SERVICE**

58.1 If an Occupier of land to which a Collection Service or other waste service is provided:

- 58.1.1 has persistently contravened; or is persistently contravening,
- 58.1.2 any provision of this 'Part I Waste Management' and/or the Waste Management Policy, Council may suspend the provision of any Collection Service to the land.

58.2 Any suspension under clause 58.1 will:

- 58.2.1 be effected by written notice given, either personally or by post, to each Occupier of the land; and
- 58.2.2 be for such period, and subject to such conditions, as are specified in the notice.

58.3 If Collection Services to any land are suspended under clause 58.1, the Owner and the Occupier of the land must provide for waste generated from the premises to be disposed of:

- 58.3.1 in the manner required by the Waste Management Policy; or
- 58.3.2 if exempted from compliance with the Waste Management Policy, in the manner required by the conditions, if any, attached to that exemption.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****59. BULK RUBBISH CONTAINERS**

59.1 A person must not, without a Permit, place, cause or allow to be placed a Bulk Rubbish Container on a Road or Council Land.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**60. USE OF DRAINS AND LEGAL POINTS OF DISCHARGE**

60.1A person must not, without a Permit:

60.1.1 connect to;

60.1.2 alter;

60.1.3 interfere with;

60.1.4 excavate;

60.1.5 damage;

60.1.6 destroy; or

60.1.7 obstruct the function of, any drain under the control of Council unless Council has certified a plan of subdivision which necessitates that activity or otherwise permitted that activity under another Act.

60.2The Owner of land must ensure that all drainage servicing their land is maintained in sound working order and does not cause damage or nuisance to any other property, including Council Property.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**PART J – MURRAY TO THE MOUNTAINS RAIL TRAIL****61. APPLICATION**

61.1 This Part applies to land and activities within the Rail Trail Reserve.

61.2 This Part does not apply to:

61.2.1 an Authorised Officer or an employee of Council when acting in the course of their duties; or

61.2.2 a person acting in accordance with a lease, license, tenancy or permit granted or issued under an Act that is not subject to this Part, to the extent that the activities authorised by that lease, license, tenancy or permit are inconsistent with this Local Law.

61.3 Parts K and L of this Local Law apply to land and activities within the Rail Trail Reserve.

**62. POWERS OF COUNCIL OVER THE RAIL TRAIL**

62.1 Council may determine that a specified area or areas in the Rail Trail Reserve be set aside and permitted to be used for one or more of the following uses:

62.1.1 protection or management of Flora, Fauna, geological or geomorphological features or cultural values;

62.1.2 re-establishment or planting of Vegetation;

62.1.3 amenities or facilities for public use;

62.1.4 camping;

62.1.5 the playing of games or sport;

62.1.6 the lighting or maintaining of fires;

62.1.7 the riding, driving or leading of a horse or a mule or a donkey or a camel or the drawing of a Vehicle by any of those animals;

62.1.8 the parking of any Vehicle or Vehicles of a particular class or classes;

62.1.9 the passage of any Vehicle or Vehicles of a particular class or classes;

62.1.10 a Bicycle Path;

62.1.11 a Footway;

62.1.12 a Separated Footpath;

62.1.13 a Shared Pathway;

62.1.14 the conducting of a community event;

62.1.15 a commercial venture;

62.1.16 for the Droving and/or Grazing of Livestock (Exceptional circumstances only);

62.1.17 to cut and bale grass for hay; and

62.1.18 to conduct fuel reduction burns.

62.2A determination under Clause 62.1 must specify the times or periods during which the areas set aside may be used, the use for which the area has, or areas have, been set aside and any conditions of use.

62.3 If Council has determined that an area be set aside under Clause 62.1, it must cause a notice to be displayed in a conspicuous place in such a manner that

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the notice is reasonably likely to be seen by the persons about to enter the areas, indicating:

- 62.3.1 the area(s) so set aside;
- 62.3.2 the use for which the area has, or the areas have, been set aside; and
- 62.3.3 the conditions on, and times or periods during, which the use is permitted.

62.4 Council may determine that a specified area or areas in the Rail Trail Reserve be set aside as an area where access or entry is prohibited or restricted for:

- 62.4.1 a person who is in possession of Liquor;
- 62.4.2 a person who is in possession of any glass;
- 62.4.3 reasons of public safety;
- 62.4.4 the protection of Flora, Fauna, geological or geomorphological features or cultural values;
- 62.4.5 a person who is control of an animal including horses, camels, donkeys and other animals; and
- 62.4.6 the Droving of Livestock.

62.5A determination under Clause 62.4 must specify:

- 62.5.1 the times or periods during which entry or access is prohibited or restricted to an area or the conditions of entry to that area; and
- 62.5.2 the reasons why entry or access is prohibited or restricted.

62.6 If Council has determined that an area be set aside under Clause 62.4, it must cause a notice to be displayed in a conspicuous place in such a manner that the notice is reasonably likely to be seen by the persons about to enter the areas, indicating:

- 62.6.1 the areas so set aside;
- 62.6.2 any conditions of entry to the areas; and
- 62.6.3 the times or periods during which entry or access is prohibited or restricted.

62.7 Council may from time to time fix fees payable for entry to any part of the Rail Trail or the use of any facilities within the Rail Trail.

62.8 If Council has determined that fees are payable under Clause 62.8, it must cause notice of those fees to be displayed in a conspicuous place in such a manner that the notice is reasonably likely to be seen by the persons about to enter the areas.

62.9A person must not:

- 62.9.1 enter any part of the Rail Trail; or
- 62.9.2 use any facilities within the Rail Trail, without paying any applicable fees, or otherwise in contravention of any conditions, fixed by Council.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**63. VEHICLES**

63.1A person must not, without a Permit:

- 63.1.1 use, control or drive a Vehicle; or
- 63.1.2 park or leave a Vehicle standing, unless in an area set aside by Council for that purpose.

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**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

63.2 Clause 63.1 does not apply to:

- 63.2.1 a bicycle, unicycle, tricycle or scooter;
- 63.2.2 a battery powered bicycle or scooter with a power source of less than 200 watts;
- 63.2.3 a wheelchair being used by a person with a disability;
- 63.2.4 a motorised mobility aid used by people with limited mobility, provided that no damage to the Rail Trail will result from the use of the mobility aid and the maximum speed travelled by the mobility aid does not exceed 20km/per hour; or
- 63.2.5 any motorised Vehicle used in any part of the Rail Trail Reserve signed as a Shared Zone, provided that the maximum speed travelled by that Vehicle does not exceed 20km/per hour and all traffic signals are obeyed.

**64. AIRCRAFT, HELICOPTERS AND AIRBORNE CRAFT**

A person must not, without a Permit, launch, fly, land, control or operate any model aircraft, model helicopter, drone, aircraft, helicopter, glider, hang glider or similar flying machine, kite, hot air balloon or parachute.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****65. CAMPING**

A person must not, without a Permit, camp unless in an area set aside by Council for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****66. FIRE**

66.1 A person must not, without a Permit, light or maintain a fire unless :

- 66.1.1 in a place provided by Council for that purpose; or
- 66.1.2 in an area set aside by Council for that purpose.

66.2 A person must not leave unextinguished or unattended a fire which that person has lit or maintained.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****67. ERECTING OR USING BUILDINGS AND STRUCTURES**

A person must not, without a Permit:

- 67.1 erect or place any building or structure, including a fence; or
- 67.2 enter, occupy or use the whole or any part of any building or structure except a building or structure set aside by Council for that purpose and in accordance with any applicable conditions.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**



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**68. GAMES OR SPORTS**

A person must not, without a Permit, engage in any game or sport unless in an area set aside by Council for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**69. ORGANISED FUNCTION, FETE OR PUBLIC MEETING**

A person must not, without a Permit, participate in an organised function, concert, festival, tour, fete or public meeting or similar event unless in an area set aside by Council for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**70. PUBLIC ADDRESS**

A person must not, without a Permit, preach or deliver an address or use any amplifier, public address system, loud hailer or similar device.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**71. COMMERCIAL ACTIVITIES**

A person must not, without a Permit:

- 71.1 sell or offer any article for sale;
- 71.2 ply any Vehicle for hire or carry any passengers for fee or reward;
- 71.3 conduct any school or provide any form of instruction for gain;
- 71.4 display or advertise for sale, trade or hire any article, device, service or thing;
- 71.5 solicit or collect money or orders for goods, services or other purposes;
- 71.6 take part in or advertise any entertainment for gain;
- 71.7 give out, distribute, erect, leave, set up or display any handbill, placard, notice, pamphlet, book, paper, advertising matter or any like thing;
- 71.8 offer for hire any article, device or thing;
- 71.9 conduct a tour for gain or for commercial purposes; or
- 71.10 cultivate and/or plant any crops,

unless in an area set aside by Council for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**72. MACHINERY AND POWER TOOLS**

A person must not, without a Permit, operate any portable or stationary generator, air-compressor, chainsaw, oxy-acetylene or electrical cutting or welding apparatus or other machinery in the Rail Trail Area.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**73. BICYCLE PATHS AND FOOTPATHS**

A person must not, without a Permit, enter or use a Bicycle Path, Footpath, Separated Footpath or Shared Pathway unless in an area set aside by Council for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**74. HORSES**

A person must not, without a Permit, ride, drive or lead a horse, mule, donkey or camel, whether in a vehicle or not, within the Rail Trail Reserve unless in an area set aside by Council for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**75. LIVESTOCK**

A person must not, without a Permit:

75.1 undertake Droving of Livestock or Grazing of Livestock; or

75.2 erect any temporary or permanent fencing with respect to such activities.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**76. HAY MAKING**

A person must not, without a Permit, cut and bale hay.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**77. FIRE MINIMISATION**

A person must not, without a Permit, undertake fuel reduction burning.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**78. NATURAL, CULTURAL AND OTHER ASSETS**

78.1 A person must not:

78.1.1 take, cut, damage, displace, deface or interfere with any timber, tree, shrub, plant, wildflower or other vegetation;

78.1.2 enter any area which is set aside by Council for the:

78.1.2.1 re-establishment or planting of trees, shrubs, grass or other vegetation; or

78.1.2.2 protection of flora or fauna, geological or geomorphological features or cultural values;

78.1.3 plant or knowingly introduce any seed, tree, shrub, fern or other vegetation or any part of any tree, shrub or other vegetation;

78.1.4 take, destroy or damage any lair or nest or take any fauna or its lair or nest or take any skeletal remains;

78.1.5 move or interfere with any sign, notice-board, equipment, seat, table, gate, post, fence, bridge, facility, building or structure;

78.1.6 take any stone including any soil, sand or gravel or bricks from

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bridge or drainage structures; or

78.1.7 disturb the soil for activities such as cropping.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

78.2 Clause 78.1 does not apply to a person acting in accordance with a lease, license, permit or other authority under the *Extractive Industries Development Act 1995*, the *Mineral Resources (Sustainable Development) Act 1990* or the *Petroleum Act 1998*.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**79. GATES**

A person must leave any gate open except where the gate is already open, or otherwise in accordance with any directions displayed by Council.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**PART K – LOCAL LAW PERMITS****80. PERMITS**

- 80.1 Council or an Authorised Officer may issue a permit under this Local Law with or without conditions, or may refuse to issue the same.
- 80.2 Council or an Authorised Officer may from time to time determine:
- 80.2.1 the manner and form in which applications for permits under this Local Law should be made;
  - 80.2.2 the manner in which any Permit under this Local Law should be issued; and
  - 80.2.3 the fee for any application for a Permit.
- 80.3 Council or an Authorised Officer may waive, reduce or alter any fee for a Permit.
- 80.4 Council or an Authorised Officer may require a person making an application for a Permit to give public notice of the application in a manner specified from time to time by Council or the Authorised Officer.
- 80.5 Council or an Authorised Officer may require an applicant for a Permit to provide additional information before the application is determined.
- 80.6 A person who provides any false or misleading information in connection with an application for a Permit is guilty of an Offence.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****81. ISSUING OR REFUSING PERMITS**

- 81.1 In considering an application for a Permit, Council or an Authorised Officer may take into account any:
- 81.1.1 Council policy or guideline relevant to the subject matter of the application for the Permit;
  - 81.1.1.1 submission that may have been received where the application for the Permit has been notified to the public;
  - 81.1.1.2 comment on the application for the Permit that may have been made by any Service Authority, community organisation or other person; and
  - 81.1.1.3 other relevant matter.
- 81.2 Council or an Authorised Officer may decide:
- 81.2.1 to issue a Permit;
  - 81.2.2 to issue a Permit subject to conditions; or
  - 81.2.3 to refuse to issue a Permit.

**82. BREACH OF PERMIT CONDITIONS**

A person who fails to comply with a Permit or any condition of a Permit is guilty of an Offence.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**83. CANCELLATION AND AMENDMENT OF PERMITS**

83.1 Council or an Authorised Officer may cancel or amend a Permit if there has been a:

- 83.1.1 material misstatement or concealment of facts in relation to the application for the Permit;
- 83.1.2 material change in circumstances that has occurred since the Permit was issued; or
- 83.1.3 failure to comply with any condition or conditions subject to which the Permit was issued.

83.2 Council or the Authorised Officer must notify the Permit Holder of the Permit of the intention to amend or cancel the Permit and give the Permit Holder an opportunity to make a written submission before the Permit is amended or cancelled.

83.3 Despite Clause 83.2, where Council or an Authorised Officer determines that the activity authorised by the Permit will adversely affect the environment, the amenity of the area, or the health or safety of any person or property, the Permit may be suspended immediately pending consideration of any written submissions, and the Permit Holder must immediately cease all activities or things that would otherwise be allowed by the Permit.

**84. CORRECTION OF PERMITS**

84.1 Council may correct any Permit in relation to:

- 84.1.1 a clerical mistake or other error arising unintentionally or an omission; or
- 84.1.2 an evident material miscalculation of figures or an evident material mistake in the description of any person, thing or property referred to in the Permit.

84.2 Council must give notice of any correction of a Permit to the Permit Holder.

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**PART L – OTHER ADMINISTRATIVE AND ENFORCEMENT MATTERS****85. INCORPORATION OF POLICIES**

85.1 The following Policies are incorporated into this Local Law:

- 85.1.1 Local Law Policy LLP11 Droving of Livestock;
- 85.1.2 Local Law Policy LLP12 Grazing of Livestock; and
- 85.1.3 Local Law Policy LLP23 Using Footpaths.

**86. EXEMPTIONS**

86.1 No Permit is required under this Local Law where a person undertakes an activity or does any act or thing pursuant to and in accordance with a lease, licence or some other form of written consent given by Council or an Authorised Officer.

86.2 Council or an Authorised Officer may exempt a person or a class of persons from the application of, or need to comply with, this Local Law or any part of it, either generally or in a particular instance.

86.3 Any exemption:

- 86.3.1 must be in writing; and
- 86.3.2 may be subject to conditions.

**87. NOTICES TO COMPLY**

87.1 Council or an Authorised Officer may, by serving a Notice to Comply, direct any Owner, Occupier or other person to remedy any thing which constitutes a breach of this Local Law.

87.2 A Notice to Comply issued under this Local Law must:

- 87.2.1 specify the thing in breach of the Local Law;
- 87.2.2 specify the thing to be done or the work to be carried out to remedy the thing in breach of the Local Law; and
- 87.2.3 state the time and date by which the thing must be remedied.

87.3 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:

- 87.3.1 the amount of work involved;
- 87.3.2 the degree of difficulty;
- 87.3.3 the availability of necessary materials or other necessary items;
- 87.3.4 climatic conditions;
- 87.3.5 the degree of risk or potential risk; and
- 87.3.6 any other relevant matter.

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87.4 Any person who fails to remedy a thing in accordance with a Notice to Comply within the time specified is guilty of an offence.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

87.5 Nothing in this Local Law:

87.5.1 obliges Council or an Authorised Officer to serve a Notice to Comply; or

87.5.2 precludes Council or an Authorised Officer from both serving a Notice to Comply and also serving an Infringement Notice or prosecuting for an offence.

**88. POWER OF AN AUTHORISED OFFICER TO ACT IN URGENT CIRCUMSTANCES**

88.1 If:

88.1.1 a person has breached any provision of this Local Law in respect of which a Notice to Comply may be issued;

88.1.2 the breach threatens a person's or an animal's life or health, any property or the natural environment;

88.1.3 the circumstances are sufficiently urgent and the time necessary to serve and ensure compliance with a Notice to Comply may exacerbate that threat; and

the Authorised Officer has taken reasonable steps to obtain the approval of the Chief Executive Officer, an Authorised Officer may take such action as they consider necessary to abate or minimise the danger without serving a Notice to Comply if notice is given of:

88.1.4 the reasons for taking the action; and

88.1.5 the action taken,

to the person in breach of the provision of this Local Law in respect of which the action was taken as soon as practicable afterwards.

88.2 The action taken by an Authorised Officer under this Clause 88 must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.

88.3 Any costs incurred by Council to remove, remedy or rectify a situation under this Clause 88 may be recovered by Council from the person responsible.

**89. IMPOUNDING**

89.1 An Authorised Officer may seize and impound any thing which has been or is being used or possessed in contravention of this Local Law.

89.2 Where any thing has been impounded under Clause 89, Council or an Authorised Officer must, if it is practicable to do so, serve written notice of the impounding personally, by pre-paid mail or by email on the person who appears to be the Owner of the impounded thing.

89.3 An impounded thing must be surrendered to:

89.3.1 its Owner; or

89.3.2 a person acting on behalf of its Owner who provides evidence to the

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satisfaction of an Authorised Officer of their authority from the Owner,

89.4if:

89.4.1 evidence to the satisfaction of the Authorised Officer is provided of the Owner's right to the thing; and

89.4.2 any fee, determined by Council or an Authorised Officer from time to time, is paid.

89.5If an impounded item is not retrieved within fourteen (14) days of the notice of impounding being served or, if no notice of impounding was served, of the act of impounding, Council or an Authorised Officer may:

89.5.1 sell;

89.5.2 give away; or

89.5.3 destroy,

the impounded thing.

89.6Proceeds of any sale of an impounded thing, less any costs incurred by Council in impounding and selling the thing and complying with the requirements of this Local Law, are to be held by Council pending any claim by the Owner. If the Owner at any time provides reasonable proof of entitlement to the net proceeds of the sale of an impounded item, within six (6) months of the sale, payment of such must be made to that person.

89.7If no valid claim is made with the six (6) months period under Clause 89.6, any surplus proceeds of the sale may be used for municipal purposes.

## **90. OFFENCES**

90.1A person who contravenes or fails to comply with:

90.1.1 any provision of a Local Law;

90.1.2 any condition contained in a Permit issued under a Local Law; or

90.1.3 a Notice to Comply issued under Clause 89,

is guilty of an Offence and is liable to the penalty stated under the provision that is contravened.

90.2Where a person is found guilty of an offence under this Local Law they will be liable to:

90.2.1 a further penalty of one (1) penalty unit for each day during which the contravention continues; and

90.2.2 upon being found guilty of a second or subsequent offence, a penalty that is double the penalty stated under the provision that is contravened or twenty (20) penalty units, whichever is the lesser.

## **91. INFRINGEMENT NOTICES**

91.1An Authorised Officer may issue an Infringement Notice for an Offence, as an alternative to prosecution.

91.2The penalties fixed for Infringement Notices:

91.2.1 are set out in Schedule 1; or

91.2.2 where no penalty for an Infringement Notice is stated in Schedule 1, the penalty is two (2) Penalty Units.

## **92. PENALTIES UNDER THIS LOCAL LAW GENERALLY**



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92.1 If no penalty is fixed for an offence against this Local Law, the maximum penalty is twenty (20) Penalty Units.

**93. REQUIREMENT TO ACT FAIRLY AND REASONABLY**

93.1 In exercising any power under this Local Law, Council and an Authorised Officer must act fairly and reasonably and in proportion to the nature and extent of the breach of this Local Law.

**94. DELEGATION**

94.1 Pursuant to section 78 of the Act, Council:

- 94.1.1 delegates to the Chief Executive Officer all of its powers under this Local Law; and
- 94.1.2 authorises the Chief Executive Officer to delegate those powers to the holder of an office or position as a member of Council staff.

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**SCHEDULE 1****PENALTIES PRESCRIBED UNDER CLAUSE 75 OF THIS LOCAL LAW, FOR  
INFRINGEMENT NOTICE PURPOSES**

<b>RELEVANT CLAUSE</b>	<b>Penalty for a natural person</b>	<b>Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise</b>
7 Access to Municipal Buildings	Two (2) Penalty Units	--
8 Prohibition on entry to a Municipal Building	Two (2) Penalty Units	--
9 Conduct in a Municipal Building	Two (2) Penalty Units	--
10 Access to Council Land	Two (2) Penalty Units	--
11 Prohibited conduct on Council Land	Two (2) Penalty Units	--
12 Collection of Firewood	Two (2) Penalty Units	
13 Droving of Livestock	Two (2) Penalty Units	--
14 Grazing of Livestock	Two (2) Penalty Units	--
15 Street Activities	One (1) Penalty Unit	--
16 Items on Council Land	Two (2) Penalty Units	--
17 Advertising and Advertising Signs	Two (2) Penalty Units	--
18 Shopping trolleys	Two (2) Penalty Units	--
19 Charity Donation Bins	Two (2) Penalty Units	--

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<b>RELEVANT CLAUSE</b>		<b>Penalty for a natural person</b>	<b>Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise</b>
20	Street parties, festivals and processions	One (1) Penalty Unit	--
21	Floodlighting	Two (2) Penalty Units	Five (5) Penalty Units
22	Use of Vehicles on Council Land	Two (2) Penalty Units	--
23	Use of Recreational Vehicles on private land	Two (2) Penalty Units	--
24	Repair and Display for sale of Vehicles	Two (2) Penalty Units	Ten (10) Penalty Units
25	Vehicles on roads and Council Land	Two (2) Penalty Units	--
26	Damaging, defacing or interfering with Council Property	Four (4) Penalty Units	--
27	Vehicle crossings	Two (2) Penalty Units	Five (5) Penalty Units
28	Consumption of Liquor or possession in unsealed container and behaviour near Licensed Premises	Three (3) Penalty Units	--
29	Bicycles, scooters, skateboards, in-line and roller skates	One (1) Penalty Unit	--
30	Property address and numbers	Two (2) Penalty Units	--
31	Incinerators and burning	Five (5) Penalty Units	--
32	Burning of materials	Five (5) Penalty Units	

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RELEVANT CLAUSE		Penalty for a natural person	Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise
33	Condition of land	Five (5) Penalty Units	Ten (10) Penalty Units
34	Storage of dangerous or hazardous substances on land	Five (5) Penalty Units	--
35	Storage, vehicles and machinery	Two (2) Penalty Units	--
36	Shipping containers and temporary structures	Two (2) Penalty Units	--
37	Camping	One (1) Penalty Unit	--
38	Trees and vegetation	Two (2) Penalty Units	Five (5) Penalty Units
39	Wasp nests and bees	Two (2) Penalty Units	--
41	Limits on number of animals kept	Two (2) Penalty Units	--
42	Racing Pigeons	Two (2) Penalty Units	Five (5) Penalty Units
43	Removal of animal faeces	One (1) Penalty Unit	--
44	Animal housing	Two (2) Penalty Units	Ten (10) Penalty Units
45	Provision of effective fencing to contain animals	Two (2) Penalty Units	--
46	Power to Impound Additional Animals	Two (2) Penalty Units	--
47	Wandering Animals	Two (2) Penalty Units	--
48	Protection of Council Infrastructure Assets During Building Works	Five (5) Penalty Units	Ten (10) Penalty Units
49	Containment of building sites	Five (5) Penalty Units	Ten (10) Penalty Units

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<b>RELEVANT CLAUSE</b>		<b>Penalty for a natural person</b>	<b>Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise</b>
50	Entry to building sites	Five (5) Penalty Units	Ten (10) Penalty Units
51	Building site identification	One (1) Penalty Unit	Five (5) Penalty Units
52	Approved toilet systems	Five (5) Penalty Units	Ten (10) Penalty Units
53	Building site waste	Five (5) Penalty Units	Ten (10) Penalty Units
54	Pedestrian and traffic hazards, and safety	Five (5) Penalty Units	Ten (10) Penalty Units
55	Soil stockpiles	Five (5) Penalty Units	Ten (10) Penalty Units
56	Drains	Five (5) Penalty Units	Ten (10) Penalty Units
57	Collection Services	Two (2) Penalty Units	Five (5) Penalty Units
58	Suspension of Collection Services	Two (2) Penalty Units	--
67	Bulk Rubbish Containers	Two (2) Penalty Units	Five (5) Penalty Units
68	Use of drains and legal points of discharge	Ten (10) Penalty Units	--
63	Vehicles on the Rail Trail Reserve	Two (2) Penalty Units	--
64	Aircraft, helicopters and airborne craft on the Rail Trail Reserve	Two (2) Penalty Units	--
65	Camping on the Rail Trail Reserve	Two (2) Penalty Units	--
66	Fire in the Rail Trail Reserve	Five (5) Penalty Units	--
67	Erecting or using buildings and structures on the Rail Trail Reserve	Two (2) Penalty Units	--
68	Games or sports on the Rail Trail Reserve	Two (2) Penalty Units	--

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<b>RELEVANT CLAUSE</b>		<b>Penalty for a natural person</b>	<b>Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise</b>
69	Organised functions on the Rail Trail Reserve	Two (2) Penalty Units	--
70	Public address systems on the Rail Trail Reserve	Two (2) Penalty Units	--
71	Commercial activities on the Rail Trail Reserve	Two (2) Penalty Units	Ten (10) Penalty Units
72	Machinery and power tools on the Rail Trail Reserve	Two (2) Penalty Units	--
73	Bicycle Paths and footpaths on the Rail Trail Reserve	Two (2) Penalty Units	--
74	Horses on the Rail Trail Reserve	Two (2) Penalty Units	--
75	Livestock on the Rail Trail Reserve	Two (2) Penalty Units	--
76	Hay making on the Rail Trail Reserve	Two (2) Penalty Units	--
77	Fire minimisation on the Rail Trail Reserve	Two (2) Penalty Units	--
78	Natural, cultural and other assets on the Rail Trail Reserve	Two (2) Penalty Units	--
79	Gates on the Rail Trail Reserve	Two (2) Penalty Units	--
80.6	False representation to Council	Two (2) Penalty Units	Five (5) Penalty Units
82	Breach of Permit conditions	Five (5) Penalty Units	--
87.4	Non-compliance with Notice to Comply	Five (5) Penalty Units	Ten (10) Penalty Units



RURAL CITY OF  
**WANGARATTA**

## **LOCAL LAW NO. 1 OF 2018**

### **Community Amenity**

**Adopted by Council on 17 July 2018  
In operation from 3 August 2018**

[7526010: 21868610\_1]

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**Local Law No. 1 – Community Amenity Local Law**

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**PART A – INTRODUCTORY****1. TITLE**

This is the Rural City of Wangaratta Local Law No. 1 – Community Amenity Local Law and is referred to below as “this Local Law”.

**2. PURPOSE OF THIS LOCAL LAW**

The purpose of this Local Law is to:

- 2.1 revoke Local Law No. 1 of 2014 – Community Amenity (Amendment) and Local Law No. 3 of 2009 – Murray to the Mountains Rail Trail made by Council;
- 2.2 provide for and assure equitable, orderly and enjoyable use by people of community facilities, including roads;
- 2.3 protect Council Property and other community assets from loss or unnecessary or avoidable damage;
- 2.4 support provision by Council of a safe, clean and healthy environment in areas under its control and management; and
- 2.5 provide generally for the peace, order and good government of the Municipal District.

**3. ENABLING POWER AND COMMENCEMENT**

This Local Law is made under section 111 of the Act and comes into operation on 3 August 2018.

**4. DATE THIS LOCAL LAW CEASES OPERATION**

Unless this Local Law is revoked sooner, its operation will cease on 3 August 2028.

**5. SCOPE AND STATUS OF THIS LOCAL LAW**

- 5.1 This Local Law operates throughout the Municipal District.
- 5.2 Upon this Local Law coming into operation, Local Law No. 1 of 2014 – Community Amenity (Amendment) and Local Law No. 3 of 2009 – Murray to the Mountains Rail Trail made by Council are revoked.

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**6. DEFINITIONS**

In this Local Law, unless inconsistent with the context:

**Act** means the Local Government Act 1989;

**Advertising Sign** means any placard, board, sign, card or banner, whether portable or affixed or attached to any land, building or vehicle which:

- 6.1 provides information about a business or industry;
- 6.2 advertises goods, a service, an event or a competition; or
- 6.3 contains information or a promotion of a political nature;

**Animal** includes every species of quadruped and every species of bird and every species of reptile;

**Applicant** means a person who applies for a Permit under this Local Law;

**Appropriate Fee** means the fee determined by Council from time to time in respect of a particular matter in accordance with this Local Law;

**Approved Toilet System** means an existing toilet facility connected to a sewerage or a temporary effluent system that does not cause odours or detriment to the amenity of the area in which the Site is located and is kept in a clean and sanitary condition at all times;

**Asset** means any:

- 6.1 Road;
- 6.2 drain;
- 6.3 drainage infrastructure;
- 6.4 street tree;
- 6.5 street sign; or
- 6.6 other property vested in or under the control of Council;

**Asset Protection Permit** means a Permit issued by Council under Clause 32 of this Local Law;

**Asset Protection Permit Bond** means a sum of money the amount of which has been determined by Council or an Authorised Officer after taking account of:

- 6.1 the nature of the Building Works;
- 6.2 likely costs that would be incurred for repairs to Council Infrastructure Assets if damage does occur to them, during or as a result of the Building Works;
- 6.3 requirements which are commonly applied in comparable situations; and

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6.4 any relevant Commonwealth or State government legislation or policy directives;

**Assistance Dog** has the same meaning as in the *Equal Opportunity Act 2010*;

**Authorised Officer** means a person appointed by Council to be an Authorised Officer under section 224 of the Act;

**Barbeque** means a structure or device designed or constructed for the exclusive purpose of cooking food in the open air for human consumption;

**Bicycle Path** has the same meaning as in the *Road Safety Road Rules 2009*;

**Building Waste Container** means a waste container of a size and shape that is appropriate for the deposit of waste generated during Building Works which has solid walls and a lid that can be closed securely at all times;

**Building Works** includes:

6.1 any works with a value of \$10,000 or more with respect to the construction, demolition, renovation, alteration or removal of, or to, any building, structure or land or any work for which a permit is required under the *Building Act 1993* or any other legislation (including this Local Law); and

6.2 the relocation or removal of a building and/or structure irrespective of the value of the works;

**Bulk Rubbish Container** means a bin, skip or other container used for the deposit of waste (including trade waste, building waste and other bulk waste) but excludes a Garbage Bin used in connection with Council's waste or garbage collection service;

**Charity Donation Bin** means a container designed to receive used clothing and other household items for reuse or resale for charitable purposes;

**Chief Executive Officer** means the person appointed to, or acting in, the position of Chief Executive Officer of Council;

**Class of Persons** means all persons sharing a particular attribute, characteristic or other feature determined or described by Council from time to time for the purposes of clause 97.2 of this Local Law, and may include officers and members of the Country Fire Authority and other Service Authorities;

**Clause** means a clause of this Local Law;

**Commercial Area** means any part of the Municipal District which is zoned 'Commercial', including land which is zoned 'Mixed Use', 'Commercial 1' and 'Commercial 2', under the Municipal Planning Scheme;

**Construction Work** means building works or earthworks for which no permit under the *Building Act 1993* is required;

**Council** means the Rural City of Wangaratta;

**Council Infrastructure Asset** means any physical asset owned by, vested in or under the care, control or management of Council, including but not limited to any

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Road, drain, tree, vegetation, pavement, kerb, street furniture, sign, pole, light, batter or retaining wall;

**Council Land** means any land, including a road reserve, owned by, vested in or under the care, control or management of Council, other than a Road;

**Council Property** includes any Road, Council Land, Council Infrastructure Asset and building or other structure, fixture, fitting, equipment or furnishing or other such asset, which is owned by or under the control or care or management of Council;

**Droving of Livestock** means the driving of Livestock from one location to another within or through the Municipal District for the purpose of:

- 6.1 changing their grazing area;
- 6.2 sale; or
- 6.3 relocation after sale;

across Council Land or Roads but does not include Movement of Livestock;

**Floating Vessel** means any kayak, canoe, boat, yacht, raft, tyre tube or any other object that can carry a person on or in water;

**Floodlighting** means any lighting designed for the purpose of providing exterior floodlighting for recreation, entertainment, sporting, security, car parking, advertising or display purposes and providing lighting output greater than 4,000 lumens;

**Garbage Bin** means a receptacle supplied to a premises by Council for the purposes of collecting and disposing of household, commercial or industrial waste;

**Grazing of Livestock** means the use of a road within part of the Municipal District, as determined by Council from time to time, for the purpose of grazing livestock but does not include Droving of Livestock or Movement of Livestock;

**Hard Waste** means any substance or article Prescribed from time to time to be Hard Waste for the purposes of this Local Law;

**Heavy Vehicle** means a vehicle with a GVM of 4.5 tonnes or more;

**Home Delivery** means the delivery of goods or services to an Owner or Occupier of land, where the delivery takes place, and is completed, on that land;

**Household Organics** means organic waste, primarily from the kitchen, including egg shells, vegetable and fruit peels and cooked leftovers and meats, including bones;

**Household Organics Bin** means a receptacle supplied to a premises by Council for the purposes of collecting and disposing of Household Organics;

**Incinerator** means a structure, device or contraption (not enclosed in a building), which is:

- 6.1 used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance;

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6.2 not licensed or otherwise subject to control under the provisions of any Act;  
and

6.3 not a Barbeque;

**Industrial Area** means any part of the Municipal District which is zoned 'Industrial', including land which is 'Industrial 1' under the Municipal Planning Scheme;

**Infringement Notice** means a notice prepared in accordance with Clause 102 of this Local Law;

**Itinerant Trading** means selling, or offering for sale, goods or services from a temporary location or from place to place or from a vehicle or other form of transport;

**Licensed Premises** means any hotel, tavern, bottle shop, bar, nightclub or other premises from which Liquor is sold;

**Liquor** has the same meaning as in the *Liquor Control Reform Act 1998*;

**Litter Device** means an apparatus designed for the purpose of removing animal excrement, and includes a paper or plastic bag;

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

**Local Law** means a local law of Council;

**Motor Home** means any vehicle designed for temporary accommodation purposes, including campervans;

**Movement of Livestock** means individual or regular movements of Livestock:

6.1 as part of normal farm management operations of a single farming enterprise;

6.2 from one property to another within the Municipal District; and

6.3 at a rate not less than one kilometre per hour in the direction of movement between the properties,

where:

6.4 the properties concerned are occupied by a single farming enterprise; and

6.5 the movement is completed on the same day that it commenced;

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

**Municipal District** means the area proclaimed under the Act to be under the local government of Council;

**Municipal Planning Scheme** means a planning scheme approved under the *Planning and Environment Act 1987* that operates within the Municipal District;

**Municipal Reserve** means any Council Land dedicated or used for environmental, cultural, recreational or entertainment purposes;

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**Notice to Comply** is a notice prepared in accordance with Clause 96 of this Local Law;

**Occupier** means the person or persons in charge, or having the management or control, of or legally entitled to occupy any land (including premises) and includes, in relation to land which has a lot entitlement or lot liability in respect of common property, the Owners Corporation created on the registration of a Plan of Subdivision affecting that land;

**Offence** includes an offence against or a breach of a provision of any Local Law, or a breach of a Permit, or a Notice to Comply or a direction issued under a Local Law or Permit;

**Owner**, in relation to any land (including a Site or premises), means the person who is registered on the certificate of title as the owner of the land or the person who is or is entitled to exercise any rights of ownership of the land;

**Penalty Unit** has the same meaning as in the *Sentencing Act 1991*;

**Permit** means a permit authorised or required under this Local Law, and issued in accordance with the provisions of this Local Law;

**Permit Holder** means a person or persons in whose name or names a Permit has been issued;

**Poultry** means any chicken, duck, fowl, and other domestic fowl or similar sized bird but does not include a Rooster;

**Property Address** means the road name and street number allocated to a property within the Municipal District and may include, where there are multiple tenements within a property or multiple properties at one street number, the use of lot or unit numbers;

**Public Place** has the same meaning as in section 3 of the *Summary Offences Act 1966*;

**Putrescible Refuse** means refuse that is liable to rot or become putrid and most commonly relates to normal household scraps;

**Premises** means the whole or part of any land, a lot on a plan of subdivision and a building or building under construction;

**Rail Trail** means the multi-use recreational pathway developed on a former railway easement and set aside for recreational use and those areas of Council owned or managed land that links those areas of former railway reserve, forming a continuous sealed bike path from Wangaratta to Everton;

**Rail Trail Reserve** means the Crown land reserved for Public Purposes (Rail Trail) in the various Parishes in the Municipal Districts of Council and the Alpine and Indigo Shires as follows:

- 6.1 Bright and Porepunkah as shown red on the plan marked LEGL./98-52;
- 6.2 Barwidgee and Porepunkah as shown red on the plan marked LEGL./97-191;



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- 6.3 Barwidgee as shown red on the plan marked LEGL./97-190;
- 6.4 Myrtleford as shown red on the three plans marked LEGL./96-461;
- 6.5 Myrtleford and Murmungee as shown red on the plan marked LEGL./99-41;
- 6.6 Murmungee as shown red on the plan marked LEGL./99-40;
- 6.7 Everton and Murmungee as shown red on the plan marked LEGL./99-39;
- 6.8 Everton and Murmungee as shown red on the plan marked LEGL./99-42;
- 6.9 Beechworth as shown red on the plan marked LEGL./99-43;
- 6.10 Tarrawingee and Everton as shown red on the plan marked LEGL./99-38;
- 6.11 Carraragarmungee as shown red on the plan marked LEGL./99-37;
- 6.12 Carraragarmungee (Bowser)– additions to Murray to the Mountains Rail Trail 2007421 as shown red on Map C,

lodged in the Land Registry;

**Recreational Vehicle** includes any mini bike, trail bike, quad bike, motor bike, motor car, motor scooter, go cart and any other vehicle propelled by a motor which is used for recreational purposes and not registered under the Road Safety Act 1986 but does not include a motorised wheelchair or other aid used by persons with disabilities or motorised vehicles used for farming purposes;

**Recyclable Material** means any substance or article Prescribed from time to time to be Recyclable Material for the purposes of this Local Law;

**Recyclables Bin** means a receptacle supplied to premises by Council for the purposes of collecting and disposing of premises Recyclable Material;

**Residential Area** means any part of the Municipal District which is zoned 'Residential', including land which is zoned 'General Residential', 'Neighbourhood Residential', 'Residential Growth', 'Low Density Residential', and 'Township' and for this local law also includes 'Rural Living' under the Municipal Planning Scheme;

**Retailer** means a person who sells goods by retail and provides Shopping Trolleys to his or her customers;

**Road** has the same meaning as in the Act;

**Road Management Plan** means a Road Management Plan made under the *Road Management Act 2004*;

**Rubbish Hopper** means a purpose built container designed to receive trade waste which is emptied by mechanical means and includes wheel mounted and tray bin type hoppers;

**Scare Gun** means any type of noise generating device designed and used for the purpose of scaring birds from land;

**Schedule** means a Schedule to this Local Law;

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**Sediment Fencing/Barriers** means a filter fence, sausage or other similar control measure, that prevents sediment, slurry, silt, soil and other materials being transported off Site by water;

**Senior Officer** has the same meaning as in the Act;

**Separated Footpath** has the same meaning as in the *Road Safety Road Rules 2009*;

**Service Authority** means any public authority or corporation other than Council, whether a government department, a government agency, a statutory body or a private sector corporation, responsible for providing infrastructure or utility facilities or services to the community;

**Shared Pathway** means an area open to the public (except a separated footpath) that is designated for, or has as one of its main uses, use by both the riders of bicycles and pedestrians, and includes a length of path for use by both bicycle riders and pedestrians beginning at a shared path sign or shared path road marking and ending at the nearest of the following:

- 6.1 an end shared path sign or end shared path road marking;
- 6.2 a no bicycles sign or no bicycles road marking;
- 6.3 a bicycle path sign or bicycles path road marking;
- 6.4 a Road (except a road related area);
- 6.5 the end of the path;

**Shopping Trolley** means a vehicle used primarily for the carriage of goods by customers of a Retailer;

**Site** means the land where Building Works are occurring and includes any land to which Building Works relate;

**Site Fencing** means a fence around the entire perimeter of a Site at the commencement and for the duration of the Building Works:

- 6.1 at a height of not less than eighteen hundred (1800) millimetres;
- 6.2 capable of preventing litter from being transported from a building Site by wind;
- 6.3 capable of preventing unauthorised persons accessing the Site; and
- 6.4 having not more than one access opening fitted with gates, which is located to correspond with the vehicle crossing for the Site;

**Site Identification** means a sign that is at least six hundred (600) millimetres in height and four hundred (400) millimetres in length, is erected at the entrance to the Site and is clearly visible from the road, and includes on the sign the:

- 6.1 lot number, as described on the Certificate of Title relevant to the land;
- 6.2 name of the Owner, developer or builder responsible for the Site;

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- 6.3 relevant building surveyor's contact name and phone number; and
- 6.4 twenty-four (24) hour contact telephone number or numbers for the Owner, developer or builder responsible for the Site;

**Stormwater System** means the system that provides for the conveyance of stormwater runoff including kerb and channel, open channels, underground pipe systems and natural waterways;

**Trade Waste** means any refuse, rubbish, slops or other waste matter arising from or generated by any trade, industry or commercial undertaking;

**Vehicle** means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn, and includes a bicycle or other pedal-powered vehicle, trailer, tram-car and air-cushion vehicle but does not include railway locomotive, railway rolling stock or a Recreational Vehicle; and

**VicRoads** means the Roads Corporation.

**7. INTERPRETATION**

- 7.1 Where a word or phrase has a particular meaning, other grammatical forms of that word or phrase have the same meaning.
- 7.2 Unless the context suggests otherwise, where a penalty appears at the foot of a subclause it applies not only to an offence against that provision but to any other offence against the Clause. For example, the penalty appearing after Clause 19.6 applies to offences against Clause 19.1, 19.2, 19.3, 19.5 and 19.6. The penalty appearing after Clause 53.10 likewise applies to offences against Clause 53.1, 53.6 and 53.7.

## PART B – MUNICIPAL BUILDINGS

### 8. OPENING HOURS OF MUNICIPAL BUILDINGS

- 8.1 Municipal Buildings will be open to the public during such hours as Council determines.
- 8.2 Council may at any time close a Municipal Building or any part of it for any purpose, including for maintenance and cleaning.

### 9. USE OF MUNICIPAL BUILDINGS

- 9.1 Council may from time to time determine conditions of, or limitations on, use of Municipal Buildings that apply to any Municipal Building or class of Municipal Buildings specified.
- 9.2 A person entering a Municipal Building must comply with any conditions of or limitations of use determined under Clause 9.1.
- 9.3 Conditions of, or limitations on, use of any Municipal Building determined by Council under Clause 9.1 must be displayed at the Municipal Building.
- 9.4 Without limiting the scope of Clause 9.2, a person must not, without a Permit:
  - 9.4.1 organise any function or event in a Municipal Building;
  - 9.4.2 hawk, sell, offer for sale or hire out or supply or promote any goods, articles or services in a Municipal Building;
  - 9.4.3 enter or remain in a Municipal Building otherwise than during the hours in which the Municipal Building is open to the public;
  - 9.4.4 enter or remain in any part of a Municipal Building not set aside for public use;
  - 9.4.5 enter a Municipal Building other than through an entrance provided for the purpose of public entry;
  - 9.4.6 bring any Animal, other than an Assistance Dog, into, or allow any Animal under his or her control to remain in, a Municipal Building;
  - 9.4.7 bring any Vehicle or Recreational Vehicle into a Municipal Building, except for:
    - 9.4.7.1 a pram or pusher being used by a parent to transport a child;
  - 9.4.8 a wheelchair being used by a person with a disability; or
    - 9.4.8.1 a motorised mobility aid used by people with limited mobility, provided access is available and that no damage to the Municipal Building will result from the use of the mobility aid;

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- 9.4.9 bring or deliver Liquor to a Municipal Building;
- 9.4.10 bring into a Municipal Building any substance, liquid or powder which may:
  - 9.4.10.1 be dangerous, injurious or offensive to health;
  - 9.4.10.2 have the potential to foul, pollute or soil any part of the Municipal Building; or
  - 9.4.10.3 cause discomfort to any persons; or
- 9.4.11 ride a bicycle, scooter, skateboard, or in-line or roller skates, or similar device.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****10. PROHIBITION ON ENTRY TO A MUNICIPAL BUILDING**

A person must not:

- 10.1 when directed by an Authorised Officer, verbally or in writing, enter or remain in a Municipal Building while speaking or acting in a manner that is threatening or harassing or which interferes with the lawful duty of a member of Council staff or the lawful enjoyment of the Municipal Building by other users or occupants; or
- 10.2 re-enter a Municipal Building within twenty four (24) hours after being directed by an Authorised Officer to leave for any breach of a Local Law.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****11. CONDUCT IN A MUNICIPAL BUILDING**

A person in a Municipal Building must not:

- 11.1 deposit any litter except in receptacles provided for that purpose; or
- 11.2 obstruct, hinder or interfere with any person employed by, or acting on behalf of, Council at the Municipal Building in the performance of his or her duties.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**PART C – MUNICIPAL RESERVES****12. OPENING HOURS OF MUNICIPAL RESERVES**

- 12.1 Subject to any Council determination to the contrary under Clause 13.1, Municipal Reserves will be open to the public on any day, free of charge.
- 12.2 Council may at any time close a Municipal Reserve or any part of it for any purpose, including for maintenance.

**13. USE OF MUNICIPAL RESERVES**

- 13.1 Council may from time to time determine conditions of, or limitations on, use that apply to any Municipal Reserve or a class of Municipal Reserves, including:
  - 13.1.1 times during which the Municipal Reserve will be open to the public; and
  - 13.1.2 fees payable for entry onto a Municipal Reserve.
- 13.2 A person entering a Municipal Reserve must comply with any conditions of, or limitations on, use determined under Clause 13.1.
- 13.3 Conditions of, or limitations on, use determined by Council under Clause 13.1 for any Municipal Reserve must be displayed in a conspicuous place on the Municipal Reserve.
- 13.4 Without limiting the scope of Clause 13.2, a person must not, without a Permit:
  - 13.4.1 organise any function or sports event in a Municipal Reserve;
  - 13.4.2 being a person other than a player, official or competitor at any organised sports event, or an Authorised Officer, enter or remain within or upon the playing arena of a Municipal Reserve during the progress of such event;
  - 13.4.3 hawk, sell, offer for sale or hire out or supply or promote any goods (including a vehicle), articles or services in a Municipal Reserve;
  - 13.4.4 conduct any business, including personal training, in a Municipal Reserve;
  - 13.4.5 enter or remain in a Municipal Reserve otherwise than during the hours which the Municipal Reserve is open to the public;
  - 13.4.6 enter or remain in any part of a Municipal Reserve not set aside for public use;

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- 13.4.7 drive, ride or park any Vehicle or Recreational Vehicle, other than a bicycle, scooter, skateboard, or in-line or roller skates, within a Municipal Reserve, except on a designated access Road or in a designated parking area within a Municipal Reserve, except for:
- 13.4.7.1 a pram or pusher being used to transport a child;
  - 13.4.7.2 a wheelchair being used by a person with a disability; or
  - 13.4.7.3 a motorised mobility aid used by people with limited mobility, provided access is available and that no damage to the building will result from the use of the mobility aid;
- 13.4.8 ride a bicycle, scooter, skateboard, or in-line or roller skates within a Municipal Reserve, unless it is done so that it does not interfere with the use or enjoyment of the Municipal Reserve or any part thereof by any other person;
- 13.4.9 use or permit to be used any remote controlled aeroplane, car, boat, aircraft (excluding kites) or similar apparatus in or over a Municipal Reserve, unless it is done so that it does not interfere with the use or enjoyment of the Municipal Reserve or any part thereof by any other person;
- 13.4.10 swim in, wade through, enter for recreation purposes, or use any Floating Vessel upon, any lake, pond or excavation containing water located on or in a Municipal Reserve;
- 13.4.11 install or permit to be installed a gateway or other means of access to or from a Municipal Reserve;
- 13.4.12 use in any Municipal Reserve any amplifier, musical instrument or sound broadcasting equipment in a manner that is likely to unreasonably disturb other persons;
- 13.4.13 install or erect or place on or in any Municipal Reserve any item, equipment or thing which may damage the Municipal Reserve or interfere with the use or enjoyment of the Municipal Reserve or any part thereof by any other person;
- 13.4.14 bring into a Municipal Reserve any substance, liquid or powder which may:
- 13.4.14.1 be dangerous or injurious to health; or
  - 13.4.14.2 have the potential to foul, pollute or soil any part of the Municipal Reserve; or
  - 13.4.14.3 cause discomfort to any persons; or
- 13.4.15 except with a Permit, use a Municipal Reserve for an organised sport or activity for which a charge or fee is imposed.

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**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****14. CONDUCT IN A MUNICIPAL RESERVE**

A person in any Municipal Reserve must not:

- 14.1 engage in, play or practise golf, archery or any like activity that is likely to interfere with public safety or the use and enjoyment of the Municipal Reserve or any part thereof by any other person;
- 14.2 ride or lead a horse, except in areas designated and signposted for horse riding or leading;
- 14.3 interfere with any structure, notice, building or part thereof, fence, seat, tree or plant;
- 14.4 walk on flower beds or borders, climb steep banks or cliff faces, or enter any prohibited areas delineated as such by Council from time to time;
- 14.5 behave in a disorderly manner;
- 14.6 remain at any time when directed to leave by an Authorised Officer, notwithstanding that a fee or charge for admission may have been paid;
- 14.7 obstruct, hinder or interfere with the duties of any person employed by Council in the performance of his or her duties; or
- 14.8 act contrary to any sign which specifies activities prohibited under a Local Law, or advises of conditions of use applicable under a Local Law.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**



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**PART D – USE OF COUNCIL LAND AND ROADS****15. ACTIVITIES ON COUNCIL LAND OR ROADS**

A person must not, on Council Land or a Road:

- 15.1 act in a manner which unreasonably interferes with the use or enjoyment by any person of the Council Land or Road;
- 15.2 act in a way which endangers any person;
- 15.3 use any lifesaving or firefighting device unless during an emergency;
- 15.4 undertake any unauthorised Building Works or construction activities; or
- 15.5 act contrary to any sign which specifies activities prohibited under a Local Law, or advises of conditions of use applicable under a Local Law.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**16. COLLECTION OF FIREWOOD**

A person must not, without a Permit, collect any wood, for the purpose of fuelling a fire or for any other purpose, from any Council Land or Road.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**17. DROVING OF LIVESTOCK**

A person must not, without a Permit, undertake Droving of Livestock on Council Land or a Road.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**18. GRAZING OF LIVESTOCK**

A person must not, without a Permit, undertake Grazing of Livestock on Council Land or a Road.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**19. STREET ACTIVITIES**

- 19.1 A person must not, without a Permit, erect or place on any Road or Council Land a Vehicle, caravan, trailer, (including a vehicle, caravan or trailer being offered for sale), table, stall or other similar structure other than for the legal parking of a Vehicle.

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- 19.2 A person must not, without a Permit, undertake Itinerant Trading on any Road, Council Land or Public Place, or from land adjacent to any Road, Council Land or Public Place.
- 19.3 In addition to Clause 19.2, a person must not undertake Itinerant Trading:
- 19.3.1 within 300 metres of a permanent business that is selling the same or a similar product, except as an approved trader being part of a stall, festival or other event approved by Council;
  - 19.3.2 within 500 metres of a festival or other event approved by Council unless expressly permitted by Council;
  - 19.3.3 in a way that obstructs or restricts pedestrian or vehicular traffic;
  - 19.3.4 in a way that obstructs or interferes with entry to or exit from any buildings or land;
  - 19.3.5 in a way that obstructs or restricts the use of any footpath or Road;
  - 19.3.6 in an area other than the area specified by Council in their Permit; or
  - 19.3.7 in an area designated by Council as belonging to another Itinerant Trader under their Permit.
- 19.4 Clauses 19.2 and 19.3 do not apply to;
- 19.4.1 Home Delivery of:
    - 19.4.1.1 magazines or newspapers;
    - 19.4.1.2 goods purchased at another location; or
    - 19.4.1.3 goods where the delivery has been requested by the Occupier;
  - 19.4.2 the sale of fundraising products by persons duly authorised by an educational, welfare or charity based organisation, cultural or recreational facility or organisation which is established within the municipal district.
- 19.5 A person with the objective of collecting money must not, without a Permit, on any Road or Council Land sing, perform, entertain or play any musical instrument.
- 19.6 A person must not, without a Permit and photo ID, solicit or collect on any Road or on any Council Land or from house to house any gifts of money or subscriptions for any purpose other than fundraising for an educational or registered charitable organisation or a cultural or recreational facility or organisation established within the Municipal District.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**20. ITEMS ON COUNCIL LAND**

- 20.1 A person must not, without a Permit or otherwise in accordance with this Local Law, place or keep or allow to be kept any thing, item, structure or goods of any kind on or over a Road or Council Land.
- 20.2 An Owner of any land must ensure that no gate, door or other means of access from that land to a Road or Council Land opens outwards onto a Road or Council Land.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**21. ADVERTISING AND ADVERTISING SIGNS**

- 21.1 A person must not, without a Permit, write, deface, place or affix any letter, figure, device, poster, sign or advertisement on any building, fence or other property under the control of or vested in Council.
- 21.2 A person must not, without a Permit, erect or place an Advertising Sign on a Road or Council Land or any Council Property or cause or authorise another person to do so.
- 21.3 A person must not, without a Permit, erect or place any structure, banner or the like, on or across any Council Land or any Road.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

- 21.4 Clauses 21.1, 21.2 and 21.3 do not apply in any case where the relevant activity or act is authorised under a Municipal Planning Scheme or State or Commonwealth legislation.

**22. SHOPPING TROLLEYS**

A person must not leave a Shopping Trolley on a Road or in a Public Place except in an area designated for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**23. CHARITY DONATION BINS**

A person must not, without a Permit, place, cause or allow to be placed a Charity Donation Bin on a Road or Council Land or in any Public Place.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**24. STREET PARTIES, FESTIVALS AND PROCESSIONS**

A person must not, without a Permit, conduct, organise or otherwise hold a function in the nature of a street party, street festival or procession on a Road.

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**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****25. FLOODLIGHTING**

Where Floodlighting is installed on land which may spill light onto adjoining property, it must be installed so that:

- 25.1 it is shielded with devices to prevent glare causing a nuisance outside the boundary of the site on which the Floodlighting is installed; and
- 25.2 the level of illumination emitted by the Floodlighting does not exceed 8 lux when measured at a height of 1.3 metres and a distance of 1.5 metres from the boundary of the property on which the Floodlighting is installed, whether the illumination is the result of direct, reflected or other incidental light.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****26. SCARE GUNS**

- 26.1 A person must not, without a Permit:
  - 26.1.1 operate a Scare Gun within 300 metres of any residence;
  - 26.1.2 on land of four (4) hectares or less containing an orchard or used for another intensive horticultural purpose, operate more than two (2) Scare Guns;
  - 26.1.3 on land of more than four (4) hectares containing an orchard or used for another intensive horticultural purpose, operate more than one (1) Scare Gun per four (4) hectares or part thereof;
  - 26.1.4 operate Scare Guns other than between sunrise and sunset;
  - 26.1.5 activate a Scare Gun at a frequency of less than one shot or, in the case of multiple blast Scare Guns, one round every five (5) minutes; or
  - 26.1.6 in respect of multiple shot Scare Guns capable of up to three (3) blasts, take longer than 30 seconds to complete the firing sequence.
- 26.2 A person must locate a Scare Gun as far as possible from residential premises.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**PART E – VEHICLES****27. VEHICLES USING ROADS CONTRARY TO RESTRICTED USE SIGNS**

If Council exercises its powers under the Act to restrict the use of a Road and erects signs advising of the nature of the restriction, a person must not, without a Permit, contravene any of those restrictions.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**28. USE OF VEHICLES ON COUNCIL LAND**

A person must not, without a Permit, use a Vehicle or Recreational Vehicle on any Council Land unless the land has been designated and signposted for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**29. USE OF RECREATIONAL VEHICLES ON PRIVATE LAND**

A person must not, without a Permit, use a Recreational Vehicle on any land in a Residential Area.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**30. REPAIRING VEHICLES**

30.1 A person must not, without a Permit, paint, service, dismantle or make any major repairs to any Vehicle on any Road or Council Land.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

30.2 Clause 30.1 does not apply to any minor repairs carried out to a Vehicle which has broken down and which are reasonably necessary to allow the Vehicle to be removed under its own propulsion.

**31. VEHICLES IN A PUBLIC PLACE**

31.1 A person must not allow any Vehicle not currently registered with or having a permit from VicRoads or any other relevant authority to be left standing in any Public Place.

31.2 A person must not allow any trailer, caravan, boat or any other Vehicle unable to move on its own accord to be left standing in any Public Place, other than a Designated Camping Area, for longer than forty-eight (48) hours.

31.3 A person must not abandon, leave or allow to be left in or on a Public Place any Vehicle, including a trailer, caravan, or recreational vehicle, that is derelict to such an extent that it is unable to move under normal means and is in disrepair, whether registered or not.

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**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**PART F – CONDUCT GENERALLY****32. DAMAGING, DEFACING OR INTERFERING WITH COUNCIL PROPERTY**

- 32.1 Subject to Clause 32.2, a person must not alter, destroy, damage, write on, affix anything to, remove, or interfere with any Council Property.
- 32.2 A person must not, without a Permit:
- 32.2.1 plant, remove or interfere with any trees or plants (dead or alive) on or in any Council Land or Road;
  - 32.2.2 alter, destroy, damage or interfere with a water course, ditch, creek, swale, gutter, drain, tunnel, bridge, levee, culvert or fence which belongs to or is under the control of Council;
  - 32.2.3 alter, destroy, damage, interfere with or remove anything belonging to Council in, on or from any Council Land or Road; or
  - 32.2.4 alter, destroy, damage, tamper or interfere with any parking meter or ticket machine.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****33. VEHICLE CROSSINGS**

- 33.1 A person must not, without a Permit, install, construct, alter, or reconstruct a vehicle crossing, whether permanent or temporary.
- 33.2 Each point of Vehicle access from any land to a Road must have a properly constructed and maintained vehicle crossing approved by Council.
- 33.3 A person must not, without a Permit, allow any Vehicle to enter or leave any land except by way of a vehicle crossing constructed in accordance with this Clause 33.
- 33.4 Where a vehicle crossing is no longer required, the Owner must remove the vehicle crossing and reinstate the Road to its original condition, to the satisfaction of an Authorised Officer.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****34. CONSUMPTION OF LIQUOR OR POSSESSION IN UNSEALED CONTAINER AND BEHAVIOUR NEAR LICENSED PREMISES**

- 34.1 A person must not, without a Permit, on a Road, any Council Land or any open space to which the public have access:
- 34.1.1 consume or ingest any Liquor; or

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- 34.1.2 have in their possession a bottle, can, wine cask or other receptacle, which contains Liquor and has been opened.
- 34.2 Clause 34.1 does not apply:
- 34.2.1 to a person in licensed premises or authorised premises under the *Liquor Control Reform Act 1998*; or
- 34.2.2 where the consumption of Liquor is taking place at an organised function conducted with a Permit or as part of a picnic with family and/or friends within a Municipal Reserve between sunrise and sunset, or such other hours as are determined by Council from time to time, provided that no nuisance is being caused in connection with the consumption of the Liquor.
- 34.3 A person:
- 34.3.1 in the course of arriving at or departing from Licensed Premises or any carpark designated for the use of patrons of such Licensed Premises; or
- 34.3.2 who, having departed from Licensed Premises, then remains within a radius of two hundred (200) metres from the Licensed Premises,
- must not behave in a manner which is, or is likely to be, detrimental to the amenity of the neighbourhood.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****35. BICYCLES, SCOOTERS, SKATEBOARDS, IN-LINE AND ROLLER SKATES**

- 35.1 Council may designate areas of Council Land other than a road reserve in which the riding of a bicycle, scooter, skateboard, in-line or roller skates or similar device is prohibited.
- 35.2 If Council designates areas under Clause 35.1, it must cause signs to be erected in or on those areas advising of the prohibition.
- 35.3 A person must not ride a bicycle, scooter, a skateboard, or in-line or roller skates or similar device in an area designated by Council under Clause 35.1.
- 35.4 Any person who uses a bicycle, a scooter, a skateboard, in-line or roller skates or a similar device or causes or authorises another person to use any of those items on a Road must ensure that the use does not inconvenience, obstruct, hinder, endanger, alarm or prevent the free passage of any pedestrian or other user of the Road, whether in or on a Vehicle or not.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

- 35.5 This Clause 35 does not apply to a person with a disability or infirmity who is using a motorised mobility aid for its intended purpose.



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**36. PROPERTY ADDRESS AND NUMBERS**

- 36.1 Council may allocate a Property Address to each property in the Municipal District and, from time to time, may make changes to Property Addresses.
- 36.2 For each property that has been allocated a Property Address under Clause 36.1, the Owner must mark the property with the street number allocated, which number must be of sufficient size, in such a position, made of such material and kept in such state of repair as to be clearly readable from the Road, which the property fronts, under all normal lighting conditions.
- 36.3 An Owner or Occupier must not use an address other than a Property Address for any property in the Municipal District.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****37. INCINERATORS AND BURNING**

- 37.1 A person must not, without a Permit, light, allow to be lit, or allow to remain alight any fire in the open air or in an Incinerator in a Residential Area, Commercial Area or Industrial Area unless the fire is:
- 37.1.1 authorised or directed to be lit under the provisions of any Act or Regulations or the Municipal Planning Scheme; or
- 37.1.2 in a permanent or portable Barbeque that is being used for the exclusive purpose of cooking food in the open air for human consumption; and
- 37.1.3 appropriately located and managed so as to not cause nuisance to neighbouring properties.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****38. BURNING OF MATERIALS**

A person must not, without a Permit, burn any of the following materials in the Municipal District:

- 38.1 plastic;
- 38.2 waste petroleum oil or any waste containing petroleum oil;
- 38.3 paints or empty paint containers;
- 38.4 pressurised cans;
- 38.5 textile fabrics;
- 38.6 rubber;
- 38.7 food waste;

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- 38.8 illegal substances; or
- 38.9 any other noxious or offensive material.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****39. CONDITION OF LAND**

- 39.1 An Owner or Occupier of any land must not cause or allow his or her land to:
  - 39.1.1 be kept in a manner which is unsightly or detrimental to the general amenity of the area in which the land is located;
  - 39.1.2 be used for storage of such amounts of goods or materials that the amenity or the area is adversely affected, or the land is, or has the potential to become infested, by rats and/or other vermin and pests;
  - 39.1.3 be kept in a manner which is dangerous or likely to cause danger to life or property;
  - 39.1.4 become infested with blackberry or other invasive plants or vermin; or
  - 39.1.5 become a source of offensive odour discernible beyond the land.
- 39.2 An Authorised Officer may direct an Owner to secure the Owner's land to prevent unauthorised entry.
- 39.3 An Owner of land to whom a direction is given under Clause 39.2 must comply with that direction.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****40. VACANT, DILAPIDATED & DANGEROUS PREMISES**

- 40.1 An Owner of a vacant building must not cause or allow the vacant building to be kept in a manner to the extent that the exterior of the building:
  - 40.1.1 is in a state of disrepair;
  - 40.1.2 is damaged or defaced;
  - 40.1.3 affects the amenity of the surrounding neighbourhood;
  - 40.1.4 causes the building to be out of conformity with the visual appearance of other buildings in the vicinity; or
  - 40.1.5 is declared in writing by an Authorised Officer to be unsafe.
- 40.2 Before any liability can arise under Clause 40.1.5 details of the declaration must be sent to the Owner of the vacant building providing a reasonable time

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for the Owner of the vacant building to carry out or cause to be carried out works which render safe the exterior of the building.

- 40.3 The Owner of a vacant building must ensure that the vacant building is secure to prevent unauthorised entry.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****41. STORAGE OF DANGEROUS OR HAZARDOUS SUBSTANCES ON LAND**

An Owner or Occupier of any land must not, without a Permit, cause or allow his or her land to be used for storage of any dangerous or hazardous substances in a manner or in quantities which is or are dangerous or is or are likely to cause danger to life or property.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****42. STORAGE, VEHICLES AND MACHINERY**

- 42.1 A person must not, without a Permit, use any land within a Residential Area or a Commercial Area for the storage of Vehicles or machinery or for the dismantling or breaking up of Vehicles or machinery.
- 42.2 A person must not, without a Permit, use land which is used or intended to be used primarily for residential purposes for the repair or servicing of any Vehicle other than a Vehicle registered or normally housed at the address of that land.
- 42.3 Nothing in Clauses 42.1 or 42.2 applies to a person who is using land in a manner permitted under the Municipal Planning Scheme.
- 42.4 Nothing in Clause 42.1 and 42.2 applies to a person who, for recreational purposes, repairs, services, assembles, dismantles or stores old or second hand Vehicles or machinery provided that such activity is not conducted:
- 42.4.1 for financial gain or reward;
- 42.4.2 on more than two (2) Vehicles at any one time such that there are no more than two (2) Vehicles that are not registered with VicRoads on the land at any one time; or
- 42.4.3 in a manner which is unsightly or detrimental to the general amenity of the area.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****43. SHIPPING CONTAINERS AND TEMPORARY STRUCTURES**

A person, must not, without a Permit, place or keep or allow to be kept a shipping container or other like temporary structure on any land which is used or intended to

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be used primarily for residential purposes for any period longer than twenty eight (28) days.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****44. INTRUDER ALARMS**

- 44.1 An Owner or Occupier of any premises must not install or permit or allow to be installed or cause to be retained in an active state at or upon any such premises any intruder alarm which emits a noise audible beyond the boundary of the premises, unless such alarm is so constructed or regulated as to ensure that:
- 44.1.1 whenever a detection device is activated, the intruder alarm is automatically rendered inaudible beyond the boundary of the premises within ten (10) minutes of it being activated; and
- 44.1.2 the intruder alarm cannot re-activate until the device has been re-set.
- 44.2 Despite Clause 44.1, an intruder alarm may operate for a further period of up to ten (10) minutes, should another detection device in the same building be activated following the cessation of the alarm noise in accordance with Clause 44.1.1.
- 44.3 The Owner or Occupier of a premises containing an intruder alarm which does not comply with the requirements of this Clause may be directed by Council to:
- 44.3.1 adjust or replace the alarm to comply with the requirements; or
- 44.3.2 permanently disconnect the alarm.
- 44.4 An Owner or Occupier of premises to which a direction is given under Clause 44.3 must comply with that direction.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****45. CAMPING**

- 45.1 A person must not, without a Permit, camp on Council Land or a Road in a tent, caravan, motor home or any other temporary or makeshift structure other than in a Designated Camping Area.
- 45.2 A person must not, without a Permit, occupy, place or cause to be placed or use or cause to be used a tent, caravan, motor home or annex on any land other than a Designated Camping Area.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

- 45.3 Clause 45.2 does not apply to:

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- 45.3.1 the storage of a caravan or similar facility on any private property other than a Designated Camping Area, provided that:
  - 45.3.1.1 there is a dwelling on the land; or
  - 45.3.1.2 the caravan, motor home or tent is not set up for ready use as overnight accommodation; and
  - 45.3.1.3 an annex is not attached to caravan or motor home; and
  - 45.3.1.4 the caravan, motor home or tent is not within 6 metres of the front of the land.
- 45.3.2 the reasonable use of a caravan, motor home or tent on private property other than a Designated Camping Area, provided that:
  - 45.3.2.1 there is a dwelling on the land;
  - 45.3.2.2 the occupation does not exceed 28 days;
  - 45.3.2.3 no rent, licence fee or charge is paid by any person in respect of the occupation;
  - 45.3.2.4 the toilet, bathing and laundry facilities provided in the dwelling are made available without charge to the occupant/s of the caravan, motor home or tent;
  - 45.3.2.5 waste water from the caravan, motor home or tent is discharged to an approved waste water system and does not cause a nuisance or an offensive condition; and
  - 45.3.2.6 the caravan, motor home or tent is not located within 6 metres of the front of the property or 1.2 metres of any other boundary of the land, not more than 20 metres from the dwelling and no closer than 30 metres to a watercourse.

**46. TREES AND VEGETATION**

An Owner or Occupier of land must not allow any tree or part of a tree or any plant or part of a plant or other vegetation to grow on that land, so that it:

- 46.1 overhangs onto or over any footpath, naturestrip or Road abutting that land at a height of less than 2.5 metres from the level of the adjacent footpath or nature strip;
- 46.2 obstructs or impairs the vision of the driver of a Vehicle travelling along a Road adjacent to or near the land or approaching the intersection adjacent to or near the land;
- 46.3 otherwise prejudices the safe and convenient use of any footpath, naturestrip or Road adjacent to or near the land; or

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46.4 causes damage to or interference with any:

46.4.1 fixture or other structure in a Road, or on Council Land; or

46.4.2 drain vested in or under the control of Council.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**47. WASP NESTS AND BEES**

Upon becoming aware of the existence of:

47.1 a wasp nest; or

47.2 bee hives that are not suitably constructed and maintained, in accordance with any current relevant Code of Practice;

on land, the Owner or Occupier of the land must immediately take steps to cause the nest or hives to be destroyed.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**PART G – ANIMAL MANAGEMENT****48. LIMITS ON NUMBER OF ANIMALS KEPT**

- 48.1 An Owner or Occupier of any land in a Residential Area or a Commercial Area must not, without a Permit, keep or allow to be kept more than three (3) different types of Animals, as listed in Table 1 in this Clause 48, at any time.
- 48.2 Clause 48.1 does not apply to:
- 48.2.1 an Animal Shelter owned or contracted by Council;
  - 48.2.2 a registered Animal Hospital or Veterinary Surgeon Practice;
  - 48.2.3 any Animal keeping permitted by the Municipal Planning Scheme;  
or
  - 48.2.4 any Animal in respect of which a Permit has been issued by another public authority.
- 48.3 In addition to the limitations imposed by Clause 48.1, an Owner or Occupier of any land in a Residential Area or Commercial Area must not:
- 48.3.1 without a permit, keep or allow to be kept any more in number for each type of Animal than is set out in Table 1 in this Clause 48, according to the applicable land size; and
  - 48.3.2 keep or allow to be kept any type of Animal that is designated 'Prohibited' in Table 1 in this Clause 48, according to the applicable land size.

**TABLE 1**

Type of Animal	Land Size (m <sup>2</sup> )		
	0-999	1000-3999	4000 and over
Dogs	2	2	2
Cats	2	2	2
Poultry (except Roosters)	3	10	10
Roosters	Prohibited	Prohibited	0
Domestic Birds	5	10	20
Domestic Rabbits	2	4	4
Horse/Donkey or similar	Prohibited	0	1 per 4,000m <sup>2</sup>
Cattle	Prohibited	0	1 per 4,000m <sup>2</sup>
Sheep	Prohibited	2	2 per 4,000m <sup>2</sup>
Goats	Prohibited	2	2 per 4,000m <sup>2</sup>

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Pigs	Prohibited	Prohibited	1 per 4,000m <sup>2</sup>
Other agricultural Animals	Prohibited	2	2 per 4,000m <sup>2</sup>
Pigeons	0	0	0
Reptiles	5	5	5

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****49. REMOVAL OF ANIMAL FAECES**

49.1 A person in charge of an Animal must:

49.1.1 remove any of that Animal's faeces that is deposited on any Road or Council Land or land owned or occupied by another person; and

49.1.2 dispose of the Animal's faeces in a manner which does not cause any nuisance or health hazard to any person or detriment to the environment.

49.2 A person in charge of an Animal on any Road or Council Land must carry a Litter Device suitable to clean up any faeces left by any Animal under his or her care or control and must produce such device upon being requested to do so by an Authorised Officer.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****50. ANIMAL HOUSING**

50.1 The owner of an Animal and the Owner or Occupier of the land on which the Animal is housed must ensure that:

50.1.1 the animal housing is kept in a clean and sanitary condition to the satisfaction of an Authorised Officer;

50.1.2 the size of the enclosure or other form of housing is adequate to house the number of animals;

50.1.3 the animal housing meets the welfare needs of the Animal;

50.1.4 the animal housing is maintained in good repair so as to not cause nuisance to neighbouring premises;

50.1.5 the animal housing is constructed to prevent wastewater from entering into the stormwater system or discharging to adjoining premises; and

50.1.6 the land surrounding the animal housing is kept clear of materials which may harbour vermin.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**



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**51. PROVISION OF EFFECTIVE FENCING TO CONTAIN ANIMALS**

The owner of an Animal and/or Livestock and the Owner of the land upon which that Animal is kept must ensure that the land is adequately fenced so as to prevent any and all Animals and/or Livestock being kept on the land from escaping from that land and straying onto any Council Land or Road or otherwise being at large.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**52. POWER TO IMPOUND ADDITIONAL ANIMALS**

Where a Magistrate has found a person to be in breach of Clause 48 and a Permit for additional Animals has not been granted, Council may enter the land on which the Animals are being kept and seize and dispose of any Animals being kept on land in breach of Clause 48 for the purpose of sale, re-homing or destruction.

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**PART H – BUILDING SITE MANAGEMENT****53. PROTECTION OF COUNCIL INFRASTRUCTURE ASSETS DURING BUILDING WORKS**

- 53.1 In any case where a building permit has been issued under the *Building Act 1993* or Building Works are about to commence on land, the Owner of the land must, at least seven (7) days before commencing or causing or allowing Building Works to commence on the land:
- 53.1.1 obtain an Asset Protection Permit;
  - 53.1.2 advise Council in writing of any damage that exists to any Council Infrastructure Assets likely to be affected by the Building Works;
  - 53.1.3 pay any Asset Protection Permit fee determined by Council from time to time; and
  - 53.1.4 pay any Asset Protection Permit Bond determined by Council from time to time.
- 53.2 An Asset Protection Permit may require the payment of an Asset Protection Permit Bond and may contain conditions that:
- 53.2.1 require works to be done on or around the Site to protect Council Infrastructure Assets, the health and safety of the public, the environment and the amenity of the area or to be in accordance with the relevant legislative framework; and/or
  - 53.2.2 require entry to and exit from the Site only at designated locations; and/or
  - 53.2.3 address any other matter referred to in this Part.
- 53.3 If Council does not receive advice in writing as required under Clause 53.1.2, it is deemed, for the purposes of Clause 53.5, that there was no existing damage to Council Infrastructure Assets.
- 53.4 As soon as practicable after receiving notice of completion of the Building Works, Council may cause an inspection of Council Infrastructure Assets to be carried out.
- 53.5 If, as a result of any inspection under Clause 53.4, Council considers that the Building Works have damaged Council Infrastructure Assets, Council may:
- 53.5.1 direct the Owner of the Site to repair the damage at the Owner's cost, in accordance with standards specified by Council and within a period of not more than twenty eight (28) days; and/or
  - 53.5.2 initially protect Council's Infrastructure Assets, the cost of which can be recovered from the Asset Protection Permit Bond (if any) and/or the Owner; and/or

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- 53.5.3 repair the damage and recover the cost from the Asset Protection Permit Bond (if any) and/or the Owner.
- 53.6 If repair of damaged Council Infrastructure Assets is required under Clause 53.5.1, the Owner must effect the repairs to the standards and within the time specified by Council.
- 53.7 If the work is done under Clause 53.5.2 and/or 53.5.3 and the cost is greater than the amount of the Asset Protection Permit Bond (if any), then the Owner must pay to Council the amount of the shortfall, being the difference between the cost of the repair work and the amount of the Asset Protection Permit Bond.
- 53.8 If the repair work is done under Clause 53.5.2 and/or 53.5.3 and the cost is less than the amount of the Asset Protection Permit Bond (if any), Council must refund the unused portion of the Asset Protection Permit Bond to the person who paid it to Council.
- 53.9 If no Asset Protection Permit Bond is required by Council and repair work is done under Clause 53.5.2 and/or 53.5.3, Council may recover the cost of the work from the Owner.
- 53.10 If, as a result of the inspection under Clause 53.4, Council considers that the Building Works have not damaged Council Infrastructure Assets, Council must refund the entire Asset Protection Permit Bond (if any) to the person who paid it to Council.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****54. CONTAINMENT OF BUILDING SITES**

The Owner or Occupier of a Site must ensure that:

- 54.1 the Building Works being carried out on the Site are contained entirely within a Site;
- 54.2 all materials used in the Building Works are contained entirely within the Site;
- 54.3 the Site is provided with Site Fencing; and
- 54.4 gates or access points in the Site Fencing do not open out onto a Road or Council Land.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****55. ENTRY TO BUILDING SITES**

The Owner or Occupier of a Site must ensure that:

- 55.1 there is only one point of entry to the Site;

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- 55.2 the point of entry to the Site is by way of a vehicle crossing, whether temporary or permanent;
- 55.3 any temporary or permanent vehicle crossing is constructed to the reasonable satisfaction of an Authorised Officer; and
- 55.4 no person enters the Site other than by way of the specified vehicle crossing.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**56. BUILDING SITE IDENTIFICATION**

- 56.1 The Owner or Occupier of a Site must ensure that the Site is provided with clearly legible and clean Site Identification.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**57. APPROVED TOILET SYSTEMS**

- 57.1 The Owner or Occupier of any land on which Building Works are to occur must ensure that an Approved Toilet System is installed on the land prior to any Building Works commencing and is thereafter maintained to the satisfaction of the Authorised Officer.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**58. BUILDING SITE WASTE**

- 58.1 The Owner or Occupier of a Site must ensure that waste produced as a result of Building Works on the Site is:
  - 58.1.1 stored in a Building Waste Container;
  - 58.1.2 contained entirely within the Site;
  - 58.1.3 stored in a manner that does not attract the depositing of waste from sources other than the Site;
  - 58.1.4 stored in a manner that does not cause detriment to the visual amenity of the area in which the Site is located; and
  - 58.1.5 disposed of regularly, and, where that waste is in the form of stormwater, to a legal point of discharge, in accordance with Clause 62.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**59. PEDESTRIAN AND TRAFFIC HAZARDS, AND SAFETY**

- 59.1 The Owner or Occupier of a Site must ensure that Building Works on the Site do not cause detriment to pedestrian or vehicular traffic or become unsafe.
- 59.2 For the purposes of Clause 59.1, detriment to pedestrians or vehicular traffic will be deemed to be caused by, and Building Works will be deemed to have become unsafe if:
- 59.2.1 there is mud or debris on a Road including on a footpath or naturestrip;
  - 59.2.2 there are excavation works on or immediately adjacent to a Road that are unauthorised or pose a risk to persons or property; or
  - 59.2.3 where pedestrians are diverted from a footpath, they are not provided with:
    - 59.2.3.1 adequate signage advising of that diversion; and/or
    - 59.2.3.2 an alternative route on a stable surface, protected from traffic.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****60. SOIL STOCKPILES**

- 60.1 The Owner or Occupier of a Site must ensure that soil that is stripped from the Site is stockpiled on the Site for re-use or is transported to a legal place of disposal.
- 60.2 Where soil is stockpiled on the Site, it must, unless otherwise advised by an Authorised Officer, be protected by Sediment Fencing/Barriers to ensure the retention of silt, sand and waterborne particles within the stockpile.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****61. AMENITY CONTROLS**

- 61.1 The Owner or Occupier of a Site must ensure that activities on the Site (including Building Works) do not damage or cause detriment to the natural or built environment in which the Site is located.
- 61.2 A person in charge of a Site must manage any dust or air pollutants from the Site to minimise detriment to the amenity of the area.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**62. DRAINS**

- 62.1 The Owner or Occupier of a Site must ensure that Building Works on the Site do not cause detriment to any Stormwater System or Asset.
- 62.2 For the purposes of Clause 62.1 detriment to a Stormwater System or Asset occurs if:
- 62.2.1 material, equipment, litter, waste, mud, silt, sand or another product emanating from Building Works enters or interferes with the Stormwater System or Asset; or
- 62.2.2 there is any alteration to or interference with a Stormwater System or Asset for which a Permit has not been issued.
- 62.3 The Owner or Occupier of a Site must ensure that the Site is provided with Sediment/Fencing Barriers that ensure the retention of silt and soil on site, and the retention of other water borne particles and pollutants for later transportation to a legal place of disposal.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**63. BUILDING NOISE**

- 63.1 A person must not carry out Building Works or allow Building Works to be carried out on any land between the hours of 8:00 pm and 7:00 am Monday to Friday and between the hours of 6:00pm and 7:00am on Saturdays, and between the hours of 6:00 pm and 9:00 am Sundays and Public Holidays.
- 63.2 Clause 63.1 does not apply if the Building Works or other works to be carried out will be more than two hundred and fifty (250) metres from any occupied residential dwelling and produce noise that is not of sufficient volume, intensity, duration or frequency to disturb people in such dwellings.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**PART I – WASTE MANAGEMENT****64. DOMESTIC, COMMERCIAL AND INDUSTRIAL GARBAGE SERVICES**

- 64.1 The Occupier of every premises to which Council supplies a Garbage Bin must:
- 64.1.1 only deposit in the Garbage Bin waste other than those items referred to within Clause 64.1.2;
  - 64.1.2 not deposit in the Garbage Bin:
    - 64.1.2.1 waste derived from building construction or demolition activities;
    - 64.1.2.2 household organics that can be recycled using Council's bin-based household organics service;
    - 64.1.2.3 hot or burning ashes;
    - 64.1.2.4 medical or infectious waste;
    - 64.1.2.5 volatile, explosive or flammable substances;
    - 64.1.2.6 dust, fine particle waste, polystyrene beads or similar unless securely wrapped;
    - 64.1.2.7 oil, paint, solvents or any material or item which may damage the bin;
    - 64.1.2.8 wire of any description; or
    - 64.1.2.9 heavy materials or items that cause the weight of the bin to be more than forty (40) kilograms;
  - 64.1.3 not leave any Garbage Bin or other form of domestic service garbage bin (whether it be subject to a Council or private service collection) out on Council Property for more than one (1) day before or after a collection day unless permitted to do so by an Authorised Officer;
  - 64.1.4 not leave any commercial or industrial service garbage bin (whether it be subject to a Council or private service collection) out on Council Property for more than twelve (12) hours before or after a collection day unless permitted to do so by an Authorised Officer;
  - 64.1.5 when placing the Garbage Bin out for collection of the contents, place it in a position the details of which are specified in advice given by public notice or to the Occupier by Council, in front of the

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premises, or in an alternative location that Council may specify, that allows a safe and efficient collection by a service vehicle;

- 64.1.6 ensure that the Garbage Bin is not removed from the, or transferred to other, premises except for collection of refuse in accordance with Clause 64.1.5;
  - 64.1.7 maintain the Garbage Bin in a clean and sanitary condition;
  - 64.1.8 ensure that the area where the Garbage Bin is kept on the property is kept clean and in a sanitary condition;
  - 64.1.9 ensure that the lid of the Garbage Bin is closed other than when refuse is being deposited in it; and
  - 64.1.10 ensure that the Garbage Bin is not overfilled such that the lid cannot be completely closed down.
- 64.2 A person must not remove or interfere with a Garbage Bin or its contents when the Garbage Bin is left on a Road, or at any other collection point, without written authority from an Authorised Officer.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

- 64.3 Clause 64.2 does not apply to a person authorised by Council to remove garbage, or an employee of such person in the course of his or her employment, the person placing the garbage out for collection or an Authorised Officer in the course of his or her employment.

**65. RECYCLABLE MATERIALS SERVICE**

- 65.1 The Occupier of every premises to which Council supplies a Recyclables Bin must:
- 65.1.1 deposit only loose, not bagged or wrapped, Recyclable Material in such bin;
  - 65.1.2 only place Recyclable Material in the Recyclables Bin;
  - 65.1.3 not leave any Recyclables Bin or a bin used for a private recyclables service collection out on Council Property for more than one (1) day before or after a collection day unless permitted to do so by an Authorised Officer;
  - 65.1.4 when placing the Recyclables Bin out for collection of the contents, place it in a position the details of which are specified in advice given by public notice or to the Occupier by Council, in front of the premises, or in an alternative location that Council may specify, that allows safe and efficient collection by a service Vehicle;
  - 65.1.5 ensure that the Recyclables Bin is not removed from the, or transferred to other, premises except for collection of Recyclable Material, in accordance with Clause 65.1.4;



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- 65.1.6 maintain the Recyclables Bin in a clean and sanitary condition;
  - 65.1.7 ensure that the area where the Recyclables Bin is kept on the premises is kept clean and in a sanitary condition;
  - 65.1.8 ensure that the lid of the Recyclables Bin is closed other than when Recyclable Material is being deposited in it; and
  - 65.1.9 ensure that the Recyclables Bin is not overfilled such that the lid cannot be completely closed down.
- 65.2 A person must not remove or interfere with any Recyclables Bin or its contents when the Recyclables Bin is left on a Road, or at any other collection point, without the written authority of an Authorised Officer.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

- 65.3 Clause 65.2 does not apply to a person authorised by Council to remove Recyclable Material, or an employee of such a person in the course of his or her employment, the person placing the Recyclable Material out for collection or an Authorised Officer in the course of his or her employment.

**66. HOUSEHOLD ORGANICS SERVICE**

- 66.1 The Occupier of every premises to which Council supplies a Household Organics Bin must:
- 66.1.1 only deposit household Organics in the Household Organics Bin which are either loose or contained within newspaper or bin liners approved by Council;
  - 66.1.2 not leave any Household Organics Bin or a bin used for a private organics service collection out on Council Property for more than one (1) day before or after a collection day unless permitted to do so by an Authorised Officer;
  - 66.1.3 when placing the Household Organics Bin for collection, place it in a position the details of which are specified in advice by public notice or to the Occupier by Council, in front of the premises, or in an alternative location that Council may specify, that allows safe and efficient collection by the service Vehicle; and
  - 66.1.4 ensure that the Household Organics Bin is not removed from the, or transferred to other, premises except for the collection of the material in accordance with Clause 66.1.3;
  - 66.1.5 maintain the Household Organics Bin in a clean and sanitary condition;
  - 66.1.6 ensure that the area where the Household Organics Bin is kept on the property is kept clean and in a sanitary condition;

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66.1.7 ensure that the lid of the Household Organics Bin is closed other than when garden organics are being deposited in it; and

66.1.8 ensure that the Household Organics Bin is not overfilled such that the lid cannot be completely closed down.

66.2 A person must not remove or interfere with any Household Organics Bin or its contents when the Household Organics Bin is left on a Road, or at any other collection point, without the written authority of an Authorised Officer.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

66.3 Clause 66.2 does not apply to a person authorised by Council to collect or remove Household Organics, or an employee of such a person in the course of his or her employment, the person placing the Household Organics Bin out for collection or an Authorised Officer in the course of his or her employment.

**67. BULK RUBBISH CONTAINERS**

67.1 A person must not, without a Permit, place, cause or allow to be placed a Bulk Rubbish Container on a Road or Council Land or in any Public Place.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**68. USE OF DRAINS AND LEGAL POINTS OF DISCHARGE**

68.1 A person must not, without a Permit:

68.1.1 connect to;

68.1.2 alter;

68.1.3 interfere with;

68.1.4 excavate;

68.1.5 damage;

68.1.6 destroy; or

68.1.7 obstruct the function of,

any drain under the control of Council unless Council has certified a plan of subdivision which necessitates that activity or otherwise permitted that activity under another Act.

68.2 The Owner or Occupier of land must ensure that:

68.2.1 each building and/or structure on the land is connected to a legal point of discharge nominated by Council through a properly

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constructed and maintained drainage system to the satisfaction of an Authorised Officer; and

68.2.2 the land, including surface water, is adequately drained to the satisfaction of an Authorised Officer and does not cause a nuisance to adjoining property.

68.3 The Owner or Occupier of land must ensure that all drainage servicing his or her land is maintained in sound working order and does not cause damage or nuisance to any other property, including Council Property.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**PART J – MURRAY TO THE MOUNTAINS RAIL TRAIL****69. APPLICATION**

- 69.1 This Part applies to land and activities within the Rail Trail Reserve.
- 69.2 This Part does not apply to:
- 69.2.1 an Authorised Officer or an employee of Council when acting in the course of their duties; or
  - 69.2.2 a person acting in accordance with a lease, license, tenancy or permit granted or issued under an Act that is not subject to this Part, to the extent that the activities authorised by that lease, license, tenancy or permit are inconsistent with this Local Law.
- 69.3 Council may exempt any person from the operation of any or all of this Part.
- 69.4 Parts K and L of this Local Law apply to land and activities within the Rail Trail Reserve.

**70. POWERS OF COUNCIL OVER THE RAIL TRAIL**

- 70.1 Council may determine that a specified area or areas in the Rail Trail Reserve be set aside and permitted to be used for one or more of the following uses –
- 70.1.1 protection or management of Flora, Fauna, geological or geomorphological features or cultural values;
  - 70.1.2 re-establishment or planting of Vegetation;
  - 70.1.3 amenities or facilities for public use;
  - 70.1.4 camping;
  - 70.1.5 the playing of games or sport;
  - 70.1.6 the lighting or maintaining of fires;
  - 70.1.7 the riding, driving or leading of a horse or a mule or a donkey or a camel or the drawing of a Vehicle by any of those animals;
  - 70.1.8 the parking of any Vehicle or Vehicles of a particular class or classes;
  - 70.1.9 the passage of any Vehicle or Vehicles of a particular class or classes;
  - 70.1.10 a Bicycle Path;
  - 70.1.11 a Footway;

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- 70.1.12 a Separated Footpath;
- 70.1.13 a Shared Pathway;
- 70.1.14 the conducting of a community event;
- 70.1.15 a commercial venture;
- 70.1.16 for the Droving and/or Grazing of Livestock (Exceptional circumstances only);
- 70.1.17 to cut and bale grass for hay; and
- 70.1.18 to conduct fuel reduction burns.
- 70.2 A determination under Clause 70.1 must specify the times or periods during which the areas set aside may be used, the use for which the area has, or areas have, been set aside and any conditions of use.
- 70.3 If Council has determined that an area be set aside under Clause 70.1, it must cause a notice to be displayed in a conspicuous place in such a manner that the notice is reasonably likely to be seen by the persons about to enter the areas, indicating –
  - 70.3.1 the area(s) so set aside;
  - 70.3.2 the use for which the area has, or the areas have, been set aside; and
  - 70.3.3 the conditions on, and times or periods during, which the use is permitted.
- 70.4 Council may determine that a specified area or areas in the Rail Trail Reserve be set aside as an area where access or entry is prohibited or restricted for –
  - 70.4.1 a person who is in possession of Liquor;
  - 70.4.2 a person who is in possession of any glass;
  - 70.4.3 reasons of public safety;
  - 70.4.4 the protection of Flora, Fauna, geological or geomorphological features or cultural values;
  - 70.4.5 a person who is control of an animal including horses, camels, donkeys and other animals; and
  - 70.4.6 the Droving of Livestock.
- 70.5 A determination under Clause 70.4 must specify –
  - 70.5.1 the times or periods during which entry or access is prohibited or restricted to an area or the conditions of entry to that area; and

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- 70.5.2 the reasons why entry or access is prohibited or restricted.
- 70.6 If Council has determined that an area be set aside under Clause 70.4, it must cause a notice to be displayed in a conspicuous place in such a manner that the notice is reasonably likely to be seen by the persons about to enter the areas, indicating –
- 70.6.1 the areas so set aside;
- 70.6.2 any conditions of entry to the areas; and
- 70.6.3 the times or periods during which entry or access is prohibited or restricted.
- 70.7 Council may from time to time fix fees payable for entry to any part of the Rail Trail or the use of any facilities within the Rail Trail.
- 70.8 If Council has determined that fees are payable under Clause 70.8, it must cause notice of those fees to be displayed in a conspicuous place in such a manner that the notice is reasonably likely to be seen by the persons about to enter the areas.
- 70.9 A person must not:
- 70.9.1 enter any part of the Rail Trail; or
- 70.9.2 use any facilities within the Rail Trail,
- without paying any applicable fees, or otherwise in contravention of any conditions, fixed by Council.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****71. VEHICLES**

- 71.1 A person must not, without a Permit:
- 71.1.1 use, control or drive a Vehicle; or
- 71.1.2 park or leave a Vehicle standing,
- unless in an area set aside by Council for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

- 71.2 Clause 71.1 does not apply to –
- 71.2.1 a bicycle, unicycle, tricycle or scooter;
- 71.2.2 a battery powered bicycle or scooter with a power source of less than 200 watts;
- 71.2.3 a wheelchair being used by a person with a disability;

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71.2.4 a motorised mobility aid used by people with limited mobility, provided that no damage to the Rail Trail will result from the use of the mobility aid and the maximum speed travelled by the mobility aid does not exceed 20km/per hour; or

71.2.5 any motorised Vehicle used in any part of the Rail Trail Reserve signed as a Shared Zone, provided that the maximum speed travelled by that Vehicle does not exceed 20km/per hour and all traffic signals are obeyed.

**72. AIRCRAFT, HELICOPTERS AND AIRBORNE CRAFT**

A person must not, without a Permit, launch, fly, land, control or operate any model aircraft, model helicopter, aircraft, helicopter, glider, hang glider or similar flying machine, kite, hot air balloon or parachute.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**73. CAMPING**

A person must not, without a Permit, camp within the Rail Trail Reserve unless in an area set aside by Council for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**74. FIRE**

74.1 A person must not, without a Permit, light or maintain a fire unless –

74.1.1 at a time and during a period when the lighting of fires is not prohibited under any Act; and

74.1.2 in a place provided by Council for that purpose;

74.1.3 in an area set aside by Council for that purpose.

74.2 A person must not leave unextinguished or unattended a fire which that person has lit or maintained.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**75. ERECTING OR USING BUILDINGS AND STRUCTURES**

A person must not, without a Permit –

75.1 erect or place any building or structure, including a fence; or

75.2 enter, occupy or use the whole or any part of any building or structure except a building or structure set aside by Council for that purpose and in accordance with any applicable conditions.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**76. GAMES OR SPORTS**

A person must not, without a Permit, engage in any game or sport unless in an area set aside by Council for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**77. ORGANISED FUNCTION, FETE OR PUBLIC MEETING**

A person must not, without a Permit, participate in an organised function, concert, festival, tour, fete or public meeting or similar event unless in an area set aside by Council for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**78. PUBLIC ADDRESS**

A person must not, without a Permit, preach or deliver an address or use any amplifier, public address system, loud hailer or similar device.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**79. COMMERCIAL ACTIVITIES**

A person must not, without a Permit –

- 79.1 sell or offer any article for sale;
- 79.2 ply any Vehicle for hire or carry any passengers for fee or reward;
- 79.3 conduct any school or provide any form of instruction for gain;
- 79.4 display or advertise for sale, trade or hire any article, device, service or thing;
- 79.5 solicit or collect money or orders for goods, services or other purposes;
- 79.6 take part in or advertise any entertainment for gain;
- 79.7 give out, distribute, erect, leave, set up or display any handbill, placard, notice, pamphlet, book, paper, advertising matter or any like thing;
- 79.8 offer for hire any article, device or thing;
- 79.9 conduct a tour for gain or for commercial purposes; or
- 79.10 cultivate and/or plant any crops,

unless in an area set aside by Council for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**



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**80. MACHINERY AND POWER TOOLS**

A person must not, without a Permit, operate any portable or stationary generator, air-compressor, chainsaw, oxy-acetylene or electrical cutting or welding apparatus or other machinery in the Rail Trail Area.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**81. BICYCLE PATHS AND FOOTPATHS**

A person must not, without a Permit, enter or use a Bicycle Path, Footpath, Separated Footpath or Shared Pathway unless in an area set aside by Council for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**82. HORSES**

A person must not, without a Permit, ride, drive or lead a horse, mule, donkey or camel, whether in a vehicle or not, within the Rail Trail Reserve unless in an area set aside by Council for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**83. LIVESTOCK**

A person must not, without a Permit:

83.1 undertake Droving of Livestock or Grazing of Livestock; or

83.2 erect any temporary or permanent fencing with respect to such activities.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**84. HAY MAKING**

A person must not, without a Permit, cut and bale hay.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**85. FIRE MINIMISATION**

A person must not, without a Permit, undertake fuel reduction burning.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**86. NATURAL, CULTURAL AND OTHER ASSETS**

86.1 A person must not:

86.1.1 take, cut, damage, displace, deface or interfere with any timber, tree, shrub, plant, wildflower or other vegetation;

86.1.2 enter any area which is set aside by Council for the:

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- 86.1.2.1 re-establishment or planting of trees, shrubs, grass or other vegetation; or
- 86.1.2.2 protection of flora or fauna, geological or geomorphological features or cultural values;
- 86.1.3 plant or knowingly introduce any seed, tree, shrub, fern or other vegetation or any part of any tree, shrub or other vegetation;
- 86.1.4 take, destroy or damage any lair or nest or take any fauna or its lair or nest or take any skeletal remains;
- 86.1.5 move or interfere with any sign, notice-board, equipment, seat, table, gate, post, fence, bridge, facility, building or structure;
- 86.1.6 take any stone including any soil, sand or gravel or bricks from bridge or drainage structures; or
- 86.1.7 disturb the soil for activities such as cropping.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

- 86.2 Clause 86.1 does not apply to a person acting in accordance with a lease, license, permit or other authority under the *Extractive Industries Development Act 1995*, the *Mineral Resources (Sustainable Development) Act 1990* or the *Petroleum Act 1998*.

**87. USE OF AMENITY OR FACILITY**

A person must not enter or use an amenity or facility set aside for use of persons of the opposite gender unless the person is a child under the age of 6 years who is accompanied by an adult of that gender.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****88. GATES**

A person must leave any gate open except where the gate is already open, or otherwise in accordance with any directions displayed by Council.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****89. FIREARMS AND TRAPS**

A person must not within the Rail Trail Reserve possess or carry or use any firearm, trap or snare.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**PART K – LOCAL LAW PERMITS****90. PERMIT APPLICATIONS AND FEES**

- 90.1 An application for a Permit under this Local Law must be in a form determined by Council from time to time.
- 90.2 An application must be accompanied by any fee fixed by Council in accordance with Clauses 90.3 and 90.4.
- 90.3 Council may, from time to time by resolution, determine fees that must be paid by the Applicant for a Permit.
- 90.4 In fixing a fee or fees under this Clause 90, Council may take into account:
- 90.4.1 the recovery of costs which are incurred by it in processing the application and/or the issue of the Permit and/or likely to be incurred in monitoring compliance with the Permit or any condition in the Permit;
  - 90.4.2 the capacity of likely applicants to pay the fee; and
  - 90.4.3 Commonwealth and State Government legislation or policy directives.
- 90.5 Council may require a person making application for a Permit to give public notice of such application.
- 90.6 Where a Permit is issued for a standard period that applies to all such Permits, Council may reduce the normal fee by fifty (50) per cent if the period remaining is less than half of that standard period.
- 90.7 Council may waive, reduce or alter any fee or charge if the financial circumstances of the Applicant are such as to warrant such action.
- 90.8 A person who makes any false representation or declaration or who omits any relevant information from the application for a Permit, whether verbally or in writing, is guilty of an Offence.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****91. ISSUING OR REFUSING PERMITS**

- 91.1 In determining whether to issue a Permit and, if a Permit is to be issued, the scope and nature of conditions that will apply to it, Council may take into account the following where relevant:
- 91.1.1 the health and safety of the public;
  - 91.1.2 the amenity of the Municipal District;
  - 91.1.3 the impacts on other persons or their property;

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- 91.1.4 the extent to which the granting of the Permit might affect the activities or enjoyment of another person or group;
  - 91.1.5 the need to protect Council or Service Authority assets or infrastructure from damage;
  - 91.1.6 legislation and policy directives of the Commonwealth and State Governments;
  - 91.1.7 the need for work to occur which is authorised by Commonwealth or State Government legislation, or by Council or a Service Authority;
  - 91.1.8 any submission or comments that may be received in respect of the application;
  - 91.1.9 any policy or guideline adopted by Council relating to the subject matter of the application for the Permit, including, but not limited to, the policies incorporated into this Local Law by virtue of Clause 96; and
  - 91.1.10 any other matter that Council deems relevant.
- 91.2 Council may decide:
- 91.2.1 to issue a Permit;
  - 91.2.2 to issue a Permit subject to conditions; or
  - 91.2.3 to refuse to issue a Permit.
- 91.3 Where Council has refused to issue a Permit, the person seeking the Permit has fourteen (14) days after receiving a notice of refusal of permit Clause 91.2.3, or such other additional time determined by Council, to provide written reasons to Council as to why the Permit should not be refused and the notice of refusal must specify that right.
- 91.4 If a written submission is received by Council under Clause 91.3 within the specified period, the information provided shall be considered and, if permitted by Council, the person seeking the Permit will be given an opportunity to be heard by Council or Council's delegate and any such verbal submissions will also be considered.

**92. BREACH OF PERMIT CONDITIONS**

A person who fails to comply with a Permit or any condition of a Permit is guilty of an Offence.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**93. CANCELLATION OF PERMITS**

93.1 A Permit may be cancelled at any time if, in the opinion of Council or an Authorised Officer, there has been a:

93.1.1 significant change in circumstances relevant to the Permit or any material misstatement, omission or concealment in relation to the application for the Permit; or

93.1.2 failure to comply with any condition or conditions subject to which the Permit was issued.

93.2 If it is proposed that a Permit be cancelled under Clause 93.1, notice in writing must be given to:

93.2.1 the Permit Holder; and

93.2.2 if the Permit relates to an activity at a particular property and that person is not the Owner of the property, the Owner.

93.3 A Permit Holder and, if applicable, an Owner have fourteen (14) days after receiving the notice under Clause 93.2, or such other additional time determined by Council, to provide written reasons to Council as to why the Permit should not be cancelled and the notice under Clause 93.2 must specify that right.

93.4 If a written submission is received by Council under Clause 93.3 within the specified period, the information provided shall be considered and the Permit cannot be cancelled unless the Permit Holder and, if applicable, the Owner, have been given an opportunity to be heard by Council or Council's delegate and any such verbal submissions have also been considered.

93.5 Where it is proposed that a Permit be cancelled and the circumstances are such that the activity authorised should, in the opinion of Council, cease immediately due to the likelihood that if it continues there will be:

93.5.1 adverse effects on the environment, the amenity of the area, or the health or safety of any person, or property; or

93.5.2 damage to property or infrastructure assets of Council or any Service Authority,

then the Permit may be suspended immediately, pending consideration of any written or verbal submissions under Clause 93.4. For the purposes of this Clause 93.5, the Permit Holder must, for the duration of the suspension, cease all activities or things that would otherwise be allowed by the Permit.

**94. CORRECTION OF PERMITS**

94.1 Council may correct any Permit in relation to:

94.1.1 a clerical mistake or other error arising unintentionally or an omission; or

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94.1.2 an evident material miscalculation of figures or an evident material mistake in the description of any person, thing or property referred to in the Permit.

94.2 Council must give notice of any correction of a Permit to the Permit Holder.

**95. APPLICATION OF LOCAL LAWS TO SERVICE AUTHORITIES**

95.1 If a Permit is required, then any Service Authority which can be bound by this or any Local Law is required to obtain such Permit.

95.2 Any Service Authority undertaking work on Council Land or Council Infrastructure Assets must obtain the consent of Council prior to commencement of the activity, unless specifically exempted by legislation.

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**PART L – OTHER ADMINISTRATIVE AND ENFORCEMENT MATTERS****96. INCORPORATION OF POLICIES**

96.1 The following Policies are incorporated into this Local Law:

96.1.1 Local Law Policy LLP11 Droving of Livestock;

96.1.2 Local Law Policy LLP12 Grazing of Livestock; and

96.1.3 Local Law Policy LLP23 Using Footpaths.

**97. EXEMPTIONS**

97.1 No Permit is required under this Local Law where a person undertakes an activity or does any act or thing pursuant to and in accordance with a lease, licence or some other form of written consent given by Council or an Authorised Officer.

97.2 Council may otherwise exempt a person or Class of Persons from the operation of any or all of this Local Law, generally or in a particular instance, by giving written notice of that exemption to the person or Class of Persons.

**98. NOTICE TO COMPLY**

98.1 Any Authorised Officer may, by serving a Notice to Comply, direct any Owner or Occupier of land or other relevant person to remedy any situation which may constitute a breach of this Local Law.

98.2 A person who fails to observe any requirement specified in a Notice to Comply is guilty of an Offence.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****99. POWER OF AN AUTHORISED OFFICER TO ACT IN URGENT CIRCUMSTANCES**

99.1 In urgent circumstances arising as a result of a failure to comply with this Local Law, an Authorised Officer may take action to remove, remedy or rectify a situation without first serving a Notice to Comply, provided that:

99.1.1 it appears to the Authorised Officer that a breach of a Local Law is likely to occur, is occurring or has occurred;

99.1.2 the Authorised Officer considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a Notice to Comply may place a person, animal, property or thing at risk or in danger; and

99.1.3 wherever practicable, the prior consent of the Chief Executive Officer is obtained.

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- 99.2 In deciding whether circumstances are urgent, an Authorised Officer must take into consideration, to the extent relevant, whether:
- 99.2.1 it is practicable to contact:
- 99.2.1.1 the person by whose default, permission or sufferance the situation has arisen; or
- 99.2.1.2 the Owner or the Occupier of the land affected; and
- 99.2.2 there is an urgent risk or threat to public health, public safety, the environment or animal welfare.
- 99.3 The action taken by an Authorised Officer under this Clause 99 must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
- 99.4 An Authorised Officer who takes action under this Clause 99 must ensure that, as soon as practicable:
- 99.4.1 details of the circumstances and remedying action are forwarded to the person in breach of the provision of the Local Law in respect of which the action was taken; and
- 99.4.2 a report of the action taken is submitted to the Chief Executive Officer.
- 99.5 Any costs incurred by Council to remove, remedy or rectify a situation under this Clause 99 may be recovered by Council from the person responsible.

**100. PROCEDURE FOR AN AUTHORISED OFFICER TO IMPOUND**

- 100.1 An Authorised Officer may impound any item, Animal, object or thing found to be in breach of a Permit condition, a Notice to Comply, or of any Clause in this Local Law.
- 100.2 Where any item, Animal, object or thing has been impounded under Clause 100, Council or an Authorised Officer must serve written notice of the impounding personally, by pre-paid mail or by email on the person who appears to be the Owner of the impounded item, Animal, object or thing wherever it is practicable to do so.
- 100.3 A notice of the impounding must specify:
- 100.3.1 the item;
- 100.3.2 the place and time when it was impounded;
- 100.3.3 the fee payable for its retrieval;
- 100.3.4 the date by which the item must be retrieved (which must be not less than fourteen (14) days after the date on which the notice is issued);
- 100.3.5 that the item will be sold or disposed of in accordance with this Clause 100, if not so retrieved; and



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- 100.3.6 the fact that all costs associated with the impounding of the item may be recovered by Council from the Owner or person responsible for the item.
- 100.4 In any case where the name or the whereabouts of the Owner of, or person responsible for, the impounded item is unknown, the Authorised Officer must take reasonable steps to ascertain that information.
- 100.5 An impounded item must be surrendered to its Owner, or a person acting on behalf and with the authority of its Owner, if:
- 100.5.1 evidence to the satisfaction of the Authorised Officer is provided of the Owner's right to the item;
- 100.5.2 any fee, determined by Council from time to time, is paid; and
- 100.5.3 any charge for cost recovery, is paid.
- 100.6 If an impounded item is not retrieved by the date specified in the notice, an Authorised Officer may take action to dispose of it according to the following principles:
- 100.6.1 where the item has no saleable value it may be disposed of in any manner considered appropriate in the circumstances; and
- 100.6.2 where the item has some saleable value, it may be disposed of by public auction or tender, or by private sale (if public auction or tender fails to produce an offer or an auction or tender is inappropriate), but if no sale results from Council's efforts, the item may be disposed of in any manner which Council sees fit.
- 100.7 Proceeds of any sale of an impounded item, less any costs incurred by Council in impounding the item and complying with the requirements of this Local Law, are to be held by Council pending any claim by the Owner. If the Owner at any time provides reasonable proof of entitlement to the net proceeds of the sale of an impounded item, within six (6) months of the sale, payment of such must be made to that person.
- 100.8 If no valid claim is made with the six (6) months period under Clause 100.7, any surplus proceeds of the sale may be used for municipal purposes.

**101. OFFENCES**

- 101.1 A person who contravenes or fails to comply with:
- 101.1.1 any provision of a Local Law;
- 101.1.2 any condition contained in a Permit issued under a Local Law; or
- 101.1.3 a Notice to Comply issued under Clause 96,
- is guilty of an Offence.
- 101.2 For a person who is guilty of an Offence under Clause 101.1, the penalty will be:

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101.2.1 the specific penalty stated under any Clause of a Local Law or in cases where there is no specific penalty, the penalty specified under Clause 104;

101.2.2 a further penalty of one (1) Penalty Unit for each day after conviction during which the contravention continues; and

101.2.3 upon conviction for a second or subsequent Offence, double such specific penalty or twenty (20) Penalty Units, whichever is the lesser.

**102. INFRINGEMENT NOTICES**

102.1 An Authorised Officer may issue an Infringement Notice for an Offence, as an alternative to prosecution.

102.2 If an Offence is a continuing Offence, then an Infringement Notice may be issued on each day that the Offence continues.

102.3 A person issued with an Infringement Notice is entitled to apply to have the Infringement Notice internally reviewed by way of written objection to Council before the date on which the infringement penalty is due.

**103. INFRINGEMENT NOTICE PENALTIES**

Where an Infringement Notice is issued under this Local Law, the penalty payable in respect of the Infringement Notice will be:

103.1 as set out in the table in Schedule 1; or

103.2 where the penalty is not listed – two (2) Penalty Units.

**104. PENALTIES UNDER THIS LOCAL LAW GENERALLY**

104.1 In cases where a penalty for an Offence is not specified in this Local Law, maximum penalties of two (2) Penalty Units will apply for a first Offence and twenty (20) Penalty Units or the highest number of maximum Penalty Units allowed for by the Act (whichever is the greater) for a second or subsequent Offence.

104.2 In cases where a maximum twenty (20) Penalty Units is specified in this Local Law, the maximum Penalty Units capable of being imposed will be twenty (20) Penalty Units or the highest maximum number of Penalty Units allowed for by the Act (whichever is the greater).

**105. OFFENCES IN RELATION TO AN AUTHORISED OFFICER**

105.1 A person must not give information that the person knows or believes to be false to an Authorised Officer who is performing a function under this Local Law.

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- 105.2 A person must not mislead, deceive or omit any relevant information from a member of Council staff acting in accordance with their duties.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**SCHEDULE 1****PENALTIES PRESCRIBED UNDER CLAUSE 75 OF THIS LOCAL LAW, FOR  
INFRINGEMENT NOTICE PURPOSES**

<b>RELEVANT CLAUSE</b>		<b>Penalty for a natural person</b>	<b>Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise</b>
9	Use of Municipal Buildings	Two (2) Penalty Units	--
10	Prohibition on entry to a Municipal Building	Two (2) Penalty Units	--
11	Conduct in a Municipal Building	Two (2) Penalty Units	--
13	Use of Municipal Reserves	Two (2) Penalty Units	--
14	Conduct in a Municipal Reserve	Two (2) Penalty Units	--
15	Activities on Council Land or Roads	Two (2) Penalty Units	--
16	Collection of Firewood	Two (2) Penalty Units	
17	Droving of Livestock	Two (2) Penalty Units	--
18	Grazing of Livestock	Two (2) Penalty Units	--
19	Street Activities	One (1) Penalty Unit	--
20	Items on Council Land	Two (2) Penalty Units	--
21	Advertising and Advertising Signs	Two (2) Penalty Units	--
22	Shopping trolleys	Two (2) Penalty Units	--
23	Charity Donation Bins	Two (2) Penalty Units	--

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RELEVANT CLAUSE		Penalty for a natural person	Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise
24	Street parties, festivals and processions	One (1) Penalty Unit	--
25	Floodlighting	Two (2) Penalty Units	Five (5) Penalty Units
26	Scare Guns	Two (2) Penalty Units	Five (5) Penalty Units
27	Vehicles using Roads contrary to restricted use signs	Two (2) Penalty Units	--
28	Use of Vehicles on Council Land	Two (2) Penalty Units	--
29	Use of Recreational Vehicles on private land	Two (2) Penalty Units	--
30	Repairing Vehicles	Two (2) Penalty Units	--
31	Vehicles in a Public Place	Two (2) Penalty Units	--
32	Damaging, defacing or interfering with Council Property	Four (4) Penalty Units	--
33	Vehicle crossings	Two (2) Penalty Units	--
34	Consumption of Liquor or possession in unsealed container and behaviour near Licensed Premises	Three (3) Penalty Units	--
35	Bicycles, scooters, skateboards, in-line and roller skates	One (1) Penalty Unit	--
36	Property address and numbers	Two (2) Penalty Units	--
37	Incinerators and burning	Five (5) Penalty Units	--
38	Burning of materials	Five (5) Penalty Units	

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<b>RELEVANT CLAUSE</b>		<b>Penalty for a natural person</b>	<b>Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise</b>
39	Condition of land	Five (5) Penalty Units	--
40	Vacant, Dilapidated & Dangerous Premises	Five (5) Penalty Units	Ten (10) Penalty Units
41	Storage of dangerous or hazardous substances on land	Five (5) Penalty Units	--
42	Storage, vehicles and machinery	Two (2) Penalty Units	--
43	Shipping containers and temporary structures	Two (2) Penalty Units	--
44	Intruder alarms	Two (2) Penalty Units	--
45	Camping	One (1) Penalty Unit	--
46	Trees and vegetation	Two (2) Penalty Units	--
47	Wasp nests and bees	Two (2) Penalty Units	--
48	Limits on number of animals kept	Two (2) Penalty Units	--
49	Removal of animal faeces	One (1) Penalty Unit	--
50	Animal housing	Two (2) Penalty Units	--
51	Provision of effective fencing to contain animals	Two (2) Penalty Units	--
53	Protection of Council Infrastructure Assets	Five (5) Penalty Units	Ten (10) Penalty Units
54	Containment of building sites	Five (5) Penalty Units	Ten (10) Penalty Units
55	Entry to building sites	Five (5) Penalty Units	Ten (10) Penalty Units

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<b>RELEVANT CLAUSE</b>		<b>Penalty for a natural person</b>	<b>Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise</b>
56	Building site identification	One (1) Penalty Unit	Five (5) Penalty Units
57	Approved toilet systems	Five (5) Penalty Units	Ten (10) Penalty Units
58	Building site waste	Five (5) Penalty Units	Ten (10) Penalty Units
59	Pedestrian and traffic hazards, and safety	Five (5) Penalty Units	Ten (10) Penalty Units
60	Soil stockpiles	Five (5) Penalty Units	Ten (10) Penalty Units
61	Amenity controls	Five (5) Penalty Units	Ten (10) Penalty Units
62	Drains	Five (5) Penalty Units	Ten (10) Penalty Units
63	Building or industrial noise	Two (2) Penalty Units	Ten (10) Penalty Units
64	Domestic, commercial and industrial garbage services	Two (2) Penalty Units	--
65	Recyclable materials service	Two (2) Penalty Units	--
66	Household organics service	Two (2) Penalty Units	--
67	Bulk Rubbish Containers	Two (2) Penalty Units	--
68	Use of drains and legal points of discharge	Ten (10) Penalty Units	--
71	Vehicles on the Rail Trail Reserve	Two (2) Penalty Units	--
72	Aircraft, helicopters and airborne craft on the Rail Trail Reserve	Two (2) Penalty Units	--
73	Camping on the Rail Trail Reserve	Two (2) Penalty Units	--

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<b>RELEVANT CLAUSE</b>		<b>Penalty for a natural person</b>	<b>Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise</b>
74	Fire in the Rail Trail Reserve	Five (5) Penalty Units	--
75	Erecting or using buildings and structures on the Rail Trail Reserve	Two (2) Penalty Units	--
76	Games or sports on the Rail Trail Reserve	Two (2) Penalty Units	--
77	Organised functions on the Rail Trail Reserve	Two (2) Penalty Units	--
78	Public address systems on the Rail Trail Reserve	Two (2) Penalty Units	--
79	Commercial activities on the Rail Trail Reserve	Two (2) Penalty Units	Ten (10) Penalty Units
80	Machinery and power tools on the Rail Trail Reserve	Two (2) Penalty Units	--
81	Bicycle Paths and footpaths on the Rail Trail Reserve	Two (2) Penalty Units	--
82	Horses on the Rail Trail Reserve	Two (2) Penalty Units	--
83	Livestock on the Rail Trail Reserve	Two (2) Penalty Units	--
84	Hay making on the Rail Trail Reserve	Two (2) Penalty Units	--
85	Fire minimisation on the Rail Trail Reserve	Two (2) Penalty Units	--
86	Natural, cultural and other assets on the Rail Trail Reserve	Two (2) Penalty Units	--
87	Use of amenities on the Rail Trail Reserve	Two (2) Penalty Units	--
88	Gates on the Rail Trail Reserve	Two (2) Penalty Units	--
89	Firearms and traps on the Rail Trail Reserve	Five (5) Penalty Units	--



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<b>RELEVANT CLAUSE</b>		<b>Penalty for a natural person</b>	<b>Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise</b>
90.8	False representation to Council	Two (2) Penalty Units	--
92	Breach of Permit conditions	Five (5) Penalty Units	--
98.2	Non-compliance with Notice to Comply	Five (5) Penalty Units	Ten (10) Penalty Units
105.1	Giving false information to an Authorised Officer	Five (5) Penalty Units	--
105.2	Misleading or deceiving Council staff	Five (5) Penalty Units	--

Location	2018 Section	Proposed Change	Why
Definitions	Na	Multiple changes to definitions	Clearer more concise wording of Definitions and/or changes to Acts relating to definitions
Definitions	7	Delete Interpretation	Not needed - Unnecessary in the context of the local law
Part B Municipal Buildings	8, 9, 10	Merge of Sections - rename Access to Municipal Building and deletion of duplicated sections and streamline of wording	making more concise and reducing wording
Part B Municipal Buildings	12,13	Merge of Sections - rename Access to Council Land	Streamline, more concise reduce duplication
Part B Municipal Buildings	14	Change of title - Prohibited conduct on Council Land	
Part B Municipal Buildings	14	light a fire or allow any fire to remain alight except in a barbecue provided by the Council;	Protection of reserves from unauthorised burnings.
Part B Municipal Buildings	14	A person must not leave unextinguished or unattended a fire which that person has lit or maintained.	Protection of reserves from unauthorised burnings.
Part B Municipal Buildings	14.4	walk on flower beds or borders, damage native vegetation, dig or disturb the ground, climb steep banks or cliff faces or enter any prohibited areas delineated as such by Council from time to time;	Protection of reserves from damage to native vegetation and grounds.
Part B Municipal Buildings	14.9	dump rubbish, green waste and grass clippings	Protection against illegal dumping onto council reserves.
Part D - Use of Council Land and Roads	15	Delete Section - 15 Activities on Council Land or Road - has now been addressed in Section 11 Prohibited conduct on Council land (New Above)	These activities require a works in a road reserve permit and are endorsed through our Roadside Conservation Management Plan.
Part D - Use of Council Land and Roads	15.7	without a permit light a fire or undertake fuel reduction burning.	Under the Roadside Conservation Mgmt. Plan burnings require CFA, DEECA & Council prior approval and a works in a roadside permit.
Part D - Use of Council Land and Roads	15.8	leave unextinguished or unattended a fire which that person has lit or maintained.	Under the Roadside Conservation Mgmt. Plan burnings require CFA, DEECA & Council prior approval and a works in a roadside permit.
Part D - Use of Council Land and Roads	16	A person must not, <del>without a Permit,</del> collect any wood, for the purpose of fuelling a fire or for any other purpose, from any Council Land or Road.	Risk and Insurance roadside collection is no longer allowed on council land/roads.
Part D - Use of Council Land and Roads	16	A person must not, without a Permit, collect firewood from Council firewood depots.	Permits for firewood depot wood collection required.
Part D - Use of Council Land and Roads	22	Update - Shopping Trolleys - further clarity and retailer responsibility	Expanded to provide clarity and add retailer responsibility
Part D - Use of Council Land and Roads	26	Removal section - Scare Guns	Not needed - Falls under EPA Act
Part E - Vehicles	27	Removal - Vehicles using roads contrary to restrictive use signed	These will be offences against the Road Safety Act 1986 and Road Safety Road Rules 2017 and must therefore fall to be regulated according to that legislation.
Part E - Vehicles	30	Change to heading - Repair and display for sale of vehicles	
Part E - Vehicles	31	Change to heading - Vehicles on Roads and Council Land	change wording to remain in line with Road and Council Land rather than public place
Part F - Conduct Generally	31.2.2	32.2.alter, destroy, damage or interfere with a water course, ditch, creek, swale, establish an easement, gutter, drain, tunnel, bridge, levee, culvert or fence which belongs to or is under the control of Council	Add wording
Part F - Conduct Generally	32.2.5	take, destroy or damage any lair or nest or take any fauna or its lair or nest or take any skeletal remains	already exists in Murray Rail Trail part - copying over to cover it on council land too
Part F - Conduct Generally	39.1.1	Condition of Land: Allow grass or undergrowth on the premises to exceed 100 mm in height;	Clarity on height of grass for fire prevention notices
Part F - Conduct Generally	39.1.4	become infested with <del>blackberry</del> noxious weeds or other invasive plants or vermin; or	Under the CALP Act its not just blackberries, but all noxious weeds.
Part F - Conduct Generally	42.1	Delete - or a commercial area	storage of vehicles is allowed in a commercial area -i.e. garages, smash repairs etc
Part F - Conduct Generally	44	Delete Intruder Alarms	Falls under EPA Act

Part F - Conduct Generally	46.1	a European wasp nest; or	native wasps are different, should differentiate between the two so put in European. Also just checking, this law makes it sound like Council would also have to take immediate steps to remove?
Part G - Animal Management	47 - Table 1	Number of Animal Kept - Add Flat/units to table with animal limits	Control numbers of animals within limits for Flats/Units - space and animal best practice
Part G - Animal Management	48	Add Section on Racing Pigeons - not under Domestic Animal Management Plan	Standards for owners of racing pigeons and where they can be kept
Part G - Animal Management	54	Effective Control of Animal - Current with Legal - effective control at all times, by means of a chain, cord, or leash while the dog is in a Public Place, except where that Public Place is a Designated Off Leash Area designated by Council signage to be an area where dogs are permitted off-leash or are all together prohibited.	Allows enforcement of animals not on leash - Current with Legal - Local Law or Domestic Animal Management Plan
Part G - Animal Management	56	Wandering Animal: The owner and person in charge of an animal must not allow that animal to wander from the property it is normally kept. The owner and person in charge of an animal must ensure that the land in which the animal is normally kept is adequately fenced to prevent the animal from wandering at large .	Current with Legal - Local Law or Domestic Animal Management Plan
Part I - Waste Management	64-67	Delete and insert new clause referencing the Waste Services Policy	The Waste Services Policy will be able to be kept up to date with the changing space of waste services i.e.. introduction of Glass Bin and save having to go through Local Law process on each occasion - infringement will carry same
Part J - Murray to Mountains	72	Check Drone add	
Part J - Murray to Mountains	78.1	Delete - at a time and during a period when the lighting of fires is not prohibited under any Act; and	All fires on our railtrail require a permit/approval
Part J - Murray to Mountains	87	Delete section - A person must not enter or use an amenity or facility....	No longer relevant
Part L - Other Admin and Enforcement	100	Exemptions - 97.2 Council may otherwise exempt a person or class of person from the operation of any or all of this local law....	No longer relevant
Part L - Other Admin and Enforcement	105, 106, 107	Currently with Legal - sections overly complicated	Reduce to make concise
Schedule 1	Infringements Penalty	Sections Update to meet new format and Clauses	
	Animal Housing	Added Penalty Units for Commercial	
	Waste	Added Penalty Units for Commercial	



RURAL CITY OF  
**WANGARATTA**



Rural City of **Wangaratta**

**Draft**  
**LOCAL LAW ~~NO.~~No 1 OF 2018**

**Community Amenity 2025**

Adopted by Council on ~~17 July 2018~~

~~In operation from 3 August~~

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## Local Law No. 1 – Community Amenity Local Law

## PART A – INTRODUCTORY

## 1. TITLE

This is the Rural City of Wangaratta Local Law No. 1 – Community Amenity Local Law and is referred to below as "this Local Law".

## 2.1. PURPOSE OF THIS LOCAL LAW

The purpose of this Local Law is to:

- 2.1.1.1 ~~revoke Local Law No. 1 of 2014~~2018 – Community Amenity (~~Amendment~~) and ~~Local Law No. 3 of 2009 – Murray to the Mountains Rail Trail made by Council;~~
- 2.21.2 provide for and assure equitable, orderly and enjoyable use by people of community facilities, including roads;
- 2.31.3 protect Council Property and other community assets from loss or unnecessary or avoidable damage;
- 2.41.4 support provision by Council of a safe, clean and healthy environment in areas under its control and management; and
- 2.51.5 provide generally for the peace, order, and good government of the Municipal District.

## 3.2. ENABLING POWER AND COMMENCEMENT

This Local Law is made under section ~~111~~71 of the Local Government Act 2020 (Vic) and comes into operation on ~~3 August 2018~~the day that it is made by Council.

## 4.3. DATE THIS LOCAL LAW CEASES OPERATION

Unless this Local Law is revoked sooner, its operation will cease ~~on 3 August 2028~~the day that is 10 years after it is made.

## 5.4. SCOPE AND STATUS OF THIS LOCAL LAW

- 5.4.1.1 This Local Law operates throughout the Municipal District.
- 5.24.2 Upon this Local Law coming into operation, Local Law No. 1 of ~~2014~~2018 – Community Amenity (~~Amendment~~) and ~~Local Law No. 3 of 2009 – Murray to the Mountains Rail Trail made by Council~~ are~~is~~ revoked.

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Draft Local Law No. 1 – Community Amenity 2025

5. INCORPORATED DOCUMENTS

Pursuant to section 76 of the *Local Government Act 2020*, the Waste Management Policy is incorporated into this Local Law.

## Draft Local Law No. 1 – Community Amenity 2025

## 6. DEFINITIONS

In this Local Law, unless inconsistent with the context, the following definitions apply:

**Act** means the Local Government Act ~~1989~~2020;

**Advertising Sign** means any placard, board, sign, card, ~~teardrop flag, partition or banner, whether~~ electronic or mechanical, portable or affixed or attached to any land, ~~or building or vehicle which:~~

6.1 ~~provides information about a business or industry;~~

6.2 ~~advertises goods, a service, an event or a competition; or~~

6.3 ~~, that contains information or a promotion of a political nature; an advertisement;:~~

**Animal** ~~includes every~~ means all vertebrate and invertebrate species of quadruped and every species of bird and every species of reptile; other mammals, birds, fish and shellfish, but does not include a human being;

**Applicant** means a person who applies for a Permit under this Local Law;

**Appropriate Fee** means the fee determined by Council from time to time in respect of a particular matter in accordance with this Local Law;

**Approved Bin** has the meaning given by the Waste Management Policy;

**Approved Toilet System** means an existing toilet facility connected to a sewerage or a temporary effluent system that does not cause odours or detriment to the amenity of the area in which the ~~Site~~ toilet facility is located and is kept in a clean and sanitary condition at all times;

**Asset** means any:

6.1 ~~Road;~~

6.2 ~~drain;~~

6.3 ~~drainage Council-owned~~ infrastructure;

6.4 ~~street tree;~~

6.5 ~~street sign; or~~

6.6 ~~asset and other~~ property vested in, or under the control of, Council;

**Asset Protection Permit** means a Permit issued by Council under Clause 32 of this Local Law;

**Asset Protection Permit Bond** means a sum of money the amount of which has been determined by Council or an Authorised Officer after taking account of:

6.1a ~~the nature of the Building Works;~~

6.2b ~~likely costs that would be incurred for repairs to Council Infrastructure Assets if~~ damage does occur to them, during or as a result of the Building Works;

6.3c ~~requirements which are commonly applied in comparable situations; and~~

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## Draft Local Law No. 1 – Community Amenity 2025

6.4d. any relevant Commonwealth or State government legislation or policy directives;

**Assistance Dog** has the same meaning as in the *Equal Opportunity Act 2010*;

**Authorised Officer** means a person appointed by Council to be an Authorised Officer under section 224 of the *Local Government Act 1989*;

**Barbeque** means ~~any~~ structure or device ~~designed erected outdoors, whether fixed, portable or constructed for the exclusive use of a mobile, which has as its primary purpose of the~~ cooking of food ~~in the open air~~ for human or animal consumption;

**Bicycle Path** has the same meaning as in the *Road Safety Road Rules 2009*;

**Bird** means ~~a warm-blooded egg-laying vertebrate animal distinguished by the possession of feathers, wings, a beak, and typically by being able to fly.~~

**Building Waste Container** means a waste container of a size and shape that is appropriate for the deposit of waste generated during Building Works which has solid walls and a lid that can be closed securely at all times;

**Building Works** includes:

6.1 ~~means any works with a value of \$10,000, whether or more with respect to the construction, demolition, renovation, alteration or removal of, or to, any not a building, structure or land or any work for which a permit is required under the Building Act 1993 or any other equivalent legislation (including this Local Law);, and~~

6.2 ~~the relocation includes any work with respect to construction, demolition, renovation, alteration or removal of any building and/or structure irrespective of the value of the works;.~~

**Bulk Rubbish Container** means a bin, skip or other container used for the deposit of waste (including trade waste, building waste and other bulk waste) but excludes a Garbage Bin used in connection with ~~Council's waste or garbage collection service~~ the *Collection Service*;

**Charity Donation Bin** means ~~a container designed to receive receptacle used for the donation of clothing and other household items for reuse or resale for charitable purposes~~ goods of a type which the organisation owning the bin indicates can be deposited there;

**Chief Executive Officer** means the person appointed to, or acting in, the position of Chief Executive Officer of Council;

**Glass of Persons** means ~~all persons sharing a particular attribute, characteristic or other feature determined or described by Council from time to time for the purposes of clause 97.2 of this Local Law, and may include officers and members of the Country Fire Authority and other Service Authorities;~~

**Clause** means a clause of this Local Law;

**Collection Service** has the meaning given by the *Waste Management Policy*;

**Commercial Area** means any part of the Municipal District which is zoned 'Commercial', including land which is zoned 'Mixed Use', 'Commercial 1' and

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Draft Local Law No. 1 – Community Amenity 2025

'Commercial 2', under the Municipal Planning Scheme;

~~Construction Work means building works or earthworks for which no permit under the Building Act 1993 is required;~~

**Council** means the Rural City of Wangaratta;

**Council Infrastructure Asset** means any physical asset owned by, vested in or under the care, control or management of Council, including but not limited to any

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Road, drain, tree, vegetation, pavement, kerb, street furniture, sign, pole, light, batter or retaining wall;

**Council Land** means any land, including a road reserve, owned by, vested in or under the care, control or management of Council, other than a Road;

**Council Property** includes any Road, Council Land, Council Infrastructure Asset and building or other structure, fixture, fitting, equipment or furnishing or other such asset, which is owned by or under the control or care or management of Council;

**Designated Camping Area** means an area designated by Council from time to time to be an area set aside for camping.

**Droving of Livestock** means the driving of Livestock from one location to another within or through the Municipal District for the purpose of:

6-4a. changing their grazing area;

6-2b. sale; or

6-3c. relocation after sale;

across Council Land or Roads but does not include Movement of Livestock;

**Floating Vessel** means any kayak, canoe, boat, yacht, raft, tyre tube or any other object that can carry a person on or in water;

**Floodlighting** means any lighting designed for the purpose of providing exterior floodlighting for recreation, entertainment, sporting, security, car parking, advertising or display purposes and providing lighting output greater than 4,000 lumens;

**Garbage Bin** means a receptacle supplied to a premises by Council for the purposes of collecting and disposing of household, commercial or industrial waste;

**Grazing of Livestock** means the use of a ~~road~~Road within part of the Municipal District, as determined by Council from time to time, for the purpose of grazing livestock but does not include Droving of Livestock or Movement of Livestock;

**Hard Waste** means any substance or article Prescribed from time to time to be Hardhas the meaning given by the Waste for the purposes of this Local LawManagement Policy;

**Heavy Vehicle** means a vehicle with a GVM of 4.5 tonnes or more;has the same meaning as in the Heavy Vehicle National Law (Victoria);

**Home Delivery** means the delivery of goods or services to an Owner or Occupier of land, where the delivery takes place, and is completed, on that land;

**Household Organics** means organic waste, primarily from the kitchen, including egg shells, vegetable and fruit peels and cooked leftovers and meats, including bones;

**Household Organics Bin** means a receptacle supplied to a premises by Council for the purposes of collecting and disposing of Household Organics;

**Incinerator** means a structure, device or contraption (not enclosed in a building), which is:

6-4a. used or intended, adapted or designed to be used or capable of being used for

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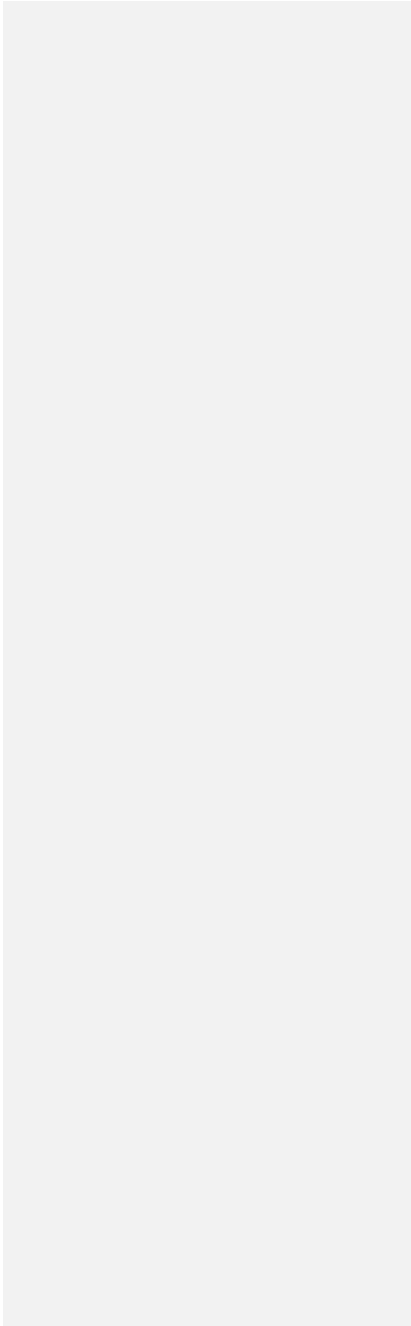
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the purpose of burning any matter, material or substance;



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~~6.2b.~~ not licensed or otherwise subject to control under the provisions of any Act; and  
~~6.3c.~~ not a Barbeque;

**Industrial Area** means any part of the Municipal District which is zoned 'Industrial', including land which is 'Industrial 1' under the Municipal Planning Scheme;

~~**Infringement Notice** means a notice prepared in accordance with Clause 102 of this Local Law;~~

**Itinerant Trading** means selling, or offering for sale, goods or services from a temporary location or from place to place or from a vehicle or other form of transport;

**Licensed Premises** means any hotel, tavern, bottle shop, bar, nightclub or other premises from which Liquor is sold;

**Liquor** has the same meaning as in the *Liquor Control Reform Act 1998*;

**Litter Device** means an apparatus designed for the purpose of removing animal excrement, and includes a paper or plastic bag;

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

~~**Local Law** means a local law of Council;~~

**Motor Home** means any vehicle designed for temporary accommodation purposes, including campervans;

**Movement of Livestock** means individual or regular movements of Livestock:

~~6.1a.~~ as part of normal farm management operations of a single farming enterprise;

~~6.2a.~~ from one property to another within the Municipal District; and

~~6.3b.~~ at a rate not less than one kilometre per hour in the direction of movement between the properties,

where:

~~6.4a.~~ the properties concerned are occupied by a single farming enterprise; and

~~6.5b.~~ the movement is completed on the same day that it commenced;

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

**Municipal District** means the area proclaimed under the Act to be under the local government of Council;

~~**Municipal Planning Scheme** means a planning scheme approved under the Wangaratta Planning Scheme;~~

~~**Planning and Environment Act 1987** that operates within the Municipal District;~~

**Municipal Reserve** means any Council Land dedicated or used for environmental, cultural, recreational or entertainment purposes;

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**Notice to Comply** is a notice prepared in accordance with Clause 96 of this Local Law;

**Occupier** means the person or persons in charge, or having the management or control, of or legally entitled to occupy any land (including premises) and includes, in relation to land which has a lot entitlement or lot liability in respect of common property, the Owners Corporation created on the registration of a Plan of Subdivision affecting that land;

~~**Offence** includes an offence against or a breach of a provision of any Local Law, or a breach of a Permit, or a Notice to Comply or a direction issued under a Local Law or Permit;~~

**Owner**, in relation to any land (including a Site or premises), means the person who is registered on the certificate of title as the owner of the land or the person who is or is entitled to exercise any rights of ownership of the land;

**Penalty Unit** has ~~the same meaning as inscribed to it by section 110 of the Sentencing Act 1991;~~

**Permit** means a permit ~~authorised or required issued~~ under this Local Law, and ~~issued~~ in accordance with ~~the provisions of~~ this Local Law;

**Permit Holder** means a person or persons in whose name or names a Permit has been issued;

**Poultry** means any chicken, duck, fowl, and other domestic fowl or similar sized bird but does not include a Rooster;

**Property Address** means the road name and street number allocated to a property within the Municipal District and may include, where there are multiple tenements within a property or multiple properties at one street number, the use of lot or unit numbers;

**Public Place** has the same meaning as in section 3 of the *Summary Offences Act 1966*;

~~**Putrescible Refuse** means refuse that is liable to rot or become putrid and most commonly relates to normal household scraps;~~

**Premises** means the whole or part of any land, a lot on a plan of subdivision and a building or building under construction;

~~**Racing Pigeon** means a pigeon that is kept by a person who is a registered, current member of a recognised National or State Homing or Racing Pigeon Association;~~

**Rail Trail** means the multi-use recreational pathway developed on a former railway easement and set aside for recreational use and those areas of Council owned or managed land that links those areas of former railway reserve, forming a continuous sealed bike path from Wangaratta to Everton;

**Rail Trail Reserve** means the Crown land reserved for Public Purposes (Rail Trail) in the various Parishes in the Municipal Districts of Council and the Alpine and Indigo Shires as follows:

~~6.4a. Bright and Porepunkah as shown red on the plan marked LEG/L/98-52;~~

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6.2b. Barwidgee and Porepunkah as shown red on the plan marked LEGL./97- 191;

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- 6.3c. Barwidgee as shown red on the plan marked LEGL./97-190;
- 6.4d. Myrtleford as shown red on the three plans marked LEGL./96-461;
- 6.5e. Myrtleford and Murrumgee as shown red on the plan marked LEGL./99-41;
- 6.6f. Murrumgee as shown red on the plan marked LEGL./99-40;
- 6.7g. Everton and Murrumgee as shown red on the plan marked LEGL./99-39;
- 6.8h. Everton and Murrumgee as shown red on the plan marked LEGL./99-42;
- 6.9i. Beechworth as shown red on the plan marked LEGL./99-43;
- 6.10j. Tarravongee and Everton as shown red on the plan marked LEGL./99-38;
- 6.11k. Carraragarmungee as shown red on the plan marked LEGL./99-37;
- 6.12l. Carraragarmungee (Bowser)– additions to Murray to the Mountains Rail Trail 2007421 as shown red on Map C;

lodged in the Land Registry;

**Recreational Vehicle** includes any mini bike, trail bike, quad bike, motor bike, motor car, motor scooter, go cart and any other vehicle propelled by a motor which is used for recreational purposes and not registered under the *Road Safety Act 1986* but does not include a motorised wheelchair or other aid used by persons with disabilities or motorised vehicles used for farming purposes;

**Recyclable Material** means any substance or article prescribed from time to time to be Recyclable Material for the purposes of this Local Law;

**Recyclables Bin** means a receptacle supplied to premises by Council for the purposes of collecting and disposing of premises Recyclable Material;

**Residential Area** means any part of the Municipal District which is zoned 'Residential', including land which is zoned 'General Residential', 'Neighbourhood Residential', 'Residential Growth', 'Low Density Residential', and 'Township' and for this local law also includes 'Rural Living' under the Municipal Planning Scheme;

**Retailer** means a person who sells goods by retail and provides Shopping Trolleys to his or her their customers;

**Road** has the same meaning as in the *Local Government Act*;

**Road Management Plan** means a Road Management Plan made under the *Road Management Act 2004*;

**Rubbish Hopper** means a purpose built container designed to receive trade waste which is emptied by mechanical means and includes wheel mounted and tray bin type hoppers;

**Scare Gun** means any type of noise generating device designed and used for the purpose of scaring birds from land 1989;

**Schedule** means a Schedule to this Local Law;

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**Sediment Fencing/Barriers** means a filter fence, sausage or other similar control measure, that prevents sediment, slurry, silt, soil and other materials being transported off Site by water;

**Senior Officer** has the same meaning as in the Act;

**Separated Footpath** has the same meaning as in the *Road Safety Road Rules 2009*;

**Service Authority** means any public authority or corporation other than Council, whether a government department, a government agency, a statutory body or a private sector corporation, responsible for providing infrastructure or utility facilities or services to the community;

**Shared Pathway** means an area open to the public (except a separated footpath) that is designated for, or has as one of its main uses, use by both the riders of bicycles and pedestrians, and includes a length of path for use by both bicycle riders and pedestrians beginning at a shared path sign or shared path road marking and ending at the nearest of the following:

- 6-1a. an end shared path sign or end shared path road marking;
- 6-2b. a no bicycles sign or no bicycles road marking;
- 6-3c. a bicycle path sign or bicycles path road marking;
- 6-4d. a Road (except a road related area);
- 6-5e. the end of the path;

**Shopping Trolley** means a vehicle used primarily for the carriage of goods by customers of a Retailer;

**Site** means the land where Building Works are occurring and includes any land to which Building Works relate;

**Site Fencing** means a fence around the entire perimeter of a Site at the commencement and for the duration of the Building Works:

- 6-1a. at a height of not less than eighteen hundred (1800) millimetres;
- 6-2b. capable of preventing litter from being transported from a building Site by wind;
- 6-3c. capable of preventing unauthorised persons accessing the Site; and
- 6-4d. having not more than one access opening fitted with gates, which is located to correspond with the vehicle crossing for the Site;

**Site Identification** means a sign that is at least six hundred (600) millimetres in height and four hundred (400) millimetres in length, is erected at the entrance to the Site and is clearly visible from the road, and includes on the sign the:

- 6-1a. lot number, as described on the Certificate of Title relevant to the land;
- 6-2b. name of the Owner, developer or builder responsible for the Site;

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Draft Local Law No. 1 – Community Amenity 2025

~~6.3c.~~ relevant building surveyor's contact name and phone number; and

~~6.4d.~~ twenty-four (24) hour contact telephone number or numbers for the Owner, developer or builder responsible for the Site;

**Stormwater System** means the system that provides for the conveyance of stormwater runoff including kerb and channel, open channels, underground pipe systems and natural waterways;

**Trade Waste** means any refuse, rubbish, slops or other waste matter arising from or generated by any trade, industry or commercial undertaking;

~~**Vehicle** means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn, and includes a bicycle or other pedal-powered vehicle, trailer, tram-car and air-cushion vehicle but does not include railway locomotive, railway rolling stock or a Recreational Vehicle; and~~

**Vehicle** has the meaning as in section 3 of the Road Safety Act 1986;

**VicRoads** means the Roads Corporation; and

~~7.~~ **INTERPRETATION**

~~7.1~~ Where a word or phrase has a particular meaning, other grammatical forms of that word or phrase have the same meaning;

~~7.2~~ Unless the context suggests otherwise, where a penalty appears at the foot of a subclause it applies not only to an offence against that provision but to any other offence against the Clause. For example, the penalty appearing after Clause 19.6 applies to offences against Clause 19.1, 19.2, 19.3, 19.5 and 19.6. The penalty appearing after Clause 53.10 likewise applies to offences against Clause 53.1, 53.6 and 53.7.

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Waste Management Policy means the Waste Management Policy 2025 adopted by Council at the time of making this Local Law, as amended or replaced by Council from time to time, which is incorporated by reference into this Local Law.



## PART B – MUNICIPAL BUILDINGS

### 8.7. OPENING HOURS OF ACCESS TO MUNICIPAL BUILDINGS

8.1 Municipal Buildings will be open to the public during such hours as Council determines.

8.2 Council may at any time close a Municipal Building or any part of it for any purpose, including for maintenance and cleaning.

### 9. USE OF MUNICIPAL BUILDINGS

7.1 Council may from time to time determine:-

7.1.1 the hours when any Municipal Building will be open to the public; and

9.4.7.1.2 conditions of, or limitations on, use of Municipal Buildings that apply to any Municipal Building or class of Municipal Buildings specified.

7.2 A person entering must not, without a Permit:

9.2 enter or remain in a Municipal Building must comply with any conditions of or limitations of use determined under Clause 9.1.

9.3 Conditions of, or limitations on, use of any Municipal Building determined by Council under Clause 9.1 must be displayed at during hours in which the Municipal Building-

9.4.7.2.1 Without limiting is not open to the scope of Clause 9.2, a person must not, without a Permit: public;

9.4.4.7.2.2 organise any function or event in a Municipal Building;

9.4.4.7.2.3 hawk, sell, offer for sale or hire out or supply or promote any goods, articles or services in a Municipal Building;

9.4.3 enter or remain in a Municipal Building otherwise than during the hours in which the Municipal Building is open to the public;

9.4.4.7.2.4 enter or remain in any part of a Municipal Building not set aside for public use;

9.4.5.7.2.5 enter a Municipal Building other than through an entrance provided for the purpose of public entry;

9.4.6.7.2.6 bring any Animal, other than an Assistance Dog, into, or allow any Animal under his or her their control to remain in, a Municipal Building;

9.4.7.7.2.7 bring any Vehicle or Recreational Vehicle into a Municipal Building, except for:

9.4.7.4.7.2.7.1 a pram or pusher being used by a parent to transport a child;

9.4.8.7.2.8 a wheelchair being used by a person with a disability; or

7.2.8.1 a motorised mobility aid used by people with limited mobility, provided access is available and that no damage

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9.4.8.1 —bring into or deliver to thea Municipal Building will result  
from the use of the mobility aid;

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# Local Law No. 1 – Community Amenity Local Law

9.4.97.2.9 ~~bring or deliver any Liquor to a Municipal Building;~~

9.4.107.2.10 ~~bring into a Municipal Building any substance, liquid or powder which may:~~

9.4.10.47.2.10.1 ~~be dangerous, injurious or offensive to health;~~

9.4.10.27.2.10.2 ~~have the potential to foul, pollute or soil any part of the Municipal Building; or~~

9.4.10.37.2.10.3 ~~cause discomfort to any persons; or~~

9.4.117.2.11 ~~ride a bicycle, scooter, skateboard, or in-line or roller skates, or similar device.~~

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

## 10.8. PROHIBITION ON ENTRY TO A MUNICIPAL BUILDING

~~A person must not:~~

10.18.1 ~~when directed by an An Authorised Officer, verbally or in writing, enter or remain in may direct a person to leave a Municipal Building while speaking or acting if the person is behaving in a manner that is threatening or harassing, or which interferes with the lawful duty of a member of Council staff or the lawful reasonable use and enjoyment of the Municipal Building by other users or occupants; or others.~~

8.2 A person to whom a direction is issued under Clause 8.1 must:

8.2.1 ~~immediately leave the Municipal Building while; and~~

40.28.2.2 ~~not re-enter the Municipal Building within twenty four (24) hours after of the direction being directed issued under Clause 8.1, or for such longer period as may be notified by an Authorised Officer to leave for any breach of a Local Law in writing.~~

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

## 11.9. CONDUCT IN A MUNICIPAL BUILDING

A person in a Municipal Building must not:

11.19.1 ~~deposit any litter, except in receptacles provided for, that purpose; or~~

11.29.2 ~~obstruct, hinder or interfere with any person employed by, or acting on behalf of, Council at the Municipal Building in the performance of his or her their duties.~~

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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Local Law No. 1 – Community Amenity Local Law

~~PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS~~

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## Local Law No. 1 – Community Amenity Local Law

**PART C – MUNICIPAL RESERVES**COUNCIL LAND**12. — OPENING HOURS OF MUNICIPAL RESERVES**

~~12.1 — Subject to any Council determination to the contrary under Clause 13.1, Municipal Reserves will be open to the public on any day, free of charge.~~

~~12.2 — Council may at any time close a Municipal Reserve or any part of it for any purpose, including for maintenance.~~

**13. — USE OF MUNICIPAL RESERVES****10. ACCESS TO COUNCIL LAND**

~~10.1 — Council may from time to time:~~  
determine:

~~13.4.10.1.1.1 — conditions of, or limitations on, use that apply to any Municipal Reserve~~Council Land or a class of Municipal Reserves, including:Council Land;

~~13.4.10.1.1.2 — times during which the Municipal Reserve~~certain Council Land will be open to the public; and

~~13.4.210.1.1.3 — fees payable for entry onto a Municipal Reserve.~~certain Council Land; and

~~10.1.1.4 — close certain Council Land or any part of it to the public for any purpose, including for maintenance.~~

~~13.2 — A person entering a Municipal Reserve must comply with any conditions of, or limitations on, use determined under Clause 13.1.~~

~~13.3 — Conditions of, or limitations on, use determined by Council under Clause 13.1 for any Municipal Reserve must be displayed in a conspicuous place on the Municipal Reserve.~~

~~13.4.10.2~~Without limiting the scope of Clause 13.2, a person must not, without a Permit:

~~10.2.1 — act in a manner that is contrary to any Council Sign on the Council Land;~~

~~10.2.2 — enter or remain on Council Land during hours in which the Municipal Reserve is not open to the public;~~

~~10.2.3 — enter or remain on Council Land without paying any applicable fee for entry;~~

~~13.4.110.2.4 — organise any function or sports event in a Municipal Reserve~~on Council Land;

~~13.4.210.2.5 — being a person other than a player, official or competitor at any organised sports event, or an Authorised Officer, enter or remain within or upon the playing arena of a Municipal Reserve~~Council Land during the progress of such event;

~~13.4.310.2.6 — hawk, sell, offer for sale or hire out or supply or promote any goods (including a vehicle), articles or services in a Municipal~~

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Local Law No. 1 – Community Amenity Local Law

- Reserve on any Council Land;
- ~~13.4.4~~10.2.7 conduct any business, including personal training, ~~in a~~  
Municipal Reserve on any Council Land;
- ~~13.4.5~~ enter or remain in a Municipal Reserve otherwise than during the  
hours which the Municipal Reserve is open to the public;
- ~~13.4.6~~10.2.8 enter or remain in any part of a ~~Municipal Reserve~~Council  
Land not set aside for public use;

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## Local Law No. 1 – Community Amenity Local Law

- ~~13.4.7.10.2.9~~ drive, ride or park any Vehicle or Recreational Vehicle, ~~other than a bicycle, scooter, skateboard, or in-line or roller skates, within a Municipal Reserve on Council Land~~, except on a designated access Road or in a designated parking area within ~~a Municipal Reserve on Council Land~~, except for:
- ~~13.4.7.10.2.9.1~~ a pram or pusher, being used to transport a child;
- ~~13.4.7.10.2.9.2~~ a wheelchair, being used by a person with a disability; or
- ~~13.4.7.310.2.9.3~~ a motorised mobility aid used by people with limited mobility, ~~provided access is available and that no damage to the building will result from the use of the mobility aid;~~
- ~~13.4.810.2.9.4~~ ride a bicycle, scooter, skateboard, or in-line or roller skates ~~within a Municipal Reserve, unless it is done so that it does not interfere with the use or enjoyment of the Municipal Reserve or any part thereof by any other person;~~
- ~~13.4.910.2.10~~ use or permit to be used any ~~powered and/or remote controlled control model, aeroplane, drone, powered water craft, powered car, boat, aircraft (excluding kites) or similar apparatus in or over a Municipal Reserve, unless it is done so that it does not interfere with the use or enjoyment of the Municipal Reserve or any part thereof by any other person~~ thing on any Council Land;
- ~~13.4.1010.2.11~~ swim in, wade through, enter for recreation purposes, or use any Floating Vessel upon, any lake, pond or excavation containing water located on or in ~~a Municipal Reserve on Council Land~~;
- ~~13.4.11~~ install or permit to be installed a gateway or other means of access to or from ~~a Municipal Reserve~~;
- ~~10.2.12~~ use ~~in-between~~ any ~~Municipal Reserve~~ Council Land and private property;
- ~~13.4.1210.2.13~~ use on any Council Land any amplifier, musical instrument or sound broadcasting equipment in a manner that ~~is likely to unreasonably disturb other persons~~ interferes with the reasonable use and enjoyment of the Council Land by others;
- ~~13.4.1310.2.14~~ install ~~or~~, erect or place on or in any ~~Municipal Reserve~~ Council Land any item, equipment or thing which may damage the ~~Municipal Reserve~~ Council Land or interfere with the use or enjoyment of the ~~Municipal Reserve~~ Council Land or any part thereof by any other person; or
- ~~13.4.1410.2.15~~ bring into ~~a Municipal Reserve on~~ any Council Land any substance, liquid or powder which may:
- ~~13.4.14.110.2.15.1~~ be dangerous or injurious to health; or
- ~~13.4.14.210.2.15.2~~ have the potential to foul, pollute or soil any part of the ~~Municipal Reserve~~ Council Land; or
- ~~13.4.14.310.2.15.3~~ cause discomfort to any persons; or.
- ~~13.4.15~~ except with a Permit, use a Municipal Reserve for an organised sport

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Local Law No. 1 – Community Amenity Local Law

~~or activity for which a charge or fee is imposed.~~



## Local Law No. 1 – Community Amenity Local Law

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****14.11. PROHIBITED CONDUCT IN A MUNICIPAL RESERVE ON COUNCIL LAND**

A person ~~in or on any Municipal Reserve Council Land~~ must not:

~~14.11.1 engage in, play or practise practice~~ golf, archery or any like activity that is likely to interfere with public ~~safety or the use and enjoyment of the Municipal Reserve or any part thereof by any other persons~~ ~~safety~~;

~~14.211.2~~ ride or lead a horse, except in areas designated and signposted for horse riding or leading;

~~14.311.3~~ interfere with any structure, notice, building or part thereof, fence, seat, tree or plant;

~~11.4~~ use any ~~lifesaving or firefighting device unless during an emergency~~;

~~14.411.5~~ walk on flower beds or borders, ~~damage native vegetation, dig or disturb the ground~~, climb steep banks or cliff faces, or enter any prohibited areas delineated as such by Council from time to time;

~~14.511.6~~ behave in a disorderly manner;

~~14.611.7~~ remain at any time when directed to leave by an Authorised Officer, notwithstanding that a fee or charge for admission may have been paid;

~~14.711.8~~ obstruct, hinder or interfere with the duties of any person employed by Council in the performance of ~~his or her~~ ~~their~~ duties; or

~~11.9~~ light a fire or allow any fire to remain alight except in a barbeque provided by Council

~~11.10~~ leave unextinguished or unattended a fire which they have lit or maintained; or

~~11.11~~ dump rubbish, green waste and/or grass clippings.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

~~14.8~~ act contrary to any sign which specifies activities prohibited under a Local Law, or advises of conditions of use applicable under a Local Law.

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Local Law No. 1 – Community Amenity Local Law

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## Local Law No. 1 – Community Amenity Local Law

## PART D – USE OF COUNCIL LAND AND ROADS

**15. ACTIVITIES ON COUNCIL LAND OR ROADS**

A person must not, on Council Land or a Road:

15.1 act in a manner which unreasonably interferes with the use or enjoyment by any person of the Council Land or Road;

15.2 act in a way which endangers any person;

15.3.1 use any lifesaving or firefighting device unless during an emergency;

15.4 undertake any unauthorised Building Works or construction activities; or

15.5 act contrary to any sign which specifies activities prohibited under a Local Law, or advises of conditions of use applicable under a Local Law.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****16.12. COLLECTION OF FIREWOOD**

12.1 A person must not, without a Permit, collect any wood, for the purpose of fuelling a fire or for any other purpose, from any Council Land or Road.

12.2 A person must not, without a Permit, collect firewood from Council firewood depots.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****17.13. DROVING OF LIVESTOCK**

A person must not, without a Permit, undertake Droving of Livestock on Council Land or a Road.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****18.14. GRAZING OF LIVESTOCK**

A person must not, without a Permit, undertake Grazing of Livestock on Council Land or a Road.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****19.15. STREET ACTIVITIES**

15.1 A person must not, without a Permit, erect or place on any Road or Council Land a Vehicle, caravan, trailer, (including a vehicle, caravan or Road:

15.1.1 display or permit to be displayed any goods;

15.1.2 place or trailer being offered for sale, allow to be placed an Advertising Sign;

15.1.3 place or allow to be placed any table, chair, barrier, stall or other similar structure other than for the legal parking of a

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Local Law No. 1 – Community Amenity Local Law

~~Vehicle~~street trading item.

## Local Law No. 1 – Community Amenity Local Law

15.2 A person must not, without a Permit, undertake Itinerant Trading;

15.2.1 on any Road, Council Land or Public Place; ~~or;~~

49.215.2.2 from land adjacent to any Road, Council Land or Public Place;

~~19.3~~ ~~In addition to Clause 19.2, a person must not undertake Itinerant Trading:~~

49.3.115.2.3 within 300 metres of a permanent business that is selling the same or a similar product, except as an approved trader being part of a stall, festival or other event approved by Council;

49.3.215.2.4 within 500 metres of a festival or other event approved by Council ~~unless expressly permitted by Council;~~

49.3.315.2.5 in a way that obstructs or restricts pedestrian or vehicular traffic;

49.3.415.2.6 in a way that obstructs or interferes with entry to or exit from any buildings or land;

49.3.515.2.7 in a way that obstructs or restricts the use of any footpath or Road;

49.3.615.2.8 in an area other than the area specified by Council in their Permit; or

49.3.715.2.9 in an area designated by Council as belonging to another Itinerant Trader under their Permit.

~~19.4~~ ~~Clauses 19.2 and 19.3 do not apply to;~~

15.3 Nothing in this Clauses 15 applies to;

49.4.115.3.1 Home Delivery of:

49.4.1.115.3.1.1 magazines or newspapers;

49.4.1.215.3.1.2 goods purchased at another location; or

49.4.1.315.3.1.3 goods where the delivery has been requested by the Occupier; ~~or~~

49.4.215.3.2 the sale of fundraising products by persons duly authorised by ~~ana cultural, recreational,~~ educational, welfare or charity ~~-based organisation, cultural or recreational~~ facility or organisation which is established within the ~~municipal district~~ Municipal District.

~~19.5~~ ~~A person with the objective of collecting money must not, without a Permit, on any Road or Council Land sing, perform, entertain or play any musical instrument.~~

15.4 A person must not, without a Permit ~~and photo ID,~~ busk on any Road, Council Land or Public Place with the object, or apparent object, of collecting money, except in an area designated by Council from time to time.

49.615.5A ~~a person must not, without a Permit,~~ solicit or collect on any Road or on any Council Land or from house to house any gifts of money or subscriptions for any purpose other than fundraising for an educational or registered charitable organisation or a cultural or recreational facility or organisation established within the Municipal District.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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## Local Law No. 1 – Community Amenity Local Law

**20.16. ITEMS ON COUNCIL LAND**

~~20.16.1~~ A person must not, without a Permit or otherwise in accordance with this Local Law, place or keep or allow to be kept any thing, item, structure or goods of any kind on or over a Road or Council Land.

~~20.16.2~~ An Owner of any land must ensure that no gate, door or other means of access from that land to a Road or Council Land opens outwards onto a Road or Council Land.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**24.17. ADVERTISING AND ADVERTISING SIGNS**

~~24.17.1~~ A person must not, without a Permit, write, deface, place or affix any letter, figure, device, poster, sign or advertisement on any building, fence or other property under the control of or vested in Council.

~~24.17.2~~ A person must not, without a Permit, erect or place an Advertising Sign on a Road or Council Land or any Council Property or cause or authorise another person to do so.

~~24.17.3~~ A person must not, without a Permit, erect or place any structure, banner or the like, on or across any Council Land or any Road.

**Nothing** ~~PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS~~

~~24.17.4~~ ~~Clauses 24.1, 24.2 and 24.3 do not apply in any case where the relevant this Clause 17 applies to an~~ activity or act ~~that~~ is authorised under a Municipal Planning Scheme or State or Commonwealth legislation.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**22.18. SHOPPING TROLLEYS**

~~18.1~~ A person must not leave a Shopping Trolley on a Road or in a Public Place except in an area designated for ~~that purpose~~ the leaving of shopping trolleys.

~~18.2~~ A retailer who provides shopping trolleys for the use of customers must not leave a shopping trolley on a Road or in a Public Place except in an area designated for the leaving of shopping trolleys.

~~18.3~~ A retailer who provides shopping trolleys intended for the use of customers must ensure that their name and trading name are clearly marked on the shopping trolley.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**23.19. CHARITY DONATION BINS**

A person must not, without a Permit, place, ~~cause~~ or allow to be placed, a Charity Donation Bin on a Road or Council Land or in any Public Place.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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Local Law No. 1 – Community Amenity Local Law

**24.20. STREET PARTIES, FESTIVALS AND PROCESSIONS**

A person must not, without a Permit, conduct, organise or otherwise hold a function in the nature of a street party, street festival or procession on a Road.

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**Local Law No. 1 – Community Amenity Local Law**

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

## 25.21. FLOODLIGHTING

Where Floodlighting is installed on land which may spill light onto adjoining property, it must be installed so that:

25.421.1 it is shielded with devices to prevent glare causing a nuisance outside the boundary of the site on which the Floodlighting is installed; and

25-221.2 the level of illumination emitted by the Floodlighting does not exceed 8 lux when measured at a height of 1.3 metres and a distance of 1.5 metres from the boundary of the property on which the Floodlighting is installed, whether the illumination is the result of direct, reflected or other incidental light.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

## ~~26. SCARE GUNS~~

~~26.1 A person must not, without a Permit:~~

~~26.1.1 — operate a Scare Gun within 300 metres of any residence;~~

26.1.2—on land of four (4) hectares or less containing an orchard or used for another intensive horticultural purpose, operate more than two (2) Scare Guns;

26.1.3—on land of more than four (4) hectares containing an orchard or used for another intensive horticultural purpose, operate more than one (1) Scare Gun per four (4) hectares or part thereof;

~~26.1.4 operate Scare Guns other than between sunrise and sunset;~~

~~26.1.5 activate a Scare Gun at a frequency of less than one shot or, in the case of multiple blast Scare Guns, one round every five (5) minutes; or~~

~~26.1.6 in respect of multiple shot Scare Guns capable of up to three (3) blasts, take longer than 30 seconds to complete the firing sequence.~~

~~26.2 A person must locate a Scare Gun as far as possible from residential premises.~~

~~PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS~~

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## Draft Local Law No. 1 – Community Amenity 2025

## PART E – VEHICLES

**27. VEHICLES USING ROADS CONTRARY TO RESTRICTED USE SIGNS**

If Council exercises its powers under the Act to restrict the use of a Road and erects signs advising of the nature of the restriction, a person must not, without a Permit, contravene any of those restrictions.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**28.22. USE OF VEHICLES ON COUNCIL LAND**

A person must not, without a Permit, use a Vehicle or Recreational Vehicle on any Council Land unless the land has been designated and signposted for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**29.23. USE OF RECREATIONAL VEHICLES ON PRIVATE LAND**

A person must not, without a Permit, use a Recreational Vehicle on any land in a Residential Area.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**30.24. REPAIRING REPAIR AND DISPLAY FOR SALE OF VEHICLES**

24.1 A person must not, without a Permit, on any Road or Council Land:

30.24.1.1 paint, service, dismantle or make any major repairs to any Vehicle on any Road or Council Land; or;

24.1.2 display any Vehicle for sale.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**This PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

30.24.2 Clause 30.24.1 does not apply to any minor repairs carried out to a Vehicle which has broken down and which are reasonably necessary to allow the Vehicle to be removed under its own propulsion.

**34.25. VEHICLES IN A PUBLIC PLACE ON ROADS AND COUNCIL LAND**

34.25.1 A person must not allow any Vehicle not currently registered with or having a permit from VicRoads or any other relevant authority to be left standing in on any Public Place Road or Council Land.

34.25.2 A person must not, without a Permit, allow any trailer, caravan, boat or any other Vehicle unable to move on its own accord to be left standing in on any Public Place Road or Council Land, other than a Designated Camping Area or in accordance with applicable parking restrictions, for longer than forty-eight (48) hours.

34.25.3 A person must not abandon, leave or allow to be left in or on a Public Place Road or Council Land any Vehicle, including a trailer, caravan, or recreational vehicle Recreational Vehicle, that is derelict to such an extent in a state of disrepair that prevents it is unable from being able to move under normal means and is in disrepair, whether registered or not.

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**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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## Draft Local Law No. 1 – Community Amenity 2025

**PART F – CONDUCT GENERALLY****32.26. DAMAGING, DEFACING OR INTERFERING WITH COUNCIL PROPERTY**

**32.26.1** Subject to Clause 32.26.2, a person must not alter, destroy, damage, write on, affix anything to, remove, or interfere with any Council Property.

**32.26.2** A person must not, without a Permit:

**32.2.426.2.1** plant, remove or interfere with any trees or plants (dead or alive) on or in any Council Land or Road;

**32.2.226.2.2** alter, destroy, damage or interfere with a ~~water course~~~~watercourse~~, ditch, creek, swale, gutter, drain, tunnel, bridge, levee, culvert or fence which belongs to or is under the control of Council;

**32.2.326.2.3** alter, destroy, damage, interfere with or remove ~~anything~~~~any thing~~ belonging to Council in, on or from any Council Land or Road;

**26.2.4** alter, destroy, damage, tamper or interfere with any parking meter or ticket machine;

**32.2.426.2.5** ~~take, destroy or damage any lair or nest or take any fauna or its lair or nest or take any skeletal remains on or in any Council Land or Road.~~

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****33.27. VEHICLE CROSSINGS**

**33.427.1** A person must not, without a Permit, install, construct, alter, or reconstruct a vehicle crossing, whether permanent or temporary.

**33.227.2** Each point of Vehicle access, from any land to a Road must have a ~~properly vehicle crossing~~ constructed and maintained ~~vehicle crossing to the standard~~ approved by Council ~~from time to time~~.

**33.327.3** A person must not, without a Permit, allow any Vehicle to enter or leave any land except by way of a vehicle crossing constructed in accordance with this Clause 33.27.

**33.427.4** Where a vehicle crossing is no longer required, the Owner must remove the vehicle crossing and reinstate the Road to its original condition, to the satisfaction of an Authorised Officer.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****34.28. CONSUMPTION OF LIQUOR OR POSSESSION IN UNSEALED CONTAINER AND BEHAVIOUR NEAR LICENSED PREMISES**

**34.428.1** A person must not, without a Permit, ~~on a Road, in any place or area designated by Council Land or any open space~~ from time to which the public have access time:

**34.428.1.1** consume or ingest any Liquor; or

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~~34.1.228.1.2~~ have in their possession a bottle, can, wine cask or other receptacle, which contains Liquor and has been opened.

~~34.228.2~~ Clause ~~3428.1~~ does not apply:

~~34.2.1~~ to a person in licensed premises or authorised premises under the

~~28.2.1~~ *Liquor Control Reform Act 1998*; or

~~34.2.228.2.2~~ where the consumption of Liquor is taking place at an organised function conducted with a Permit or as part of a picnic with family and/or friends within a Municipal Reserve between sunrise and sunset, or such other hours as are determined by Council from time to time, provided that no nuisance is being caused in connection with the consumption of the Liquor.

~~34.3~~ — A person:

~~34.3.1~~ in the course of arriving at or departing from Licensed Premises or any carpark designated for the use of patrons of such Licensed Premises; or

~~34.3.2~~ who, having departed from Licensed Premises, then remains within a radius of two hundred (200) metres from the Licensed Premises;

~~must not behave in a manner which is, or is likely to be, detrimental to the amenity of the neighbourhood.~~

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

### **35.29. BICYCLES, SCOOTERS, SKATEBOARDS, IN-LINE AND ROLLER SKATES**

~~35.429.1~~ Council may ~~from time to time~~ designate areas of Council Land other than a road reserve in which the riding of a bicycle, scooter, skateboard, in-line or roller skates or similar device is prohibited.

~~35.229.2~~ If Council designates areas ~~Areas~~ under Clause ~~3529.1~~, it must cause signs to be erected in or on those areas will have Council Signs displayed advising of the prohibition.

~~35.329.3~~ A person not ride a bicycle, scooter, a skateboard, or in-line or roller skates, or similar device in an area designated by Council under Clause ~~3529.1~~.

~~35.4~~ Any person who uses a bicycle, a scooter, a skateboard, in-line or roller skates or a similar device or causes or authorises another person to use any of those items on a Road must ensure that the use does not inconvenience, obstruct, hinder, endanger, alarm or prevent the free passage of any pedestrian or other user of the Road, whether in or on a Vehicle or not.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

~~35.529.4~~ This Clause ~~3529~~ does not apply to a person with a disability or infirmity who is using a motorised mobility aid for its intended purpose.

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**36.30. PROPERTY ADDRESS AND NUMBERS**

~~36.430.1~~ Council may allocate a Property Address to each property in the Municipal District and, from time to time, may make changes to Property Addresses.

~~36.230.2~~ For each property that has been allocated a Property Address under Clause ~~3630.1~~, the Owner must mark the property with the street number allocated, which number must be of sufficient size, in such a position, made of such material and kept in such state of repair as to be clearly readable from the Road, which the property fronts, under all normal lighting conditions.

~~36.330.3~~ An Owner or Occupier must not use an address other than a Property Address for any property in the Municipal District.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****37.31. INCINERATORS AND BURNING**

~~37.431.1~~ A person must not, without a Permit, light, allow to be lit, or allow to remain alight any fire in the open air or in an Incinerator in a Residential Area, Commercial Area or Industrial Area ~~unless the fire is:~~

~~31.2~~ This Clause 31 does apply to a fire that is:

~~37.4.431.2.1~~ authorised or directed to be lit under the provisions of any Act or Regulations or the Municipal Planning Scheme; ~~or~~

~~31.2.2~~ in a ~~permanent or portable Barbeque that, pizza oven or other properly constructed appliance while it is~~ being used for the exclusive purpose of cooking food ~~in the open air;~~

~~31.2.3~~ lit by a Service Authority carrying out training or fire hazard reduction activities; ~~or~~

~~37.4.231.2.4~~ lit for human consumption; ~~and the purpose of the person enjoying their culture or practicing their religion.~~

~~37.4.331.3~~ provided that the fire is at all times appropriately located and managed so as to ~~not cause~~ ~~reduce, to the extent reasonably possible, any~~ nuisance to neighbouring properties.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****38.32. BURNING OF MATERIALS**

~~32.1~~ A person must not, without a Permit, burn any of the following materials in the Municipal District:

~~38.432.1.1~~ plastic;

~~38.232.1.2~~ waste petroleum oil or any waste containing petroleum oil;

~~38.332.1.3~~ paints or empty paint containers;

~~38.432.1.4~~ pressurised cans;

~~38.532.1.5~~ textile fabrics;

~~38.632.1.6~~ rubber;

~~38.732.1.7~~ food waste; ~~or~~

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~~38.8~~ ~~illegal substances; or~~

~~38.932.1.8~~ ~~any other noxious or offensive material.~~

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

### **39.33. CONDITION OF LAND**

~~39.1.433.1~~ An Owner or Occupier of ~~any~~ land must not ~~cause keep that land or allow his or her~~ ~~that land to be kept in a manner which causes the land to become:~~

~~33.1.1~~ ~~be kept unsightly;~~

~~33.1.2~~ ~~dangerous; or~~

~~33.1.3~~ ~~detrimental to the general amenity of the area in a manner which it is located.~~

~~39.1.433.2~~ Without limiting the generality of Clause 33.1, land may be unsightly or detrimental to the general amenity of the area in which ~~the land~~ is located; ~~by the presence of:~~

~~39.1.2~~ ~~be used for storage of such amounts of goods or materials that the amenity or the area is adversely affected, or the land is, or has the potential to become infested, by rats and/or other vermin and pests;~~

~~39.1.3~~ ~~be kept in a manner which is dangerous or likely to cause danger to life or property;~~

~~33.2.1~~ ~~become infested with blackberry unconstrained rubbish;~~

~~33.2.2~~ ~~grass or undergrowth that exceeds 100mm in height;~~

~~33.2.3~~ ~~machinery, Vehicle parts, scrap metal or other refuse being stored on the land;~~

~~39.1.433.2.4~~ ~~noxious weeds~~ or other invasive plants or vermin; or

~~39.1.533.2.5~~ ~~become a source of offensive odours~~ discernible beyond the land.

~~39.233.3~~ An Authorised Officer may direct an Owner to secure the Owner's land to prevent unauthorised entry.

~~39.333.4~~ An Owner of land to whom a direction is given under Clause ~~39.233.2~~ must comply with that direction.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

### **40. VACANT, DILAPIDATED & DANGEROUS PREMISES**

~~40.1~~ ~~An Owner of a vacant building must not cause or allow the vacant building to be kept in a manner to the extent that the exterior of the building:~~

~~40.1.1~~ ~~is in a state of disrepair;~~

~~40.1.2~~ ~~is damaged or defaced;~~

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- ~~40.1.3 — affects the amenity of the surrounding neighbourhood;~~
- ~~40.1.4 — causes the building to be out of conformity with the visual appearance of other buildings in the vicinity; or~~
- ~~40.1.5 — is declared in writing by an Authorised Officer to be unsafe.~~
- ~~40.2 — Before any liability can arise under Clause 40.1.5 details of the declaration must be sent to the Owner of the vacant building providing a reasonable time~~



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~~for the Owner of the vacant building to carry out or cause to be carried out works which render safe the exterior of the building.~~

~~40.3 The Owner of a vacant building must ensure that the vacant building is secure to prevent unauthorised entry.~~

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****41.34. STORAGE OF DANGEROUS OR HAZARDOUS SUBSTANCES ON LAND**

An Owner or Occupier of any land must not, without a Permit, cause or allow ~~his or her~~ their land to be used for storage of any dangerous or hazardous substances in a manner or in quantities which is or are dangerous or is or are likely to cause danger to life or property.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****42.35. STORAGE, VEHICLES AND MACHINERY**

~~42.135.1~~ A person must not, without a Permit, use any land within a Residential Area or a Commercial Area for the storage of Vehicles or machinery or for the dismantling or breaking up of Vehicles or machinery.

~~42.235.2~~ A person must not, without a Permit, use land which is used or intended to be used primarily for residential purposes for the repair or servicing of any Vehicle, other than a Vehicle, registered or normally housed at the address of that land.

~~42.335.3~~ Nothing in Clauses ~~4235.1 or 42.2 or 35.2~~ applies to a person who is using land in a manner permitted under the Municipal Planning Scheme.

~~42.435.4~~ Nothing in Clause ~~4235.1 and 4235.2~~ applies to a person who, for recreational purposes, repairs, services, assembles, dismantles or stores old or second hand Vehicles or machinery provided that such activity is not conducted:

~~42.4.135.4.1~~ for financial gain or reward;

~~42.4.235.4.2~~ on more than two (2) Vehicles at any one time such that there are no more than two (2) Vehicles that are not registered with VicRoads on the land at any one time; or

~~42.4.335.4.3~~ in a manner which is unsightly or detrimental to the general amenity of the area.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS****43.36. SHIPPING CONTAINERS AND TEMPORARY STRUCTURES**

A person, must not, without a Permit, place or keep or allow to be kept a shipping container or other like temporary structure on any land which is used or intended to

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be used primarily for residential purposes for any period longer than twenty eight (28) days.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**44. INTRUDER ALARMS**

44.1 An Owner or Occupier of any premises must not install or permit or allow to be installed or cause to be retained in an active state at or upon any such premises any intruder alarm which emits a noise audible beyond the boundary of the premises, unless such alarm is so constructed or regulated as to ensure that:

44.1.1 whenever a detection device is activated, the intruder alarm is automatically rendered inaudible beyond the boundary of the premises within ten (10) minutes of it being activated; and

44.1.2 the intruder alarm cannot re-activate until the device has been re-set.

44.2 Despite Clause 44.1, an intruder alarm may operate for a further period of up to ten (10) minutes, should another detection device in the same building be activated following the cessation of the alarm noise in accordance with Clause 44.1.1.

44.3 The Owner or Occupier of a premises containing an intruder alarm which does not comply with the requirements of this Clause may be directed by Council to:

44.3.1 adjust or replace the alarm to comply with the requirements; or

44.3.2 permanently disconnect the alarm.

44.4 An Owner or Occupier of premises to which a direction is given under Clause 44.3 must comply with that direction.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**45.37. CAMPING**

45.37.1 A person must not, without a Permit, camp on Council Land or a Road in a tent, caravan, motor home or any other temporary or makeshift structure other than in a Designated Camping Area.

45.37.2 A person must not, without a Permit, occupy, place or cause to be placed or use or cause to be used /occupied a tent, caravan, motor home or annex on any land other than a Designated Camping Area.

45.31.1 Clause 37.2 does not apply to:

## Draft Local Law No. 1 – Community Amenity 2025

~~45.3.11.1.1~~ the storage of a caravan or similar facility on any private property other than a Designated Camping Area, provided that:

there is a dwelling on the land; or

the caravan, motor home or tent is not set up for ready use as overnight accommodation; and

an annex is not attached to caravan or motor home; and

the caravan, motor home or tent is not within 6 metres of the front of the land.

~~45.3.2~~ 37.2. the reasonable use of a caravan, motor home or tent on private property other than a Designated Camping Area, provided that:

there is a dwelling on the land;

the occupation does not exceed 28 days;

no rent, licence fee or charge is paid by any person in respect of the occupation;

the toilet, bathing and laundry facilities provided in the dwelling are made available without charge to the occupant/s of the caravan, motor home or tent;

waste water from the caravan, motor home or tent is discharged to an approved waste water system and does not cause a nuisance or an offensive condition; and

the caravan, motor home or tent is not located within 6 metres of the front of the property or 1.2 metres of any other boundary of the land, not more than 20 metres from the dwelling and no closer than 30 metres to a watercourse.

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**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**46.38. TREES AND VEGETATION**

An Owner or Occupier of land must not allow any tree or part of a tree or any plant or part of a plant or other vegetation to grow on that land, so that it:

~~46.138.1~~ overhangs onto or over any footpath, naturestrip or Road abutting that land at a height of less than 2.5 metres from the level of the adjacent footpath ~~or~~ nature strip ~~or Road~~;

~~46.238.2~~ obstructs or impairs the vision of the driver of a Vehicle travelling along a Road adjacent to or near the land or approaching the intersection adjacent to or near the land;

~~46.338.3~~ otherwise ~~prejudices~~ ~~interferes with~~ the safe and convenient use of any footpath, naturestrip or Road adjacent to or near the land; or

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~~46.438.4~~ causes damage to or interference with any:  
~~46.4.138.4.1~~ fixture or other structure in a Road, or on Council Land; or  
~~46.4.238.4.2~~ drain vested in or under the control of Council.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**47.39. WASP NESTS AND BEES**

Upon becoming aware of the existence of a:

~~47.439.1a~~ European wasp nest; or  
~~47.239.2~~ bee hive that are is not suitably constructed and maintained, in accordance  
with any current relevant Code of Practice;

on land, the Owner or Occupier of the land must immediately take steps to cause the  
nest or hives to be destroyed.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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## PART G – ANIMAL MANAGEMENT

**48.1. LIMITS ON NUMBER OF ANIMALS KEPT**

48.1 An Owner or Occupier of any land in a Residential Area or a Commercial Area must not, without a Permit, keep or allow to be kept more than three (3) different types of Animals, as listed in Table 1 in this Clause 48, at any time.

**40. Clause 48.1 APPLICATION OF THIS PART**

48.240.1 This Part does not apply to:

48.2.440.1.1 an Animal Shelter owned or contracted by Council;

48.2.240.1.2 a registered Animal Hospital or Veterinary Surgeon Practice;

48.2.340.1.3 any Animal keeping permitted by the Municipal Planning Scheme; or

48.2.440.1.4 any Animal in respect of which a Permit has been issued by another public authority.

**41. LIMITS ON NUMBER OF ANIMALS KEPT**

48.341.1 In addition to the limitations imposed by Clause 48.1, an Owner or Occupier of a person must not, without a Permit, on any land in a Residential Area or a Commercial Area must not:

41.1.1 without a permit, keep or allow to be kept any more of each species or group of Animals than is stated in Table 1 in this Clause 41; or

48.3.41.1.2 keep or allow to be kept any more in number for each type of Animal than is set out than three (3) different species or groups of Animals listed in Table 1 in this Clause 48, according to the applicable land size; and 41. at any time.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

48.3.2 keep or allow to be kept any type of Animal that is designated 'Prohibited' in Table 1 in this Clause 48, according to the applicable land size.

TABLE 1

Type of Animal or Bird	On land Less than 399m <sup>2</sup> In Townhouse, Apartments, Flats, Units	On Land Size (m <sup>2</sup> ) 400-999m <sup>2</sup>	On Land 1000-3999m <sup>2</sup>	On Land 4000m <sup>2</sup> and Over (excludes Farm Zone)
	0-999	1000-3999	4000 and over	
Dogs	2	2	2	2
Cats	2	2	2	2
Poultry (except Roosters)	Prohibited	3	10	10
Roosters	Prohibited	Prohibited	Prohibited	0
Domestic Caged Birds (excluding Racing Pigeons)	3	5	10	20

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<del>Domestic Rabbits</del>	1	2	4	4
<del>Guinea Pigs, Ferrets and Hamsters</del>	2	5	5	5
<del>Reptiles</del>	2	5	5	5
<del>Racing Pigeons</del>	Prohibited	20	20	100
<del>Horse, Donkey, Alpacas or similar</del>	Prohibited	Prohibited	0	1 per 4,000m <sup>2</sup>
<del>Cattle</del>	Prohibited	Prohibited	0	1 per 4,000m <sup>2</sup>
<del>Sheep &amp; Goats</del>	Prohibited	Prohibited	2	2 per 4,000m <sup>2</sup>
<del>Goats/Pigs</del>	Prohibited	2 Prohibited	Prohibited	21 per 4,000m <sup>2</sup>
<del>Other Agricultural Animals</del>	Prohibited	Prohibited	2	2 per 4,000m <sup>2</sup>

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Pigs	Prohibited	Prohibited	1 per 4,000m <sup>2</sup>
Other agricultural Animals	Prohibited	2	2 per 4,000m <sup>2</sup>
Pigeons	0	0	0
Reptiles	5	5	5

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

\*where (0) is nominated animal allowed but permit required.

#### 42. RACING PIGEONS

42.1 A person must not keep or allow to be kept any Racing Pigeons on any land in a Residential Area or a Commercial Area unless the Racing Pigeons are housed in a properly constructed pigeon loft or similar structure which is:

- of a height not exceeding 2 metres;
- at least 1.5 metres from the boundary of any adjoining premises; and
- at least 10 metres distance from any dwelling whether on the same or on adjoining premises.

42.2 A person must not, on any land in a Residential Area or a Commercial Area, construct or use or cause or suffer or permit to be constructed or used any pigeon loft unless it has adequate roofing, drainage and a floor paved with impervious material to the satisfaction of an authorised officer and is constructed in such a way as to be rat proof.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

#### 49.43. REMOVAL OF ANIMAL FAECES

49.43.1 A person in charge of an Animal must:

49.43.1.1 remove any of that Animal's faeces that is deposited on any Road or Council Land or land owned or occupied by another person; and

49.43.1.2 dispose of the Animal's faeces in a manner which does not cause any nuisance or health hazard to any person or detriment to the environment.

49.243.2 A person in charge of an Animal on any Road or Council Land must carry a Litter Device suitable to clean up any faeces left by any Animal under his or her their care or control and must produce such device upon being requested to do so by an Authorised Officer.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

#### 50.44. ANIMAL HOUSING

50.144.1 The owner of an Animal and the Owner or Occupier of the land on which the

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Animal is housed must ensure that:

- 50-1-144.1.1 the animal housing is kept in a clean and sanitary condition to the satisfaction of an Authorised Officer;
- 50-1-244.1.2 the size of the enclosure or other form of housing is adequate to house the number of animals;
- 50-1-344.1.3 the animal housing meets the welfare needs of the Animal;
- 50-1-444.1.4 the animal housing is maintained in good repair so as to not cause nuisance to neighbouring premises;
- 50-1-544.1.5 the animal housing is constructed to prevent wastewater from entering into the stormwater system or discharging to adjoining premises; and
- 50-1-644.1.6 the land surrounding the animal housing is kept clear of materials which may harbour vermin.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

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<div>54.45. PROVISION OF EFFECTIVE FENCING TO CONTAIN ANIMALS</div> <div>The owner of an Animal and/or Livestock and the Owner of the land upon which that Animal is kept must ensure that the land is adequately fenced so as to prevent any and all Animals and/or Livestock being kept on the land from escaping from that land and straying onto any Council Land or Road or otherwise being at large.</div> <div>PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS</div> <div>52.46. POWER TO IMPOUND ADDITIONAL ANIMALS</div> <div>Where a Magistrate has found a person to be in breach of Clause 4841 and a Permit for additional Animals has not been granted, Council may enter the land on which the Animals are being kept and seize and dispose of any Animals being kept on land in breach of Clause 4841 for the purpose of sale, re-homing or destruction.</div> <div><u>PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS</u></div> <div><u>47. WANDERING ANIMALS</u></div> <div><u>47.1 The owner and person in charge of an animal must not allow that animal to wander from the property it is normally kept.</u></div> <div><u>47.2 The owner and person in charge of an animal must ensure that the land in which the animal is normally kept is adequately fenced to prevent the animal from wandering at large.</u></div> <div><u>PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS</u></div>	<div>Formatted: Space Before: 0.7 pt</div> <div>Formatted: Indent: Hanging: 1.5 cm, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5 cm + Indent at: 2.01 cm</div> <div>Formatted: legalTitleDescription, Centered, Indent: Left: 0 cm, Space Before: 0 pt</div> <div>Formatted: Indent: Hanging: 1.5 cm, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5 cm + Indent at: 2.01 cm</div> <div>Formatted: Font: Not Bold</div> <div>Formatted: legalTitleDescription, Indent: Left: 2.01 cm, First line: 0.53 cm</div> <div>Formatted: Table Paragraph, Indent: Left: 0.24 cm</div> <div>Formatted: Condensed by 0.1 pt</div> <div>Formatted: legalTitleDescription, Centered, Indent: Left: 0 cm, Space Before: 0 pt</div> <div>Formatted: Font: 12 pt</div>
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## PART H – BUILDING SITE MANAGEMENT

**53.48. PROTECTION OF COUNCIL INFRASTRUCTURE ASSETS DURING BUILDING WORKS**

~~53.148.1~~ In any case where a building permit has been issued under the *Building Act 1993* or Building Works are about to commence on land, the Owner of the ~~The Owner~~ of land must, at least seven (7) days before commencing or causing or allowing Building Works to commence on the land:

~~53.1.148.1.1~~ obtain an Asset Protection Permit; and

~~53.1.248.1.2~~ advise Council in writing of any existing damage that exists to any Council Infrastructure Assets likely adjacent to be affected by the Building Works; Site.

~~53.1.3~~ pay any Asset Protection Permit fee determined by Council from time to time; and

~~53.1.4~~ pay any Asset Protection Permit Bond determined by Council from time to time.

~~48.2~~ An Asset Protection Permit may ~~require~~ be subject to such conditions as Council or an Authorised Officer determines, including conditions:

~~53.248.2.1~~ requiring the payment of an Asset Protection Permit Bond and may contain conditions that;

~~53.2.148.2.2~~ require requiring that certain works to be done on or around the Site to protect Council Infrastructure Assets, the health and safety of the public, the environment and the amenity of the area or to be in accordance with the relevant legislative framework; and/or

~~53.2.2~~ require entry to and exit from the Site only at designated locations; and/or

~~53.2.3~~ address any other matter referred to in this Part.

~~48.2.3~~ requiring that any or all Council Infrastructure Assets damaged in connection with the Building Works be repaired, replaced or re-instated within a specified time and to the satisfaction of Council or an Authorised Officer; and

~~48.2.4~~ requiring a temporary vehicle crossing to be installed to Council's or an Authorised Officer's specification before commencement of any Building Works or delivery of any equipment or materials to the Site.

~~53.348.3~~ If Council does not receive advice in writing as required under Clause 53.1.2, it is deemed, for the purposes of Clause 53.5, will be presumed that there was no existing prior damage to any Council Infrastructure Assets prior to the commencement of the Building Works.

~~48.4~~ As soon as practicable after receiving notice of The Owner of land on which Building Works are being or have been carried out must repair to the satisfaction of Council or an Authorised Officer any damaged Council Infrastructure Assets adjacent to the land where the Building Works are taking or have taken place.

~~48.5~~ Upon completion of the Building Works, Council the amount of the Asset Protection Permit Bond.

~~53.4~~ may cause an inspection of Council Infrastructure Assets to be carried out.

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~~53.5 If, as a result of any inspection under Clause 53.4, Council considers that the Building Works have damaged Council Infrastructure Assets, Council may:~~

~~48.5.1 direct the Owner of the Site to repair the damage at the Owner's cost, retained by Council to offset the costs of carrying out any works in accordance with standards specified by Council and within a period the Act and this Local Law;~~

~~53.5.48.5.2 may be refunded to the person who lodged it, upon Council's or an Authorised Officer's satisfaction that no damage has been caused, or that any damage caused has been repaired by, or on behalf of not more than twenty-eight (28) days, that person to Council's or an Authorised Officer's satisfaction; and/or.~~

~~53.5.2 initially protect Council's Infrastructure Assets, the cost of which can be recovered from the Asset Protection Permit Bond (if any) must be supplemented by a further payment equal to the difference between the cost of carrying out any works in accordance with the Act and/or the Owner; this Local Law and/or~~

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~~53.5.3—repair the damage and recover the cost from amount of the Asset Protection Permit Bond (if any) and/or the Owner.~~

~~53.6—If repair of damaged Council Infrastructure Assets or an Authorised Officer is required under Clause 53.5.1, the Owner must effect the repairs to the standards and within the time specified by Council.~~

~~53.7—If the work is done under Clause 53.5.2 and/or 53.5.3 and the cost is greater than satisfied that the amount of the Asset Protection Permit Bond (if any); then the Owner must pay to Council the amount of the shortfall, being the difference between the cost of the repair work and the amount of the Asset Protection Permit Bond.~~

~~53.8—If the repair work is done under Clause 53.5.2 and/or 53.5.3 and the cost is less than the amount of the Asset Protection Permit Bond (if any), Council must refund the unused portion of the Asset Protection Permit Bond to the person who paid it to Council.~~

~~53.9—If no Asset Protection Permit Bond is required by Council and repair work is done under Clause 53.5.2 and/or 53.5.3, Council may recover the cost of the work from the Owner.~~

~~53.10 48.5.3—If, as a result of the inspection under Clause 53.4, Council considers that the Building Works have not damaged Council Infrastructure Assets, Council must refund the entire Asset Protection Permit Bond (if any) to the person who paid it is insufficient to meet such cost and it to Council makes a demand for such payment in writing.~~

~~**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**~~

~~**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**~~

#### **54.49. CONTAINMENT OF BUILDING SITES**

The Owner or Occupier of a Site must ensure that:

~~54.149.1 the Building Works being carried out on the Site are contained entirely within the Site;~~

~~54.249.2 all materials used in the Building Works are contained entirely within the Site;~~

~~54.349.3 the Site is provided with Site Fencing; and~~

~~54.449.4 gates or access points in the Site Fencing do not open out onto a Road or Council Land.~~

~~**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**~~

#### **55.50. ENTRY TO BUILDING SITES**

~~The Subject to any conditions of an Asset Protection Permit, the Owner or Occupier of a Site must ensure that:~~

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~~55-150.1~~there is only one point of entry to the Site;

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~~55-250.2~~ the point of entry to the Site is by way of a vehicle crossing, whether temporary or permanent;

~~55-350.3~~ any temporary or permanent vehicle crossing is constructed to the reasonable satisfaction of an Authorised Officer; and

~~55-450.4~~ no person enters or exits the Site other than by way of the specified vehicle crossing.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

#### **56-51. BUILDING SITE IDENTIFICATION**

~~56-451.1~~ The Owner or Occupier of a Site must ensure that the Site is provided with clearly legible and clean Site Identification.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

#### **57-52. APPROVED TOILET SYSTEMS**

~~57-452.1~~ The Owner or Occupier of any land on which Building Works are to occur must ensure that an Approved Toilet System is installed on the land prior to any Building Works commencing and is thereafter maintained for the duration of the Building Works to the satisfaction of the Authorised Officer.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

#### **58-53. BUILDING SITE WASTE**

~~58-453.1~~ The Owner or Occupier of a Site must ensure that waste produced as a result of Building Works on the Site is:

~~58-4-453.1.1~~ stored in a Building Waste Container;

~~58-1-253.1.2~~ contained entirely within the Site;

~~58-1-353.1.3~~ stored in a manner that does not attract the depositing of waste from sources other than the Site;

~~58-1-453.1.4~~ stored in a manner that does not cause detriment to the visual amenity of the area in which the Site is located; and

~~58-1-553.1.5~~ disposed of regularly, and, where that waste is in the form of stormwater, to a legal point of discharge, in accordance with Clause ~~6256~~.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**59.54. PEDESTRIAN AND TRAFFIC HAZARDS, AND SAFETY**

~~59.154.1~~ The Owner or Occupier of a Site must ensure that Building Works on the Site do not ~~cause detriment to pedestrian or vehicular traffic or become unsafe~~ interfere with the free and safe use by others of any Road or Council Land.

~~54.2~~ For ~~Without limiting the purposes~~generality of Clause 59.1, ~~detriment to pedestrians~~the Owner, or vehicular traffic ~~will be deemed to be caused by~~ Occupier of a Site must adopt reasonable measures to:

~~59.254.2.1~~ minimise the amount of mud, dirt, sand, soil and Building Works ~~will be deemed to have become unsafe if stones deposited on the adjoining Roads or washed into the stormwater system;~~

~~59.2.1~~ there is mud or debris on a Road including on a footpath or nature strip;

~~54.2.2~~ there are prevent building clean-up, wash-down or other wastes being discharged offsite or allowed to enter the stormwater system;

~~59.2.254.2.3~~ prevent public access to any excavation works on or immediately adjacent to a Road ~~that are unauthorised or pose a risk to persons or property; or, and~~

~~59.2.354.2.4~~ where pedestrians are diverted from a footpath, ~~they are not provided with~~provide:

~~59.2.3.154.2.4.1~~ adequate signage advising of that diversion; and/or

~~59.2.3.254.2.4.2~~ an alternative route on a stable surface, protected from vehicular traffic.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**60.55. SOIL STOCKPILES**

~~60.155.1~~ The Owner or Occupier of a Site must ensure that soil that is stripped from the Site is stockpiled on the Site for re-use or is transported to a legal place of disposal.

~~60.255.2~~ Where soil is stockpiled on the Site, it must, unless otherwise advised by an Authorised Officer, be protected by Sediment Fencing/Barriers to ensure the retention of silt, sand and waterborne particles within the stockpile.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**61. AMENITY CONTROLS**

~~61.1~~ The Owner or Occupier of a Site must ensure that activities on the Site (including Building Works) do not damage or cause detriment to the natural or built environment in which the Site is located.

~~61.2~~ A person in charge of a Site must manage any dust or air pollutants from the Site to minimise detriment to the amenity of the area.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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## 62.56. DRAINS

~~62-156.1 The Owner or Occupier of a Site must ensure that Building Works on the Site do not cause detriment to any Stormwater System or Asset.~~

~~62.256.2 For the purposes of Clause 62.1 detriment to a Stormwater System or Asset occurs if:~~

~~62.2.4~~ material, equipment, litter, waste, mud, silt, sand or another product emanating from Building Works enters or interferes with the Stormwater System or Asset; or

~~62.2.2~~ there is any alteration to or interference with a Stormwater System or Asset for which a Permit has not been issued.

**62-356.3** The Owner or Occupier of a Site must ensure that the Site is provided with Sediment/Fencing Barriers that ensure the retention of silt and soil on site, and the retention of other water borne particles and pollutants for later transportation to a legal place of disposal.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

## ~~63. BUILDING NOISE~~

**63.1** — A person must not carry out Building Works or allow Building Works to be carried out on any land between the hours of 8:00 pm and 7:00 am Monday to Friday and between the hours of 6:00pm and 7:00am on Saturdays, and between the hours of 6:00 pm and 9:00 am Sundays and Public Holidays.

~~63.2 Clause 63.1 does not apply if the Building Works or other works to be carried out will be more than two hundred and fifty (250) metres from any occupied residential dwelling and produce noise that is not of sufficient volume, intensity, duration or frequency to disturb people in such dwelling.~~

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## PART I – WASTE MANAGEMENT

**64.57. DOMESTIC, COMMERCIAL AND INDUSTRIAL GARBAGE COLLECTION SERVICES**

**64.1** — The Occupier of ~~every premises~~ all land to which Council ~~supplies~~ provides a ~~Garbage Bin Collection Service~~ must:

**64.1.1** — ~~only deposit in the Garbage Bin waste other than those items referred to within Clause 64.1.2;~~

**64.1.2** — ~~not deposit in the Garbage Bin:~~

**64.1.2.1** — ~~waste derived from building construction or demolition activities;~~

**64.1.2.2** — ~~household organics that can be recycled using Council's bin-based household organics service;~~

**64.1.2.3** — ~~hot or burning ashes;~~

**64.1.2.4** — ~~medical or infectious waste;~~

**64.1.2.5** — ~~volatile, explosive or flammable substances;~~

**64.1.2.6** — ~~dust, fine particle waste, polystyrene beads or similar unless securely wrapped;~~

**64.1.2.7** — ~~oil, paint, solvents or any material or item which may damage the bin;~~

**64.1.2.8** — ~~wire of any description; or~~

**64.1.2.9** — ~~heavy materials or items that cause the weight of the bin to be more than forty (40) kilograms;~~

**64.1.3** — ~~not leave any Garbage Bin or other form of domestic service garbage bin (whether it be subject to a Council or private service collection) out on Council Property for more than one (1) day before or after a collection day unless permitted to do so by an Authorised Officer;~~

**64.1.4** — ~~not leave any commercial or industrial service garbage bin (whether it be subject to a Council or private service collection) out on Council Property for more than twelve (12) hours before or after a collection day unless permitted to do so by an Authorised Officer;~~

**64.1.5** — ~~when placing the Garbage Bin out for collection of the contents, place it in a position the details of which are specified in advice given by public notice or to the Occupier by Council, in front of the~~

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~~premises, or in an alternative location that Council may specify, that allows a safe and efficient collection by a service vehicle;~~

~~64.1.657.1 ensure that the Garbage Bin is not removed from the, or transferred to other, premises except for collection of refuse in accordance with Clause 64.1.5; the Waste Management Policy.~~

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

~~64.1.7 maintain the Garbage Bin in a clean and sanitary condition;~~

~~64.1.8 ensure that the area where the Garbage Bin is kept on the property is kept clean and in a sanitary condition;~~

~~64.1.9 ensure that the lid of the Garbage Bin is closed other than when refuse is being deposited in it; and~~

~~64.1.10 ensure that the Garbage Bin is not overfilled such that the lid cannot be completely closed down.~~

~~64.257.2 A person must not remove or interfere with a Garbage Approved Bin or its contents when the Garbage Approved Bin is left on a Road, or at any other collection point, without written authority from an Authorised Officer.~~

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

~~57.3 Clause 64.257.2 does not apply to:~~

~~57.3.1 a person authorised by Council to remove garbage Approved Bin, or an employee of such person in the course of his or her their employment;~~

~~57.3.2 the person placing the garbage Approved Bin out for collection; or~~

~~64.357.3.3 an Authorised Officer in the course of his or her their employment.~~

**65.58. RECYCLABLE MATERIALS SUSPENSION OF COLLECTION SERVICE**

~~65.1 The If an Occupier of every premises and to which Council supplies a Recyclables Bin must:~~

~~65.1.1 deposit only loose, not bagged or wrapped, Recyclable Material in such bin;~~

~~65.1.2 only place Recyclable Material in the Recyclables Bin;~~

~~65.1.358.1 not leave any Recyclables Bin or a bin used for a private recyclesCollection Service or other waste service collection out on Council Property for more than one (1) day before or after a collection day unless permitted to do so by an Authorised Officer; is provided;~~

~~65.1.4 when placing the Recyclables Bin out for collection of the contents, place it in a position the details of which are specified in advice given by public notice or to the Occupier by Council, in front of the premises, or in an alternative location that Council may specify, that~~

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~~allows safe and efficient collection by a service Vehicle;~~

~~58.1.1 ensure that has persistently contravened; or is persistently contravening,~~

~~58.1.2 any provision of this 'Part I Waste Management' and/or the Waste Management Policy, Council may suspend the provision of any Collection Service to the land.~~

~~58.2 Any suspension under clause 1.1 will:~~

~~58.2.1 be effected by written notice given, either personally or by post, to each Occupier of the land; and~~

~~58.2.2 be for such period, and subject to such conditions, as are specified in the notice.~~

~~65.1.5 If Collection Services to any land are suspended under clause 1.1, the Recyclables Bin is not removed from the, or transferred to other, premises except for collection of Recyclable Material, in accordance with Clause 65.1.4;~~

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~~65.1.6 – maintain the Recyclables Bin in a clean and sanitary condition;~~

~~65.1.7 – ensure that the area where the Recyclables Bin is kept on the premises is kept clean and in a sanitary condition;~~

~~65.1.8 – ensure that the lid of the Recyclables Bin is closed other than when Recyclable Material is being deposited in it; Owner and~~

~~65.1.9 – ensure that the Recyclables Bin is not overfilled such that the lid cannot be completely closed down.~~

~~65.2 – A person must not remove or interfere with any Recyclables Bin or its contents when the Recyclables Bin is left on a Road, or at any other collection point, without the written authority of an Authorised Officer.~~

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

~~65.3 – Clause 65.2 does not apply to a person authorised by Council to remove Recyclable Material, or an employee of such a person in the course of his or her employment, the person placing the Recyclable Material out for collection or an Authorised Officer in the course of his or her employment.~~

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**66. – HOUSEHOLD ORGANICS SERVICE**

~~66.158.3 The the Occupier of every the land must provide for waste generated from the premises to which Council supplies a Household Organics Bin must be disposed of.~~

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~~66.1.1 – only deposit household Organics in the Household Organics Bin which are either loose or contained within newspaper or bin liners approved by Council;~~

~~66.1.2 – not leave any Household Organics Bin or a bin used for a private organics service collection out on Council Property for more than one (1) day before or after a collection day unless permitted to do so by an Authorised Officer;~~

~~66.1.3 – when placing the Household Organics Bin for collection, place it in a position the details of which are specified in advice by public notice or to the Occupier by Council, in front of the premises, or in an alternative location that Council may specify, that allows safe and efficient collection by the service Vehicle; and~~

~~66.1.4 – ensure that the Household Organics Bin is not removed from the, or transferred to other, premises except for the collection of the material in accordance with Clause 66.1.3;~~

~~66.1.5 – maintain the Household Organics Bin in a clean and sanitary condition;~~

~~66.1.6 – ensure that the area where the Household Organics Bin is kept on the property is kept clean and in a sanitary condition;~~

## Draft Local Law No. 1 – Community Amenity 2025

~~66.1.7 ensure that the lid of the Household Organics Bin is closed other than when garden organics are being deposited in it; and~~

~~66.1.8 ensure that the Household Organics Bin is not overfilled such that the lid cannot be completely closed down.~~

~~66.2 A person must not remove or interfere with any Household Organics Bin or its contents when the Household Organics Bin is left on a Road, or at any other collection point, without the written authority of an Authorised Officer.~~

~~58.3.1 in the manner required by the Waste Management Policy; or~~

~~58.3.2 if exempted from compliance with the Waste Management Policy, in the manner required by the conditions, if any, attached to that exemption.~~

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

~~66.3 Clause 66.2 does not apply to a person authorised by Council to collect or remove Household Organics, or an employee of such a person in the course of his or her employment, the person placing the Household Organics Bin out for collection or an Authorised Officer in the course of his or her employment.~~

**67.59. BULK RUBBISH CONTAINERS**

~~67.159.1 A person must not, without a Permit, place, cause or allow to be placed a Bulk Rubbish Container on a Road or Council Land or in any Public Place.~~

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**68.60. USE OF DRAINS AND LEGAL POINTS OF DISCHARGE**

~~68.160.1 A person must not, without a Permit:~~

~~68.1.1 60.1.1 connect to;~~

~~68.1.2 60.1.2 alter;~~

~~68.1.3 60.1.3 interfere with;~~

~~68.1.4 60.1.4 excavate;~~

~~68.1.5 60.1.5 damage;~~

~~68.1.6 60.1.6 destroy; or~~

~~68.1.7 60.1.7 obstruct the function of,~~

~~any drain under the control of Council unless Council has certified a plan of subdivision which necessitates that activity or otherwise permitted that activity under another Act.~~

~~68.2 The Owner or Occupier of land must ensure that:~~

~~68.2.1 each building and/or structure on the land is connected to a legal point of discharge nominated by Council through a properly~~

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Draft Local Law No. 1 – Community Amenity 2025

~~constructed and maintained drainage system to the satisfaction of an Authorised Officer; and~~

~~68.2.2 the land, including surface water, is adequately drained to the satisfaction of an Authorised Officer and does not cause a nuisance to adjoining property.~~

~~68.360.2~~The Owner or Occupier of land must ensure that all drainage servicing his or her~~their~~ land is maintained in sound working order and does not cause damage or nuisance to any other property, including Council Property.

~~PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS~~

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## Draft Local Law No. 1 – Community Amenity 2025

**PART J – MURRAY TO THE MOUNTAINS RAIL TRAIL****69.61. APPLICATION**

~~69.461.1~~ This Part applies to land and activities within the Rail Trail Reserve.

~~69.261.2~~ This Part does not apply to:

~~69.2.161.2.1~~ an Authorised Officer or an employee of Council when acting in the course of their duties; or

~~69.2.261.2.2~~ a person acting in accordance with a lease, license, tenancy or permit granted or issued under an Act that is not subject to this Part, to the extent that the activities authorised by that lease, license, tenancy or permit are inconsistent with this Local Law.

~~69.3~~ Council may exempt any person from the operation of any or all of this Part.

~~69.461.3~~ Parts K and L of this Local Law apply to land and activities within the Rail Trail Reserve.

**70.62. POWERS OF COUNCIL OVER THE RAIL TRAIL**

~~70.462.1~~ Council may determine that a specified area or areas in the Rail Trail Reserve be set aside and permitted to be used for one or more of the following uses—:

~~70.1.162.1.1~~ protection or management of Flora, Fauna, geological or geomorphological features or cultural values;

~~70.1.262.1.2~~ re-establishment or planting of Vegetation;

~~70.1.362.1.3~~ amenities or facilities for public use;

~~70.1.462.1.4~~ camping;

~~70.1.562.1.5~~ the playing of games or sport;

~~70.1.662.1.6~~ the lighting or maintaining of fires;

~~70.1.762.1.7~~ the riding, driving or leading of a horse or a mule or a donkey or a camel or the drawing of a Vehicle by any of those animals;

~~70.1.862.1.8~~ the parking of any Vehicle or Vehicles of a particular class or classes;

~~70.1.962.1.9~~ the passage of any Vehicle or Vehicles of a particular class or classes;

~~70.1.1062.1.10~~ a Bicycle Path;

~~70.1.1162.1.11~~ a Footway;

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## Draft Local Law No. 1 – Community Amenity 2025

70.1.4262.1.12 a Separated Footpath;

70.1.4362.1.13 a Shared Pathway;

70.1.4462.1.14 the conducting of a community event;

70.1.4562.1.15 a commercial venture;

70.1.4662.1.16 for the Droving and/or Grazing of Livestock (Exceptional circumstances only);

70.1.4762.1.17 to cut and bale grass for hay; and

70.1.4862.1.18 to conduct fuel reduction burns.

70.262.2 A determination under Clause 7062.1 must specify the times or periods during which the areas set aside may be used, the use for which the area has, or areas have, been set aside and any conditions of use.

70.362.3 If Council has determined that an area be set aside under Clause 7062.1, it must cause a notice to be displayed in a conspicuous place in such a manner that the notice is reasonably likely to be seen by the persons about to enter the areas, indicating—

70.3.462.3.1 the area(s) so set aside;

70.3.262.3.2 the use for which the area has, or the areas have, been set aside; and

70.3.362.3.3 the conditions on, and times or periods during, which the use is permitted.

70.462.4 Council may determine that a specified area or areas in the Rail Trail Reserve be set aside as an area where access or entry is prohibited or restricted for—

70.4.462.4.1 a person who is in possession of Liquor;

70.4.262.4.2 a person who is in possession of any glass;

70.4.362.4.3 reasons of public safety;

70.4.462.4.4 the protection of Flora, Fauna, geological or geomorphological features or cultural values;

70.4.562.4.5 a person who is control of an animal including horses, camels, donkeys and other animals; and

70.4.662.4.6 the Droving of Livestock.

70.562.5 A determination under Clause 7062.4 must specify—

70.5.462.5.1 the times or periods during which entry or access is prohibited or restricted to an area or the conditions of entry to that area; and

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## Draft Local Law No. 1 – Community Amenity 2025

~~70.5.262.5.2~~ the reasons why entry or access is prohibited or restricted.

~~70.662.6~~If Council has determined that an area be set aside under Clause ~~7062.4~~, it must cause a notice to be displayed in a conspicuous place in such a manner that the notice is reasonably likely to be seen by the persons about to enter the areas, indicating—:

~~70.6.462.6.1~~ the areas so set aside;

~~70.6.262.6.2~~ any conditions of entry to the areas; and

~~70.6.362.6.3~~ the times or periods during which entry or access is prohibited or restricted.

~~70.762.7~~Council may from time to time fix fees payable for entry to any part of the Rail Trail or the use of any facilities within the Rail Trail.

~~70.862.8~~If Council has determined that fees are payable under Clause ~~7062.8~~, it must cause notice of those fees to be displayed in a conspicuous place in such a manner that the notice is reasonably likely to be seen by the persons about to enter the areas.

~~70.962.9~~A person must not:

~~70.9.462.9.1~~ enter any part of the Rail Trail; or

~~70.9.2~~ use any facilities within the Rail Trail,

~~62.9.2~~ without paying any applicable fees, or otherwise in contravention of any conditions, fixed by Council.

**~~PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS~~****~~PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS~~**

#### **~~74.63. VEHICLES~~**

~~74.463.1~~A person must not, without a Permit:

~~74.4.463.1.1~~ use, control or drive a Vehicle; or

~~74.4.263.1.2~~ park or leave a Vehicle standing, unless in an area set aside by Council for that purpose.

**~~PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS~~**

~~unless in an area set aside by Council for that purpose.~~

**~~PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS~~**

~~74.263.2~~Clause ~~7463.1~~ does not apply to—:

~~74.2.463.2.1~~ a bicycle, unicycle, tricycle or scooter;

~~74.2.263.2.2~~ a battery powered bicycle or scooter with a power source of less than 200 watts;

~~74.2.363.2.3~~ a wheelchair being used by a person with a disability;

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~~71.2.463.2.4~~ a motorised mobility aid used by people with limited mobility, provided that no damage to the Rail Trail will result from the use of the mobility aid and the maximum speed travelled by the mobility aid does not exceed 20km/per hour; or

~~71.2.563.2.5~~ any motorised Vehicle used in any part of the Rail Trail Reserve signed as a Shared Zone, provided that the maximum speed travelled by that Vehicle does not exceed 20km/per hour and all traffic signals are obeyed.

**72.64. AIRCRAFT, HELICOPTERS AND AIRBORNE CRAFT**

A person must not, without a Permit, launch, fly, land, control or operate any model aircraft, model helicopter, ~~drone~~, aircraft, helicopter, glider, hang glider or similar flying machine, kite, hot air balloon or parachute.

~~PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS~~

~~PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS~~

**73.65. CAMPING**

A person must not, without a Permit, camp ~~within the Rail Trail Reserve~~ unless in an area set aside by Council for that purpose.

~~PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS~~

**74.66. FIRE**

~~74.166.1~~ A person must not, without a Permit, light or maintain a fire unless—:

~~74.1.1~~ ~~at a time and during a period when the lighting of fires is not prohibited under any Act; and~~

~~74.1.266.1.1~~ in a place provided by Council for that purpose; ~~or~~

~~74.1.366.1.2~~ in an area set aside by Council for that purpose.

~~74.266.2~~ A person must not leave unextinguished or unattended a fire which that person has lit or maintained.

~~PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS~~

**75.67. ERECTING OR USING BUILDINGS AND STRUCTURES**

A person must not, without a Permit—:

~~75.167.1~~ erect or place any building or structure, including a fence; or

~~75.267.2~~ enter, occupy or use the whole or any part of any building or structure except a building or structure set aside by Council for that purpose and in accordance with any applicable conditions.

~~PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS~~

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**76.68. GAMES OR SPORTS**

A person must not, without a Permit, engage in any game or sport unless in an area set aside by Council for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**77.69. ORGANISED FUNCTION, FETE OR PUBLIC MEETING**

A person must not, without a Permit, participate in an organised function, concert, festival, tour, fete or public meeting or similar event unless in an area set aside by Council for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**78.70. PUBLIC ADDRESS**

A person must not, without a Permit, preach or deliver an address or use any amplifier, public address system, loud hailer or similar device.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**79.71. COMMERCIAL ACTIVITIES**

A person must not, without a Permit—

79.471.1 sell or offer any article for sale;

79.271.2 ply any Vehicle for hire or carry any passengers for fee or reward;

79.371.3 conduct any school or provide any form of instruction for gain;

79.471.4 display or advertise for sale, trade or hire any article, device, service or thing;

79.571.5 solicit or collect money or orders for goods, services or other purposes;

79.671.6 take part in or advertise any entertainment for gain;

79.771.7 give out, distribute, erect, leave, set up or display any handbill, placard, notice, pamphlet, book, paper, advertising matter or any like thing;

79.871.8 offer for hire any article, device or thing;

79.971.9 conduct a tour for gain or for commercial purposes; or

79.4071.10 cultivate and/or plant any crops,

unless in an area set aside by Council for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**80.72. MACHINERY AND POWER TOOLS**

A person must not, without a Permit, operate any portable or stationary generator, air-compressor, chainsaw, oxy-acetylene or electrical cutting or welding apparatus or other machinery in the Rail Trail Area.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**84.73. BICYCLE PATHS AND FOOTPATHS**

A person must not, without a Permit, enter or use a Bicycle Path, Footpath, Separated Footpath or Shared Pathway unless in an area set aside by Council for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**82.74. HORSES**

A person must not, without a Permit, ride, drive or lead a horse, mule, donkey or camel, whether in a vehicle or not, within the Rail Trail Reserve unless in an area set aside by Council for that purpose.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**83.75. LIVESTOCK**

A person must not, without a Permit:

~~83.475.1~~ undertake ~~Droving of Livestock or Grazing of Livestock~~; or

~~83.275.2~~ erect any temporary or permanent fencing with respect to such activities.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**84.76. HAY MAKING**

A person must not, without a Permit, cut and bale hay.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**85.77. FIRE MINIMISATION**

A person must not, without a Permit, undertake fuel reduction burning.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**86.78. NATURAL, CULTURAL AND OTHER ASSETS**

~~86.478.1~~ A person must not:

~~86.478.1.1~~ take, cut, damage, displace, deface or interfere with any timber, tree, shrub, plant, wildflower or other vegetation;

~~86.478.1.2~~ enter any area which is set aside by Council for the:

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~~86-1-2-178.1.2.1~~ re-establishment or planting of trees, shrubs, grass or other vegetation; or

~~86-1-2-278.1.2.2~~ protection of flora or fauna, geological or geomorphological features or cultural values;

~~86-1-378.1.3~~ plant or knowingly introduce any seed, tree, shrub, fern or other vegetation or any part of any tree, shrub or other vegetation;

~~86-1-478.1.4~~ take, destroy or damage any lair or nest or take any fauna or its lair or nest or take any skeletal remains;

~~86-1-578.1.5~~ move or interfere with any sign, notice-board, equipment, seat, table, gate, post, fence, bridge, facility, building or structure;

~~86-1-678.1.6~~ take any stone including any soil, sand or gravel or bricks from bridge or drainage structures; or

~~86-1-778.1.7~~ disturb the soil for activities such as cropping.

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

~~86-278.2~~ Clause ~~8678.1~~ does not apply to a person acting in accordance with a lease, license, permit or other authority under the *Extractive Industries Development Act 1995*, the *Mineral Resources (Sustainable Development) Act 1990* or the *Petroleum Act 1998*.

**~~87. USE OF AMENITY OR FACILITY~~**

~~A person must not enter or use an amenity or facility set aside for use of persons of the opposite gender unless the person is a child under the age of 6 years who is accompanied by an adult of that gender.~~

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**~~88.79. GATES~~**

~~A person must leave any gate open except where the gate is already open, or otherwise in accordance with any directions displayed by Council.~~

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

**~~89. FIREARMS AND TRAPS~~**

~~A person must not within the Rail Trail Reserve possess or carry or use any firearm, trap or snare.~~

**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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## Draft Local Law No. 1 – Community Amenity 2025

## PART K – LOCAL LAW PERMITS

~~90. PERMIT APPLICATIONS AND FEES~~~~80. An PERMITS~~

~~80.1 Council or an Authorised Officer may issue a permit under this Local Law with or without conditions, or may refuse to issue the same.~~

~~80.2 Council or an Authorised Officer may from time to time determine:~~

~~80.2.1 the manner and form in which applications for permits under this Local Law should be made;~~

~~80.2.2 the manner in which any Permit under this Local Law should be issued; and~~

~~90.180.2.3 the fee for any application for a Permit under this Local Law must be in a form determined by Council from time to time.~~

~~90.2 An application must be accompanied by any fee fixed by Council in accordance with Clauses 90.3 and 90.4.~~

~~90.380.3 Council may, from time to time by resolution, determine fees that must be paid by the Applicant or an Authorised Officer may waive, reduce or alter any fee for a Permit.~~

~~90.4 In fixing a fee or fees under this Clause 90, Council may take into account:~~

~~90.4.1 the recovery of costs which are incurred by it in processing the application and/or the issue of the Permit and/or likely to be incurred in monitoring compliance with the Permit or any condition in the Permit;~~

~~90.4.2 the capacity of likely applicants to pay the fee; and~~

~~90.4.3 Commonwealth and State Government legislation or policy directives.~~

~~90.580.4 Council or an Authorised Officer may require a person making an application for a Permit to give public notice of such application the application in a manner specified from time to time by Council or the Authorised Officer.~~

~~90.6 Where a Permit is issued for a standard period that applies to all such Permits, Council may reduce the normal fee by fifty (50) per cent if the period remaining is less than half of that standard period.~~

~~90.7 Council may waive, reduce or alter any fee or charge if the financial circumstances of the Applicant are such as to warrant such action.~~

~~80.5 Council or an Authorised Officer may require an applicant for a Permit to provide additional information before the application is determined.~~

~~90.880.6 A person who makes provides any false representation or declaration or who emits any relevant misleading information from their connection with an application for a Permit whether verbally or in writing, is guilty of an Offence.~~

## PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

~~91.81. ISSUING OR REFUSING PERMITS~~

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- 91.1 — ~~In determining whether to issue considering an application for a Permit and, if a Permit is to be issued, the scope and nature of conditions that will apply to it, Council or an Authorised Officer may take into account the following where relevant:~~
- 91.1.1 — ~~the health and safety of the public;~~
- 91.1.2 — ~~the amenity of the Municipal District;~~
- 91.1.3 — ~~the impacts on other persons or their property;~~

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## Draft Local Law No. 1 – Community Amenity 2025

~~91.1.4 the extent to which the granting of the Permit might affect the activities or enjoyment of another person or group;~~

~~91.1.5 the need to protect Council or Service Authority assets or infrastructure from damage;~~

~~91.1.6 legislation and policy directives of the Commonwealth and State Governments;~~

~~91.1.7 the need for work to occur which is authorised by Commonwealth or State Government legislation, or by Council or a Service Authority;~~

~~91.1.81.1 any submission or comments that may be received in respect of the application;~~

~~91.1.981.1.1 any Council policy or guideline adopted by Council relating relevant to the subject matter of the application for the Permit, including, but not limited to, the policies incorporated into this Local Law by virtue of Clause 96; and;~~

~~81.1.1.1 submission that may have been received where the application for the Permit has been notified to the public;~~

~~81.1.1.2 comment on the application for the Permit that may have been made by any Service Authority, community organisation or other person; and~~

~~81.1.1.3 other relevant matter that;~~

~~91.1.10 Council deems relevant.~~

~~91.281.2 Council or an Authorised Officer may decide:~~

~~91.2.481.2.1 to issue a Permit;~~

~~91.2.281.2.2 to issue a Permit subject to conditions; or~~

~~91.2.381.2.3 to refuse to issue a Permit.~~

~~91.3 Where Council has refused to issue a Permit, the person seeking the Permit has fourteen (14) days after receiving a notice of refusal of permit Clause 91.2.3, or such other additional time determined by Council, to provide written reasons to Council as to why the Permit should not be refused and the notice of refusal must specify that right.~~

~~91.4 If a written submission is received by Council under Clause 91.3 within the specified period, the information provided shall be considered and, if permitted by Council, the person seeking the Permit will be given an opportunity to be heard by Council or Council's delegate and any such verbal submissions will also be considered.~~

## **92.82. BREACH OF PERMIT CONDITIONS**

A person who fails to comply with a Permit or any condition of a Permit is guilty of an Offence.

### **PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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**93.83. CANCELLATION AND AMENDMENT OF PERMITS**

~~93.183.1A Permit may be cancelled at any time if, in the opinion of Council or an Authorised Officer, may cancel or amend a Permit if there has been a:~~

~~93.1.1 significant change in circumstances relevant to the Permit or any material misstatement, omission or concealment of facts in relation to the application for the Permit;~~

~~93.1.183.1.2 material change in circumstances that has occurred since the Permit was issued; or~~

~~93.1.283.1.3 failure to comply with any condition or conditions subject to which the Permit was issued.~~

~~93.2 If it is proposed that a Permit be cancelled under Clause 93.1, notice in writing Council or the Authorised Officer must be given to:~~

~~93.2.1 notify the Permit Holder; and~~

~~93.2.2 if of the Permit of the intention to amend or cancel the Permit relates to an activity at a particular property and that person is not the Owner of the property, the Owner.~~

~~93.3 A and give the Permit Holder and, if applicable, an Owner have fourteen (14) days after receiving the notice under Clause 93.2, or such other additional time determined by Council, to provide written reasons to Council as to why the Permit should not be cancelled and the notice under Clause 93.2 must specify that right.~~

~~93.483.2If an opportunity to make a written submission is received by Council under Clause 93.3 within the specified period, the information provided shall be considered and the Permit cannot be cancelled unless the Permit Holder and, if applicable, the Owner, have been given an opportunity to be heard by Council or Council's delegate and any such verbal submissions have also been considered before the Permit is amended or cancelled.~~

~~93.5 Where it is proposed that a Permit be cancelled and the circumstances are suchDespite Clause 83.2, where Council or an Authorised Officer determines that the activity authorised should, in the opinion of Council, cease immediately due to the likelihood that if it continues there by the Permit will be:~~

~~93.5.1 adverse effects on adversely affect the environment, the amenity of the area, or the health or safety of any person, or property; or~~

~~93.5.2 damage to property or infrastructure assets of Council or any Service Authority.~~

~~83.3 thenproperty, the Permit may be suspended immediately, pending consideration of any written or verbal submissions under Clause 93.4. For the purposes of this Clause 93.5, and the Permit Holder must, for the duration of the suspension, immediately cease all activities or things that would otherwise be allowed by the Permit.~~

**94.84. CORRECTION OF PERMITS**

~~94.184.1 Council may correct any Permit in relation to:~~

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| ~~94.1.184.1.1~~ a clerical mistake or other error arising unintentionally or an omission; or

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~~94.1.284.1.2~~ an evident material miscalculation of figures or an evident material mistake in the description of any person, thing or property referred to in the Permit.

~~94.284.2~~ Council must give notice of any correction of a Permit to the Permit Holder.

**95. APPLICATION OF LOCAL LAWS TO SERVICE AUTHORITIES**

~~95.1~~ If a Permit is required, then any Service Authority which can be bound by this or any Local Law is required to obtain such Permit.

~~95.2~~ Any Service Authority undertaking work on Council Land or Council Infrastructure Assets must obtain the consent of Council prior to commencement of the activity, unless specifically exempted by legislation.

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## PART L – OTHER ADMINISTRATIVE AND ENFORCEMENT MATTERS

**96-85. INCORPORATION OF POLICIES**

96-185.1 The following Policies are incorporated into this Local Law:

96-1-185.1.1 Local Law Policy LLP11 Droving of Livestock;

96-1-285.1.2 Local Law Policy LLP12 Grazing of Livestock; and

96-1-385.1.3 Local Law Policy LLP23 Using Footpaths.

**97-86. EXEMPTIONS**

97-186.1 No Permit is required under this Local Law where a person undertakes an activity or does any act or thing pursuant to and in accordance with a lease, licence or some other form of written consent given by Council or an Authorised Officer.

86.2 Council ~~may otherwise~~ or an Authorised Officer may exempt a person or Classa class of Personspersons from the operationapplication of any, or all ofneed to comply with, this Local Law, or any part of it, either generally or in a particular instance, ~~by giving written notice of that.~~

97-286.3 Any exemption to the person or Class of Persons:

86.3.1 NOTICE must be in writing; and

86.3.2 may be subject to conditions.

**98-87. NOTICES TO COMPLY**

98-187.1 Any Council or an Authorised Officer may, by serving a Notice to Comply, direct any Owner or Occupier of land or other relevant person to remedy any situationthing which may constituteconstitutes a breach of this Local Law.

87.2 AA Notice to Comply issued under this Local Law must:

87.2.1 specify the thing in breach of the Local Law;

87.2.2 specify the thing to be done or the work to be carried out to remedy the thing in breach of the Local Law; and

87.2.3 state the time and date by which the thing must be remedied.

87.3 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:

87.3.1 the amount of work involved;

87.3.2 the degree of difficulty;

87.3.3 the availability of necessary materials or other necessary items;

87.3.4 climatic conditions;

87.3.5 the degree of risk or potential risk; and

87.3.6 any other relevant matter.

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~~98.287.4~~ Any person who fails to observe any requirement remedy a thing in accordance with a Notice to Comply within the time specified in a Notice to Comply is guilty of an ~~Offence~~ offence.

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**PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**

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87.5 Nothing in this Local Law:

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87.5.1 obliges Council or an Authorised Officer to serve a Notice to Comply; or

87.5.2 precludes Council or an Authorised Officer from both serving a Notice to Comply and also serving an Infringement Notice or prosecuting for an offence.

**98.388. POWER OF AN AUTHORISED OFFICER TO ACT IN URGENT CIRCUMSTANCES**

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88.1 In urgent circumstances arising as if:

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98.488.1.1 a result person has breached any provision of a failure to comply with this Local Law, an Authorised Officer may take action to remove, remedy or rectify a situation without first serving in respect of which a Notice to Comply, provided that: may be issued;

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98.4.1 it appears to the Authorised Officer that a breach of a Local Law is likely to occur, is occurring threatens a person's or an animal's life or has occurred;

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88.1.2 health, any property or the Authorised Officer considers natural environment.

98.4.288.1.3 the circumstances or situation to be are sufficiently urgent and that the time involved or difficulties associated with the serving of necessary to serve and ensure compliance with a Notice to Comply may place a person, animal, property or thing at risk or in danger exacerbate that threat; and

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98.4.3 wherever practicable, the prior consent Authorised Officer has taken reasonable steps to obtain the approval of the Chief Executive Officer is obtained.



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~~98.5~~ In deciding whether circumstances are urgent, an Authorised Officer must ~~may~~ take into consideration, to the extent relevant, whether:

~~98.5.1~~ it is practicable such action as they consider necessary, to contact, abate or minimise the danger without serving a Notice to Comply if notice is given of:

~~88.1.4~~ the reasons for taking the action; and

~~88.1.5~~ the action taken.

~~98.5.1.1~~ to the person by whose default, permission or sufferance the situation has arisen; or

~~98.5.1.2~~ the Owner or the Occupier in breach of the land affected; and

~~98.5.2~~ there is an urgent risk or threat to public health, public safety, provision of this Local Law in respect of which the environment or animal welfare action was taken as soon as practicable afterwards.

~~98.688.2~~ The action taken by an Authorised Officer under this Clause ~~9988~~ must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.

~~98.7~~ An Authorised Officer who takes action under this Clause ~~99~~ must ensure that, as soon as practicable:

~~98.7.1~~ details of the circumstances and remedying action are forwarded to the person in breach of the provision of the Local Law in respect of which the action was taken; and

~~98.7.2~~ a report of the action taken is submitted to the Chief Executive Officer.

~~98.888.3~~ Any costs incurred by Council to remove, remedy or rectify a situation under this Clause ~~9988~~ may be recovered by Council from the person responsible.

## ~~99.~~ PROCEDURE FOR AN AUTHORISED OFFICER TO IMPOUND

### ~~89.~~ IMPOUNDING

~~99.189.1~~ An Authorised Officer may ~~seize and~~ impound any item, Animal, object or thing found to be ~~which has been or is being used or possessed in breach~~ contravention of a Permit condition, a Notice to Comply, or of any Clause in this Local Law.

~~99.289.2~~ Where any item, Animal, object or thing has been impounded under Clause ~~40089~~, Council or an Authorised Officer must, ~~if it is practicable to do so~~, serve written notice of the impounding personally, by pre-paid mail or by email on the person who appears to be the Owner of the impounded item, Animal, object or thing ~~wherever it is practicable to do so~~ thing.

~~99.3~~ A notice of the impounding must specify:

~~99.3.1~~ the item;

~~99.3.2~~ the place and time when it was impounded;

~~99.3.3~~ the fee payable for its retrieval;

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- 99.3.4 ~~the date by which the item must be retrieved (which must be not less than fourteen (14) days after the date on which the notice is issued);~~
- 99.3.5 ~~that the item will be sold or disposed of in accordance with this Clause 100, if not so retrieved; and~~

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~~99.3.6 the fact that all costs associated with the impounding of the item may be recovered by Council from the Owner or person responsible for the item.~~

~~99.4 In any case where the name or the whereabouts of the Owner of, or person responsible for, the impounded item is unknown, the Authorised Officer must take reasonable steps to ascertain that information.~~

~~89.3 An impounded item~~thing~~ must be surrendered to:~~

~~89.3.1 its Owner; or~~

~~99.589.3.2 a person acting on behalf and with the of its Owner who provides evidence to the satisfaction of an Authorised Officer of their authority of it~~from the~~ Owner, if:~~

~~89.4 if:~~

~~99.5.489.4.1 evidence to the satisfaction of the Authorised Officer is provided of the Owner's right to the item~~thing~~; and~~

~~99.5.289.4.2 any fee, determined by Council or an Authorised Officer from time to time, is paid; and~~

~~99.5.3 any charge for cost recovery, is paid.~~

~~99.6 If an impounded item is not retrieved by the date specified in the notice, an Authorised Officer may take action to dispose within fourteen (14) days of the notice of impounding being served or, if no notice of impounding was served, of it according to the following principles:~~

~~99.6.1 where the item has no saleable value it may be disposed the act of in any manner considered appropriate in the circumstances; and~~

~~99.6.289.5 where the item has some saleable value, it may be disposed of by public auction or tender, or by private sale (if public auction or tender fails to produce an offer impounding, Council or an auction or tender is inappropriate), but if no sale results from Council's efforts, the item may be disposed of in any manner which Council sees fit. Authorised Officer may:~~

~~89.5.1 sell;~~

~~89.5.2 give away; or~~

~~89.5.3 destroy.~~

~~the impounded thing.~~

~~99.789.6 Proceeds of any sale of an impounded item~~thing~~, less any costs incurred by Council in impounding and selling the item~~thing~~ and complying with the requirements of this Local Law, are to be held by Council pending any claim by the Owner. If the Owner at any time provides reasonable proof of entitlement to the net proceeds of the sale of an impounded item, within six (6) months of the sale, payment of such must be made to that person.~~

~~99.889.7 If no valid claim is made with the six (6) months period under Clause 100.789.6, any surplus proceeds of the sale may be used for municipal purposes.~~

#### ~~100.90. OFFENCES~~

~~100.490.1 A person who contravenes or fails to comply with:~~

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~~400.1.190.1.1~~ any provision of a Local Law;  
~~400.1.290.1.2~~ any condition contained in a Permit issued under a Local Law;  
or  
~~400.1.390.1.3~~ a Notice to Comply issued under Clause 9689, is guilty of an  
Offence;  
~~400.2~~ For a person who is guilty of an Offence under Clause 101.1, and is liable to  
the penalty, will be:

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## Draft Local Law No. 1 – Community Amenity 2025

~~400.2.4 the specific penalty stated under any Clause of a Local Law or in cases where there is no specific penalty, the penalty specified under Clause 404; the provision that is contravened.~~

~~90.2 Where a person is found guilty of an offence under this Local Law they will be liable to:~~

~~400.2.290.2.1 a further penalty of one (1) Penalty Unitpenalty unit for each day after conviction during which the contravention continues; and~~

~~400.2.390.2.2 upon conviction forbeing found guilty of a second or subsequent Offence,offence, a penalty that is double such specifithe penalty stated under the provision that is contravened or twenty (20) Penalty Unitspenalty units, whichever is the lesser.~~

**401.91. INFRINGEMENT NOTICES**

~~401.491.1 An Authorised Officer may issue an Infringement Notice for an Offence, as an alternative to prosecution.~~

~~401.2 If an Offence is a continuing Offence, then an Infringement Notice may be issued on each day that the Offence continues.~~

~~91.2 A person issued withThe penalties fixed for Infringement Notices:~~

~~91.2.1 are set out in Schedule 1; or~~

~~401.3 where no penalty for an Infringement Notice is entitled to apply to have the Infringement Notice internally reviewed by way of written objection to Council before the date on which the infringement penalty is due.~~

**402. INFRINGEMENT NOTICE PENALTIES**

~~Where an Infringement Notice is issued under this Local Lawstated in Schedule 1, the penalty payable in respect of the Infringement Notice will be:~~

~~402.1 as set out in the table in Schedule 1; or~~

~~402.291.2.2 where the penalty is not listed is twq (2) Penalty Units.~~

**403.92. PENALTIES UNDER THIS LOCAL LAW GENERALLY**

~~92.1 In cases where aif no penalty is fixed for an Offence is not specified in offence against this Local Law, the maximum penalties of two (2) Penalty Units will apply for a first Offence and penalty is twenty (20) Penalty Units or the highest number.~~

**93. REQUIREMENT TO ACT FAIRLY AND REASONABLY**

~~93.1 In exercising any power under this Local Law, Council and an Authorised Officer must act fairly and reasonably and in proportion to the nature and extent of the breach of maximum Penalty Units allowed for by this Local Law.~~

**94. DELEGATION**

~~403.494.1 Pursuant to section 78 of the Act (whichever is the greater) for a second or subsequent Offence, Council:~~

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Draft Local Law No. 1 – Community Amenity 2025

~~103.2 In cases where a maximum twenty (20) Penalty Units is specified in this Local Law, the maximum Penalty Units capable of being imposed will be twenty~~  
~~94.1.1 (20) Penalty Units or delegates to the highest maximum number Chief Executive Officer all of Penalty Units allowed for by its powers under this Local Law; and~~  
~~authorises the Act (whichever is Chief Executive Officer to delegate those powers to the greater).~~

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**104. OFFENCES IN RELATION TO AN AUTHORISED OFFICER**

~~104.1 A person must not give information that the person knows or believes to be false to an Authorised Officer who is performing a function under this Local Law.~~

Draft Local Law No. 1 – Community Amenity 2025

~~104.294.1.2 A person must not mislead, deceive or omit any relevant information from holder of an office or position as a member of Council staff acting in accordance with their duties.~~

~~PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS~~

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## Draft Local Law No. 1 – Community Amenity 2025

## SCHEDULE 1

PENALTIES PRESCRIBED UNDER CLAUSE 75 OF THIS LOCAL LAW, FOR  
INFRINGEMENT NOTICE PURPOSES

RELEVANT CLAUSE	Penalty for a natural person	Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise
<del>97</del> <del>Use of</del> <del>Access to</del> Municipal Buildings	Two (2) Penalty Units	--
<del>108</del> Prohibition on entry to a Municipal Building	Two (2) Penalty Units	--
<del>149</del> Conduct in a Municipal Building	Two (2) Penalty Units	--
<del>1310</del> <del>Use of Municipal Reserves</del> <del>Access to Council Land</del>	Two (2) Penalty Units	--
<del>14</del> <del>Conduct in a Municipal Reserve</del>	<del>Two (2) Penalty Units</del>	--
<del>1511</del> <del>Activities</del> <del>Prohibited conduct on Council Land or Roads</del>	Two (2) Penalty Units	--
<del>1612</del> Collection of Firewood	Two (2) Penalty Units	--
<del>1713</del> Droving of Livestock	Two (2) Penalty Units	--
<del>1814</del> Grazing of Livestock	Two (2) Penalty Units	--
<del>1915</del> Street Activities	One (1) Penalty Unit	--
<del>2016</del> Items on Council Land	Two (2) Penalty Units	--
<del>2417</del> Advertising and Advertising Signs	Two (2) Penalty Units	--
<del>2218</del> Shopping trolleys	Two (2) Penalty Units	--
<del>2319</del> Charity Donation Bins	Two (2) Penalty Units	--

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## Draft Local Law No. 1 – Community Amenity 2025

RELEVANT-CLAUSE	Penalty-for-a-natural-person	Penalty-for-a-company-or-incorporated-body-is-identical-to-the-penalty-for-a-natural-person-unless-indicated-otherwise
24 Street parties, festivals and processions	One (1) Penalty-Unit	--
25 Floodlighting	Two (2) Penalty-Units	Five (5) Penalty-Units
26 Scare-Guns	Two (2) Penalty-Units	Five (5) Penalty-Units
27 Vehicles using Roads contrary to restricted-use signs	Two (2) Penalty-Units	--
28 Use of Vehicles on Council Land	Two (2) Penalty-Units	--
29 Use of Recreational Vehicles on private land	Two (2) Penalty-Units	--
30 Repairing Vehicles	Two (2) Penalty-Units	--
31 Vehicles in a Public Place	Two (2) Penalty-Units	--
32 Damaging, defacing or interfering with Council Property	Four (4) Penalty-Units	--
33 Vehicle crossings	Two (2) Penalty-Units	--
34 Consumption of Liquor or possession in unsealed container and behaviour near Licensed Premises	Three (3) Penalty-Units	--
35 Bicycles, scooters, skateboards, in-line and roller skates	One (1) Penalty-Unit	--
36 Property address and numbers	Two (2) Penalty-Units	--
37 Incinerators and burning	Five (5) Penalty-Units	--
38 Burning of materials	Five (5) Penalty-Units	

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## Draft Local Law No. 1 – Community Amenity 2025

RELEVANT CLAUSE	Penalty for a natural person	Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise
<del>3920</del> <u>Street parties, festivals and processions</u> <del>Condition of land</del>	<del>Five (5) One (1) Penalty Units</del>	--
<del>4021</del> <u>Vacant, Dilapidated &amp; Dangerous Premises</u> <u>Floodlighting</u>	<del>Five (5) Two (2) Penalty Units</del>	<del>Ten (10) Five (5) Penalty Units</del>
<del>4122</del> <u>Use of Vehicles on Council Land</u> <del>Storage of dangerous or hazardous substances on land</del>	<del>Five (5) Two (2) Penalty Units</del>	--
<del>4223</del> <u>Use of Recreational Vehicles on private land</u> <del>Storage, vehicles and machinery</del>	Two (2) Penalty Units	--
<del>4324</del> <u>Repair and Display for sale of Vehicles</u> <del>Shipping containers and temporary structures</del>	Two (2) Penalty Units	<del>Ten (10) Penalty Units</del>
<del>4425</del> <u>Intruder alarms</u> <u>Vehicles on roads and Council Land</u>	Two (2) Penalty Units	--
<del>45</del> <u>Camping</u>	<del>One (1) Penalty Unit</del>	--
<del>4626</del> <u>Damaging, defacing or interfering with Council Property</u> <del>Trees and vegetation</del>	<del>Two (2) Four (4) Penalty Units</del>	--
<del>4727</del> <u>Vehicle crossings</u> <del>Wasp nests and bees</del>	Two (2) Penalty Units	<del>Five (5) Penalty Units</del>
<del>4828</del> <u>Consumption of Liquor or possession in unsealed container and behaviour near Licensed Premises</u> <del>Limits on number of animals kept</del>	<del>Two (2) Three (3) Penalty Units</del>	--
<del>4929</del> <u>Bicycles, scooters, skateboards, in-line and roller skates</u> <u>Removal of animal faeces</u>	One (1) Penalty Unit	--
<del>50</del> <u>Animal housing</u>	<del>Two (2) Penalty Units</del>	--
<del>51</del> <u>Provision of effective fencing to contain animals</u>	<del>Two (2) Penalty Units</del>	--
<del>5330</del> <u>Protection of Council Infrastructure</u> <u>Assets</u> <u>Property address and numbers</u>	<del>Five (5) Two (2) Penalty Units</del>	<del>Ten (10) Penalty Units</del>
<del>5431</del> <u>Incinerators and burning</u> <u>Containment of building sites</u>	Five (5) Penalty Units	<del>Ten (10) Penalty Units</del>

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5532	Burning of materialsEntry to building sites	Five (5) Penalty Units	Ten (10) Penalty Units

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RELEVANT CLAUSE	Penalty for a natural person	Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise
<del>5633</del> <u>Condition of land</u> <del>Building site identification</del>	<del>One (1) Penalty Unit</del> <u>Five (5) Penalty Units</u>	<del>Five (5) Penalty Units</del> <u>Ten (10) Penalty Units</u>
<del>34</del> <u>Storage of dangerous or hazardous substances on land</u>	<del>Five (5) Penalty Units</del> <u>Five (5) Penalty Units</u>	=
<del>35</del> <u>Storage, vehicles and machinery</u>	<del>Two (2) Penalty Units</del> <u>Two (2) Penalty Units</u>	=
<del>36</del> <u>Shipping containers and temporary structures</u>	<del>Two (2) Penalty Units</del> <u>Two (2) Penalty Units</u>	=
<del>37</del> <u>Camping</u>	<del>One (1) Penalty Unit</del> <u>One (1) Penalty Unit</u>	=
<del>5738</del> <u>Trees and vegetation</u> <del>Approved toilet systems</del>	<del>Five (5) Penalty Units</del> <u>Two (2) Penalty Units</u>	<del>Ten (10) Penalty Units</del> <u>Five (5) Penalty Units</u>
<del>39</del> <u>Wasp nests and bees</u>	<del>Two (2) Penalty Units</del> <u>Two (2) Penalty Units</u>	=
<del>41</del> <u>Limits on number of animals kept</u>	<del>Two (2) Penalty Units</del> <u>Two (2) Penalty Units</u>	=
<del>5842</del> <u>Building site waste</u> <del>Racing Pigeons</del>	<del>Five (5) Penalty Units</del> <u>Two (2) Penalty Units</u>	<del>Ten (10) Penalty Units</del> <u>Five (5) Penalty Units</u>
<del>43</del> <u>Removal of animal faeces</u>	<del>One (1) Penalty Unit</del> <u>One (1) Penalty Unit</u>	=
<del>44</del> <u>Animal housing</u>	<del>Two (2) Penalty Units</del> <u>Two (2) Penalty Units</u>	<del>Ten (10) Penalty Units</del> <u>Ten (10) Penalty Units</u>
<del>45</del> <u>Provision of effective fencing to contain animals</u>	<del>Two (2) Penalty Units</del> <u>Two (2) Penalty Units</u>	=
<del>46</del> <u>Power to Impound Additional Animals</u>	<del>Two (2) Penalty Units</del> <u>Two (2) Penalty Units</u>	=
<del>47</del> <u>Wandering Animals</u>	<del>Two (2) Penalty Units</del> <u>Two (2) Penalty Units</u>	=
<del>5948</del> <u>Protection of Council Infrastructure Assets During Building Works</u> <del>Pedestrian and traffic hazards, and safety</del>	<del>Five (5) Penalty Units</del> <u>Five (5) Penalty Units</u>	<del>Ten (10) Penalty Units</del> <u>Ten (10) Penalty Units</u>

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## Draft Local Law No. 1 – Community Amenity 2025

6049	Containment of building sitesSoil stockpiles	Five (5) Penalty Units	Ten (10) Penalty Units
<b>RELEVANT CLAUSE</b>		<b>Penalty for a natural person</b>	<b>Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise</b>
6450	Entry to building sitesAmenity-controls	Five (5) Penalty Units	Ten (10) Penalty Units
51	Building site identification	One (1) Penalty Unit	Five (5) Penalty Units
6252	Approved toilet systemsDrains	Five (5) Penalty Units	Ten (10) Penalty Units
6353	Building or industrial noisesite waste	Two (2) Five (5) Penalty Units	Ten (10) Penalty Units
6454	Pedestrian and traffic hazards, and safetyDomestic, commercial and industrial garbage services	Two (2) Five (5) Penalty Units	Ten (10) Penalty Units
6655	Soil stockpilesRecyclable materials service	Two (2) Five (5) Penalty Units	Ten (10) Penalty Units
56	Drains	Five (5) Penalty Units	Ten (10) Penalty Units
6657	Household organics serviceCollection Services	Two (2) Penalty Units	Five (5) Penalty Units
58	Suspension of Collection Services	Two (2) Penalty Units	=
67	Bulk Rubbish Containers	Two (2) Penalty Units	Five (5) Penalty Units
68	Use of drains and legal points of discharge	Ten (10) Penalty Units	--
7463	Vehicles on the Rail Trail Reserve	Two (2) Penalty Units	--
7264	Aircraft, helicopters and airborne craft on the Rail Trail Reserve	Two (2) Penalty Units	--
65	Camping on the Rail Trail Reserve	Two (2) Penalty Units	=
66	Fire in the Rail Trail Reserve	Five (5) Penalty Units	=
67	Erecting or using buildings and structures on the Rail Trail Reserve	Two (2) Penalty Units	=

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## Draft Local Law No. 1 – Community Amenity 2025

68	<u>Games or sports on the Rail Trail Reserve</u>	<u>Two (2) Penalty Units</u>	=
<u>RELEVANT CLAUSE</u>		<u>Penalty for a natural person</u>	<u>Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise</u>
69	<u>Organised functions on the Rail Trail Reserve</u>	<u>Two (2) Penalty Units</u>	=
70	<u>Public address systems on the Rail Trail Reserve</u>	<u>Two (2) Penalty Units</u>	=
73.1	<u>CampingCommercial activities on the Rail Trail Reserve</u>	<u>Two (2) Penalty Units</u>	<u>–Ten (10) Penalty Units</u>
72	<u>Machinery and power tools on the Rail Trail Reserve</u>	<u>Two (2) Penalty Units</u>	=
73	<u>Bicycle Paths and footpaths on the Rail Trail Reserve</u>	<u>Two (2) Penalty Units</u>	=
74	<u>Horses on the Rail Trail Reserve</u>	<u>Two (2) Penalty Units</u>	=
75	<u>Livestock on the Rail Trail Reserve</u>	<u>Two (2) Penalty Units</u>	=
76	<u>Hay making on the Rail Trail Reserve</u>	<u>Two (2) Penalty Units</u>	=
77	<u>Fire minimisation on the Rail Trail Reserve</u>	<u>Two (2) Penalty Units</u>	=
78	<u>Natural, cultural and other assets on the Rail Trail Reserve</u>	<u>Two (2) Penalty Units</u>	=
79	<u>Gates on the Rail Trail Reserve</u>	<u>Two (2) Penalty Units</u>	=
80.6	<u>False representation to Council</u>	<u>Two (2) Penalty Units</u>	<u>Five (5) Penalty Units</u>
82	<u>Breach of Permit conditions</u>	<u>Five (5) Penalty Units</u>	=
87.4	<u>Non-compliance with Notice to Comply</u>	<u>Five (5) Penalty Units</u>	<u>Ten (10) Penalty Units</u>

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RELEVANT-CLAUSE	Penalty-for-a-natural-person	Penalty-for-a-company-or-incorporated-body-is-identical-to-the-penalty-for-a-natural-person-unless-indicated-otherwise
74 Fire in the Rail Trail Reserve	Five (5) Penalty-Units	–
75 Erecting or using buildings and structures on the Rail Trail Reserve	Two (2) Penalty-Units	–
76 Games or sports on the Rail Trail Reserve	Two (2) Penalty-Units	–
77 Organised functions on the Rail Trail Reserve	Two (2) Penalty-Units	–
78 Public address systems on the Rail Trail Reserve	Two (2) Penalty-Units	–
79 Commercial activities on the Rail Trail Reserve	Two (2) Penalty-Units	Ten (10) Penalty-Units
80 Machinery and power tools on the Rail Trail Reserve	Two (2) Penalty-Units	–
81 Bicycle Paths and footpaths on the Rail Trail Reserve	Two (2) Penalty-Units	–
82 Horses on the Rail Trail Reserve	Two (2) Penalty-Units	–
83 Livestock on the Rail Trail Reserve	Two (2) Penalty-Units	–
84 Hay making on the Rail Trail Reserve	Two (2) Penalty-Units	–
85 Fire minimisation on the Rail Trail Reserve	Two (2) Penalty-Units	–
86 Natural, cultural and other assets on the Rail Trail Reserve	Two (2) Penalty-Units	–
87 Use of amenities on the Rail Trail Reserve	Two (2) Penalty-Units	–
88 Gates on the Rail Trail Reserve	Two (2) Penalty-Units	–
89 Firearms and traps on the Rail Trail Reserve	Five (5) Penalty-Units	–

Draft Local Law No. 1 – Community Amenity 2025

RELEVANT-CLAUSE		Penalty for a natural person	Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise
90.8	False representation to Council	Two (2) Penalty Units	--
92	Breach of Permit conditions	Five (5) Penalty Units	--
98.2	Non-compliance with Notice to Comply	Five (5) Penalty Units	Ten (10) Penalty Units
105.1	Giving false information to an Authorised Officer	Five (5) Penalty Units	--
105.2	Misleading or deceiving Council staff	Five (5) Penalty Units	--



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<b>Page 11: [57] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 11: [58] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 11: [59] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 11: [60] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Condensed by 0.05 pt		
<b>Page 14: [61] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Level 3 numbers, Right: 0 cm, Space Before: 0 pt, Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 3.5 cm + Indent at: 5.01 cm, Tab stops: Not at 4.74 cm + 4.75 cm		
<b>Page 14: [62] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Level 3 numbers, Right: 0 cm, Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 3.5 cm + Indent at: 5.01 cm, Tab stops: Not at 4.74 cm		
<b>Page 14: [63] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Level 4 Numbers, Space Before: 0 pt, Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 3.5 cm + Indent at: 5.01 cm, Tab stops: Not at 4.74 cm		
<b>Page 16: [64] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Level 4 Numbers, Space Before: 0 pt, Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 3.5 cm + Indent at: 5.01 cm, Tab stops: Not at 4.75 cm		
<b>Page 16: [65] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Condensed by 0.1 pt		



<b>Page 16: [66] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Level 4 Numbers, Right: 0 cm, Space Before: 0 pt, Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 3.5 cm + Indent at: 5.01 cm, Tab stops: Not at 4.74 cm + 4.75 cm		
<b>Page 16: [67] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Level 4 Numbers, No bullets or numbering, Tab stops: Not at 6.74 cm		
<b>Page 16: [68] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Level 4 Numbers, Right: 0 cm, Space Before: 0 pt, No bullets or numbering, Tab stops: Not at 6.75 cm		
<b>Page 16: [69] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Level 4 Numbers, No bullets or numbering, Tab stops: Not at 6.75 cm		
<b>Page 16: [70] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Level 4 Numbers, Right: 0 cm, Space Before: 0 pt, Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 3.5 cm + Indent at: 5.01 cm, Tab stops: Not at 4.74 cm + 4.75 cm		
<b>Page 16: [71] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Expanded by 1.75 pt		
<b>Page 16: [72] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
legalTitleDescription, Centered, Indent: Left: 0 cm, Space Before: 0 pt		
<b>Page 16: [73] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Condensed by 0.1 pt		
<b>Page 16: [74] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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Normal		
<b>Page 16: [76] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Indent: Hanging: 1.5 cm, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5 cm + Indent at: 2.01 cm		
<b>Page 16: [77] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Right: 0 cm, Space Before: 0 pt, No bullets or numbering, Tab stops: Not at 3.24 cm + 3.25 cm		
<b>Page 16: [78] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Condensed by 0.05 pt		
<b>Page 16: [79] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 16: [80] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Right: 0 cm, Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 3.5 cm + Indent at: 5.01 cm, Tab stops: Not at 3.24 cm + 3.25 cm		
<b>Page 16: [81] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
legalTitleDescription, Centered, Indent: Left: 0 cm, Space Before: 0 pt		
<b>Page 16: [82] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>

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<b>Page 16: [83] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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Indent: Hanging: 1.5 cm, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5 cm + Indent at: 2.01 cm

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Space Before: 0 pt, No bullets or numbering, Tab stops: Not at 3.25 cm

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legalTitleDescription, Centered, Indent: Left: 0 cm, Space Before: 0 pt

<b>Page 16: [111] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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English (Australia)

<b>Page 16: [113] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 20: [114] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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Level 4 Numbers, Space Before: 0 pt, No bullets or numbering, Tab stops: Not at 6.75 cm

<b>Page 20: [115] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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Level 4 Numbers, Right: 0 cm, Space Before: 0 pt, No bullets or numbering, Tab stops: Not at 6.74 cm + 6.75 cm

<b>Page 20: [116] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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Level 4 Numbers, Space Before: 0 pt, No bullets or numbering, Tab stops: Not at 6.75 cm

<b>Page 27: [117] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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Indent: Hanging: 1.5 cm, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5 cm + Indent at: 2.01 cm

<b>Page 27: [118] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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Right: 0 cm, Space Before: 0 pt, No bullets or numbering, Tab stops: Not at 3.24 cm + 3.24 cm

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legalTitleDescription, Centered, Indent: Left: 0 cm, Space Before: 0 pt

<b>Page 27: [120] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Indent: Hanging: 1.5 cm, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5 cm + Indent at: 2.01 cm		
<b>Page 27: [121] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Right: 0 cm, Space Before: 0 pt, No bullets or numbering, Tab stops: Not at 3.24 cm + 3.25 cm		
<b>Page 27: [122] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Condensed by 0.05 pt		
<b>Page 27: [123] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 27: [124] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 27: [125] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 27: [126] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 27: [128] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 27: [129] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 27: [130] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 27: [131] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Condensed by 0.05 pt		
<b>Page 27: [132] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Condensed by 0.05 pt		
<b>Page 27: [133] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 27: [134] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Condensed by 0.05 pt		
<b>Page 27: [135] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 27: [136] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Condensed by 0.05 pt		
<b>Page 27: [137] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 27: [138] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Condensed by 0.05 pt		

<b>Page 27: [139] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Condensed by 0.05 pt		
<b>Page 27: [140] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Condensed by 0.05 pt		
<b>Page 27: [141] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Condensed by 0.05 pt		
<b>Page 27: [142] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Condensed by 0.05 pt		
<b>Page 27: [143] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Condensed by 0.05 pt		
<b>Page 27: [144] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 27: [145] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 27: [146] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 27: [147] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 27: [148] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Condensed by 0.05 pt		
<b>Page 27: [149] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Condensed by 0.05 pt		
<b>Page 27: [150] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Condensed by 0.05 pt		
<b>Page 27: [151] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
legalTitleDescription, Indent: Left: 3.81 cm, Space Before: 0 pt		
<b>Page 27: [152] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Right: 0 cm, Space Before: 0 pt, No bullets or numbering, Tab stops: Not at 3.24 cm + 3.25 cm		
<b>Page 27: [153] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
legalTitleDescription, Indent: Left: 3.81 cm, Space Before: 0 pt		
<b>Page 27: [154] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
List Paragraph,Level 2 Numbers, Indent: Left: 3 cm, Space Before: 0 pt		
<b>Page 27: [155] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Indent: Hanging: 1.5 cm, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5 cm + Indent at: 2.01 cm, Keep with next		
<b>Page 27: [156] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
List Paragraph,Level 2 Numbers, Indent: Left: 0 cm, Space Before: 0 pt		
<b>Page 27: [157] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
legalTitleDescription, Centered, Indent: Left: 0 cm, Space Before: 0 pt		

<b>Page 27: [158] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Indent: Hanging: 1.5 cm, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5 cm + Indent at: 2.01 cm		
<b>Page 27: [159] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
legalTitleDescription, Centered, Indent: Left: 0 cm, Space Before: 0 pt		
<b>Page 31: [160] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Indent: Hanging: 1.5 cm, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5 cm + Indent at: 2.01 cm		
<b>Page 31: [161] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
legalTitleDescription, Centered, Indent: Left: 0 cm, Space Before: 0 pt		
<b>Page 31: [162] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Indent: Left: 0.24 cm, Hanging: 1.5 cm, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5 cm + Indent at: 2.01 cm		
<b>Page 31: [163] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
legalTitleDescription, Centered, Indent: Left: 0 cm, Space Before: 0 pt		
<b>Page 31: [164] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Indent: Left: 0.24 cm, Hanging: 1.5 cm, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5 cm + Indent at: 2.01 cm		
<b>Page 31: [165] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Right: 0 cm, Space Before: 0 pt, Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 3.5 cm + Indent at: 5.01 cm, Tab stops: Not at 3.24 cm + 3.24 cm		
<b>Page 31: [166] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
legalTitleDescription, Centered, Indent: Left: 0 cm, Space Before: 0 pt		
<b>Page 31: [167] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Right: 0 cm, Space Before: 0 pt, No bullets or numbering, Tab stops: Not at 3.24 cm + 3.24 cm		
<b>Page 31: [168] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Indent: Left: 0.24 cm, Hanging: 1.5 cm, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5 cm + Indent at: 2.01 cm		
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Indent: Hanging: 1.5 cm, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5 cm + Indent at: 2.01 cm		
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legalTitleDescription, Centered, Indent: Left: 0 cm, Space Before: 0 pt		
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Right: 0 cm, Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 3.5 cm + Indent at: 5.01 cm, Tab stops: Not at 4.74 cm		
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legalTitleDescription, Indent: Left: 0 cm, Right: 0 cm, Space Before: 0 pt		
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Indent: Left: 0.24 cm, Hanging: 1.5 cm, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5 cm + Indent at: 2.01 cm		
<b>Page 35: [186] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
List Paragraph, Level 2 Numbers, Indent: Left: 0 cm, Space Before: 0 pt		
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Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 3.5 cm + Indent at: 5.01 cm, Tab stops: Not at 3.24 cm		
<b>Page 35: [188] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Space Before: 0 pt, Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 3.5 cm + Indent at: 5.01 cm, Tab stops: Not at 3.24 cm		
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Right: 0 cm, No bullets or numbering, Tab stops: Not at 3.24 cm + 3.25 cm		
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Justified, Indent: Left: 0 cm, Right: 0.24 cm, Tab stops: 4.74 cm, Left + 4.74 cm, Left		
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Right: 0 cm, Space Before: 0 pt, Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 3.5 cm + Indent at: 5.01 cm, Tab stops: Not at 4.74 cm + 4.74 cm		
<b>Page 51: [298] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>

legalTitleDescription, Centered, Indent: Left: 0 cm, Space Before: 0 pt

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Indent: Hanging: 1.5 cm, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5 cm + Indent at: 2.01 cm

<b>Page 52: [302] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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Right: 0 cm, Space Before: 0 pt, No bullets or numbering, Tab stops: Not at 3.24 cm + 3.24 cm

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Level 4 Numbers, No bullets or numbering, Tab stops: Not at 6.74 cm

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Level 4 Numbers, Right: 0 cm, Space Before: 0 pt, No bullets or numbering, Tab stops: Not at 6.74 cm

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<b>Page 52: [319] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 62: [346] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 62: [347] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 3.5 cm + Indent at: 5.01 cm, Tab stops: Not at 4.74 cm		
<b>Page 62: [348] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 63: [349] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 3.5 cm + Indent at: 5.01 cm, Tab stops: Not at 4.74 cm		
<b>Page 63: [350] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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<b>Page 63: [351] Formatted</b>	<b>Celeste Brockwell</b>	<b>13/03/2025 4:56:00 PM</b>
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4.74 cm

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legalTitleDescription, Centered, Indent: Left: 0 cm, Space Before: 0 pt		
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## RURAL CITY OF WANGARATTA WASTE MANAGEMENT POLICY 2025

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### 1. PURPOSE

The purpose of this Policy is to outline the obligations of Council and users of Council's waste services in connection with the collection and disposal of waste.

This Policy is incorporated into Council's Community Amenity Local Law 2025.

### 2. SCOPE

This Policy applies to all residents and ratepayers in Council's municipal district.

### 3. OBJECTIVES

The key objectives of this Policy are to:

- 3.1 ensure the efficient and responsible delivery by Council of its waste collection services;
- 3.2 ensure the lawful and responsible use of Council's waste collection services by residents and ratepayers;
- 3.3 implement and maintain environmentally responsible processes for the collection and disposal of waste in Council's municipal district; and
- 3.4 assist Council in meeting its obligations under the *Circular Economy (Waste Reduction and Recycling) Act 2021* and the National Waste Policy.

### 4. DEFINITIONS

Terms used in this Policy which are defined in the Local Law have the same meaning as in the Local Law.

In addition, unless the contrary intention appears, the following terms are defined for the purposes of this Policy:

**"approved bin"** means a waste collection bin approved by Council for use as part of a waste collection service as specified in Schedule 2.

**"collection service"** means any or all of the kerbside domestic waste, household organics and recyclables collection services provided by Council.

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**"domestic waste"** means all waste or rubbish produced or accumulated in or on any land but excludes:

- (a) hot or burning materials;
- (b) nightsoil, sewerage, and animal excreta unless it is wrapped in a manner which prevents its escape;
- (c) slops or liquid wastes;
- (d) waste generated from building work;
- (e) waste generated from the restoration, repair or servicing of motor vehicles;
- (f) waste from a vacuum cleaner, hair, moist refuse or similar waste, unless it is wrapped or contained in a manner which prevents its escape;
- (g) ash, unless it is:
  - (i) cold;
  - (ii) dampened; and
  - (iii) wrapped or contained in a manner which prevents its escape;
- (h) trade waste;
- (i) recyclables;
- (j) oil, paints, solvents and similar substances;
- (k) any broken glass, lancet or other sharp object, unless:
  - (i) it is wrapped in impermeable material; or
  - (ii) contained entirely within an impermeable receptacle from which it cannot escape;
- (l) disposable nappies, unless they have been cleaned of faeces and wrapped in impermeable material;
- (m) any waste that cannot be contained in an approved waste receptacle due to its size, shape, nature or volume;
- (n) medical or veterinary waste;
- (o) building materials, including, without limitation, bricks, concrete, timber and metal objects;
- (p) furniture and like objects;
- (q) motor vehicle parts;
- (r) household organics;
- (s) any object which may damage the collection mechanism or a vehicle used for the collection of refuse; and
- (t) any other substance declared by Council or an authorised officer not to constitute "domestic waste" for the purposes of this Local Law from time to time, the details of which appear on Council's website

**"domestic waste bin"** means an approved bin provided by Council for the purposes of disposing of domestic waste.

**"e-waste"** means electronic waste in the form of electrical or electronic equipment, devices or things (or materials or parts of such equipment, devices or things), the operation of which is dependent on, or designed for the generation, transfer or measurement of, an electric current or electromagnetic field. (EPA). This means any device that has a plug, battery or power cord that is no longer working or wanted.

**"household organics"** means:

- (a) garden clippings, being:
  - (i) grass clippings;
  - (ii) flowers, leaves, weeds;
  - (iii) plants, small shrubs;
  - (iv) small branches, sticks (no longer than 40cm, or 10cm in diameter); and
  - (v) straw, hay;
- (b) food scraps, being:
  - (i) fruit, vegetables;
  - (ii) meat, seafood, bones (raw and cooked);
  - (iii) baked goods, bread, pastries;
  - (iv) eggshells, dairy, cheese;





- (v) rice, pasta, cooked leftovers;
- (vi) mouldy, out-of-date food;
- (vii) takeaway, fried foods;
- (viii) cereals, nuts, grains;
- (ix) chocolate, lollies; and
- (x) coffee grounds, tea leaves, tea bags (without the label, and excluding fabric/silk tea bags); and
- (c) other organic material, being:
  - (i) compostable liners with the certified compostable logo;
  - (ii) paper towel, tissues, serviettes;
  - (iii) shredded paper;
  - (iv) paper (smaller than postcard size);
  - (v) cardboard bread tags, popsicle sticks;
  - (vi) human hair, animal hair, animal feathers;
  - (vii) newspaper (1 or 2 sheets only, used to line the caddy);
  - (viii) cardboard (single sheet only, used to line the bottom of the bin, excludes staples and sticky tape); and
  - (ix) Pizza boxes.

**"household organics bin"** means an approved bin provided by Council for the purposes of disposing of household organics.

**"Local Law"** means the Community Amenity Local Law 2025.

**"recyclables"** means any empty glass bottles or jars (clear, brown or green), polyethylene terephthalate (PET), high density polyethylene (HDPE), hard plastics (coded or uncoded), aluminium cans and foil, steel cans, clean paper and cardboard, liquid paper board and any other material which Council has resolved to be recyclables for the purposes of this Policy (the details of which appear on Council's website).

**"recyclables bin"** means an approved bin provided by Council for the purposes of disposing of recyclables.

**"recycling and waste centre"** means any facility owned and/or operated by Council for the purposes of receiving waste and materials

**"specified e-waste"** means e-waste that consists of rechargeable batteries, cathode ray tube monitors and televisions, flat panel monitors and televisions, information technology and telecommunications

**"service area"** means the defined service area and routes in Schedule 1.

**"trade waste"** means any waste, refuse, slops or other matter arising from or generated by any trade, industry or commercial undertaking.

**"waste"** means any waste generated on premises, including domestic waste, household organics, recyclables and commercial paper and cardboard.

**"waste deposit site"** means a landfill and a transfer station operated by Council and includes Bowser Landfill, Wangaratta Organic Processing Facility, and transfer stations located in Wangaratta, Markwood, Moyhu and Eldorado.



## 5. COUNCIL COLLECTION SERVICES

### 5.1 General

- 5.1.1 Council provides or makes available to the service area within its municipal district a regular domestic waste collection service, a regular household organics collection service and a regular recyclables collection service.
- 5.1.2 These collection services are provided in accordance with the table set out in Schedule 2.
- 5.1.3 This Part 5 of the Policy sets out the expectations and obligations of those persons accessing these collection services.

### 5.2 Placement of approved bins for collection

The occupier of land to which a collection service is provided by Council must comply with the following requirements.

- 5.2.1 An approved bin must be placed out for collection:
  - (a) on the nature strip adjacent the land within 1 metre of the kerb or, if there is no nature strip adjacent the land, within 1 metre of the kerb;
  - (b) at least 1 metre away from any tree, poles, posts, parked cars and other fixed objects;
  - (c) with a clearance of at least 3 metres above the lid;
  - (d) with a clearance of at least 500 millimetres on each side;
  - (e) with the hinges of the lid facing the land;
  - (f) with the lid closed; and
  - (g) before 6am on the day scheduled for collection.
- 5.2.2 An approved bin must not be placed out for collection:
  - (a) where the weight of the approved bin exceeds 70 kilograms;
  - (b) in a manner that obstructs the free use of the road (including road reserve, footpath and nature strip) by motor vehicles or pedestrians.
- 5.2.3 An approved bin must be placed out for collection from, and returned to, the land to which it has been provided by Council:
  - (a) in respect of domestic collections services, one day before and after a collection day, unless permitted to do so by an authorised officer; or
  - (b) in respect of commercial and industrial services, 12 hours before or after a collection day, unless permitted to do so by an authorised officer.
- 5.2.4 The occupier of a rural property:
  - (a) which is located outside the service area; and
  - (b) to which approved bins have been provided,

must comply with this clause 5.2, except that their approved bins may be placed for collection at the nearest cross road that is within the service area.

### 5.3 Maintenance of approved bins

- 5.3.1 The occupier of land to which Council has allocated approved bins must keep the approved bins:
  - (a) as clean as is reasonably practicable;
  - (b) free from vermin; and
  - (c) in good working order.
- 5.3.2 The occupier of land to which Council has allocated approved bins must, as soon as becoming aware of any loss of or damage to one or more of those approved bins, notify Council of that damage.
- 5.3.3 If the loss of or damage to an approved bin has been caused by the neglect or deliberate act of the occupier of the land, they may be required to pay:
  - (a) a fee determined by Council or an authorised officer from time to time for the replacement of the approved waste receptacle; or
  - (b) such part of the fee as Council or an authorised officer considers appropriate.

**5.4 Deposit of waste**

- 5.4.1 A person must only deposit:
- (a) domestic waste in a domestic waste bin;
  - (b) recyclables in a recyclables bin; and
  - (c) household organics in a household organics bin.
- 5.4.2 Without limiting the generality of clause 5.4.1, a person must not deposit in any approved bin:
- (a) hazardous waste or chemicals;
  - (b) volatile, explosive or flammable substances;
  - (c) dust, fine particle waste, polystyrene beads or similar unless securely wrapped;
  - (d) oil, paint, solvents or any other material or item which may damage the bin;
  - (e) wire of any description;
  - (f) e-waste;
  - (g) hot or burning ashes;
  - (h) a gas bottle or any container of pressurised gas;
  - (i) building or renovation waste;
  - (j) soil, bricks or rubble;
  - (k) medical waste, veterinary waste or syringes; or
  - (l) tyres.

**5.5 Domestic waste**

The occupier of land to which a domestic waste collection service is provided must:

- 5.5.1 deposit all domestic waste generated on the land which is to be collected by Council into the domestic waste bin allocated to that land by Council;
- 5.5.2 not place out for collection by Council any domestic waste other than in a domestic waste bin; and
- 5.5.3 place their domestic waste bin out for collection in accordance with the requirements of clause 5.1.

**5.6 Household organics**

- 5.6.1 The occupier of land to which a household organics collection service is provided must:
- (a) deposit all household organics generated on the land which is to be collected by Council into the household organics bin allocated to that land by Council;
  - (b) not place out for collection by Council any household organics other than in a household organics bin;
  - (c) place their household organics bin out for collection in accordance with the requirements of clause 5.1; and
  - (d) only deposit household organics which are either loose or contained within newspaper or bin liners approved by Council.
- 5.6.2 Council will provide to all properties receiving a household organics collection service:
- (a) to residential properties annually:
    - (i) one kitchen caddy; and
    - (ii) one roll of compostable liners; and
  - (b) to commercial properties:
    - (i) one roll of either 80L or 240L compostable bin liners.
- 5.6.3 Council will make available at the Wangaratta Government Centre:
- (a) replacement kitchen caddy for a fee; and
  - (b) rolls of compostable liners for free.

**5.7 Recyclables**

The occupier of land to which a recyclables collection service is provided must:

- 5.7.1 deposit all recyclables generated on the land which is to be collected by Council into the recyclables bin allocated to that land by Council;
- 5.7.2 not place out for collection by Council any recyclables other than in a recyclables bin;
- 5.7.3 place their recyclables bin out for collection in accordance with the requirements of clause 5.1; and
- 5.7.4 only deposit loose recyclables.

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**6. OFFENCES**

- 6.1 Failure to comply with this policy is an offence against clause 57.1 of the Local Law.
- 6.2 Illegal dumping of waste and littering may also constitute an offence against the *Environment Protection Act 2017*.

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**7. REPLACEMENT WASTE COLLECTION SERVICES****7.1 Requirements for replacement waste collection services**

Where a collection service to any land is suspended under clause 57.1 of the Local Law, the replacement waste collection service must:

- 7.1.1 provide for the separate collection and disposal of domestic waste, household organics and recyclables;
- 7.1.2 provide for the collection from the land of:
  - (a) domestic waste at least once every 2 weeks;
  - (b) household organics at least once every week; and
  - (c) recyclables at least once every 2 weeks; and
- 7.1.3 require bins to be placed out for collection in accordance with clause 5.2 of this Policy.

**7.2 Disposal of waste collected by way of a replacement waste collection service**

Waste collected by way of a replacement waste collection service must be disposed of in a way that:

- 7.2.1 does not allow contamination of household organics and recyclables; and
- 7.2.2 ensures that the waste is disposed of at one or more of the waste deposit sites, provided that it is disposed at a waste deposit site suitable for disposal of the particular waste.



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**8. Exemptions and Exceptions****8.1 Uninhabitable residences:**

Premises may be eligible for a waste exemption if evidence can be provided that the premises are uninhabitable

**8.2 Emergency waste exemption:**

Residents may be eligible for a waste exemption if affected by a natural or local disaster. Depending on the severity of the situation, a \$5 dollar hard waste voucher will be provided, or alternatively fees may be waived, at the discretion of the Director Infrastructure Services.

**8.3 Rural and Urban Medical Waste Residents:**

may be eligible for a waste exemption for medical waste. The option of an additional bin will be provided at no charge, upon receipt of a medical certificate or other documentation deemed appropriate by the Waste Management Coordinator

**8.4 Multi-Level Units and Large Unit Buildings:**

Owners' Corporation Owners' Corporations of more than 8 units can negotiate the overall number and composition of bins and will be charged accordingly, however a kitchen caddy and liners will need to be provided for each residence at the cost to the Owners Corporation. The number of rolls of compostable liners provided for free will be reflective of the number of bins charged. Negotiation of bins will need to occur prior to 1 July of the new financial year to be itemised on annual rates notices. Owners' Corporation representatives will be required to provide evidence of their eligibility under this section and also to complete a form to substantiate their request for a change in services. If approved, the total amount of the service charges will be invoiced directly to the Owners' Corporation representative. Unpaid amounts will result in an immediate termination of these special arrangements and reversion to standard bin services

**8.5 Refund of rates for services not received:**

In the occurrence of paid waste rates without a collection ever occurring, the owner of the property may seek reimbursement. Reimbursement at the error of Council will be up to a maximum of 5 years, if proven there was no waste collection in place

**8.6 Alternative collection arrangements for Business or Commercial Operators:**

Persons or corporations may be eligible for a waste charge exemption where an alternative collection service is utilised. Exemptions will be considered, if written evidence of an alternative service is provided and is satisfactory to Council's requirements, and a waste audit is undertaken at the property by a Council officer. Satisfactory evidence would include a copy of the contract for the provision of future waste collection services or a copy of three month's statements showing a regular collection service is in place. Any information supplied will remain



confidential. This evidence will be required annually upon receipt of a rate notice including waste charges.

#### 8.7 Unoccupied commercial properties

If a commercial property has been unoccupied for a minimum of 12 months, an exemption from waste charges may be granted. It is the responsibility of the landlord to apply for the exemption. The exemption will be applied going forward from the date approval is granted. No retrospective refunds will be given for the period that the commercial property has not been occupied. All exemptions are reassessed before the end of the financial year biannually. At any point, if the property becomes occupied again the landlord must notify Council and arrange waste services..

### 9. Council's Four Strike Contamination

Contamination occurs when people place the wrong item in the wrong bin. To ensure the long-term viability and effectiveness of the garbage, organic and recycling kerbside systems, Council has introduced a four strike contamination procedure. This procedure will use both education and enforcement to reduce the rate of contamination in Council bins.

If a garbage, organics or recycling bin containing contamination is presented 4 times within a 4 year period, on the fourth occasion, the bin will be removed and the charges will remain on the property's rates notice

If Council becomes aware of a situation that is causing ongoing contamination issues

i.e. dementia or disability, bins will be taken away and more appropriate bins will be issued to the resident.

#### 9.1 Contamination Notice Steps

##### 9.1.1 First offence

- (a) The garbage, organics or recycling bin will not be collected and will receive either a contamination sticker or letter which also contains education material. The bin will be recollected upon request, if the contaminants are removed.

##### 9.1.2 Second offence

- (a) The garbage, organics or recycling bin will not be collected and will receive either a contamination sticker or letter which also contains education material. The resident will also receive a follow up letter in the mail notifying them of their second offence and outlining the contamination policy steps. The bin will be recollected upon request, if contaminants are removed.

##### 9.1.3 Third offence

- (a) The garbage, organics or recycling bin will not be collected and will receive either a contamination sticker or letter which also contains education material. The resident will also receive a follow up letter in the mail notifying



them of their third offence and outlining the contamination policy steps. The bin will be recollected upon request, if contaminants are removed.

9.1.4 Fourth offence

- (a) The garbage, organics or recycling bin will be removed and the waste charge will remain. A letter will be sent to the resident advising them, that in order to reinstate their garbage, organics or recycling bin they are required to provide a letter to Council stating that they will use the bin correctly and only place accepted materials in their bin.

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**10. Request for Route Extension**

If the owner of a rural property wishes to receive a waste and recycling collection service and is not on an established collection service route, the owner of the property may arrange to place their bins at the nearest cross road that is on a collection route. The standard waste collection charges will apply.

The defined service area can be extended as required by the Director - Infrastructure Services after considering matters such as:

- a. Viability
- b. access and safety of movement for the waste collection truck and other road users
- c. whether the additional route is on Council's Register of Public Roads
- d. whether the additional distance exceeds two kilometres, including any additional distance to safely turn around, if required.

Access using private roads to provide waste collection can be approved where a specific access agreement has been negotiated with Council, and agreed in writing. Register of Public Roads, letters will be sent to residents notifying them of the proposed change. If residents are consenting with the proposed change, then waste rates will apply to the residential properties along that road. This is based on 80% of residents consenting to the extension.

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**11. REVIEW**

This policy will be reviewed at Yearly intervals

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**12. ACCESS**

This policy is available on Council's website.

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**13. FURTHER INFORMATION**

For further information on this Policy, please contact [council@wangaratta.vic.gov.au](mailto:council@wangaratta.vic.gov.au)



Schedule 1	Service Area
	Rural City of Wangaratta

DRAFT





## Schedule 2 Approved Bins

Services	Residential Urban Wangaratta	Residential Rural	Glenrowan, Hamilton Park, Oxley and Milawa (Townships)	Commercial Businesses Urban	Commercial Businesses Rural
<b>Standard Bin Service</b>	140Lt garbage bin (fortnightly collection) 240Lt organics bin (weekly collection) 240Lt recycling bin (fortnightly collection)	240Lt garbage bin (fortnightly collection) 240Lt recycling bin (fortnightly collection)	140Lt garbage bin (fortnightly collection) 240Lt organics bin (weekly collection) 240Lt recycling bin (fortnightly collection)	140Lt garbage bin (fortnightly collection) 240Lt organics bin (weekly collection) 240Lt recycling bin (fortnightly collection)	240Lt garbage bin (fortnightly collection) 240Lt recycling bin (fortnightly collection)
<b>Optional service</b>	240Lt garbage bin (higher cost) 140Lt organics bin (same cost as 240Lt) 140Lt or 360Lt recycling bin (same cost as 240Lt)	140Lt garbage bin (same cost) 140Lt or 360Lt recycling bin (same cost)	240Lt garbage bin (higher cost) 140Lt organics bin (same cost as 240Lt) 140Lt or 360Lt recycling bin (same cost as 240Lt)	240Lt garbage bin (higher cost) 140Lt organics bin (same cost as 240Lt) 140Lt or 360Lt recycling bin (same cost as 240Lt) A weekly or daily garbage or organics services are available at additional costs.	140Lt garbage bin (same cost) 140Lt recycling bin (same cost) A weekly garbage collection may be available at an additional cost.
<b>Additional bins can be obtained outside the standard service at additional costs</b>	Extra 140Lt or 240Lt garbage Extra 140Lt or 240Lt organics Extra 140Lt, 240Lt or 360Lt recycling	Extra 140Lt or 240Lt garbage Extra 140Lt or 240Lt organics Extra 140Lt, 240Lt or 360Lt recycling	240Lt garbage bin (higher cost) 140Lt organics bin (same cost as 240Lt) 140Lt or 360Lt recycling bin (same cost as 240Lt)	Extra 140Lt or 240Lt garbage Extra 140Lt or 240Lt organics Extra 140Lt, 240Lt or 360Lt recycling	Extra 140Lt or 240Lt garbage Extra 140Lt or 240Lt organics* Extra 140Lt, 240Lt or 360Lt recycling *Where an existing service is being provided
<b>Medical certificate</b>	Upgrade from a 140Lt to a 240Lt garbage. If a 240Lt exists then an additional 140Lt will be provided.	If a 240Lt exists then an additional 140Lt will be provided.	Upgrade from a 140Lt to a 240Lt garbage bin. If a 240Lt exists then an additional 140Lt will be provided.	N/A	N/A



Rural City of  
**Wangaratta**

## Community Engagement Policy

<b>Document Type</b>	Major Council Policy
<b>Department</b>	Council-wide
<b>Date of Council Endorsement</b>	April 2025
<b>Date for Review</b>	April 2028
<b>Responsible Officer</b>	Marketing and Communications Lead
<b>Authorising Officer</b>	Director Sustainability and Culture
<b>Version Reference Number</b>	
<b>SIM Reference Number</b>	TBC

### 1. Statement and Purpose

Engagement is an intentional process with the specific purpose of working across organisations, stakeholders, and communities to shape the decisions or actions of members of the community, stakeholders, or organisation in relation to a problem, opportunity, or outcome.

Community Engagement is about involving people in the decisions that impact their lives. Successful engagement fosters integrity and builds trust in Council, resulting in more inclusive and representative outcomes.

This Policy outlines Council's commitment to the community on the principles and values that guide our community engagement. It will be supported internally by a Community Engagement Guide and Toolkit and suite of tools available for engagement with the public including Council's website.

### 2. Scope

This Policy applies to the planning, design, implementation, and evaluation of strategic community engagement activities which input into policy and planning decisions as directed by Council, recommended by staff, or legislated by the Victorian Local Government Act 2020 (the Act).

Complying with the Policy is the shared responsibility of all employees, Councillors, contractors and external consultants acting on behalf of Council.

It does not apply to consultation activities prescribed in other legislation, such as those related to planning permit applications and planning scheme amendments, governed by the Planning and Environment Act 1987. It does not apply to other council processes such as service requests or complaints.

### 3. Definitions

Community	People who live, work, visit or utilise services and amenities in the Rural City of Wangaratta local government area. It can also refer to: <ul style="list-style-type: none"> <li>community of place (based on geographic location e.g. the Moyhu Community)</li> <li>community of interest (based on common interests and activities, can be organised like a sports club or service group, or informal like cyclists or gardeners)</li> <li>community of identity (based on an individual's shared perspective e.g. Aboriginal heritage, language speakers, particular age groups, or a religious community)</li> </ul>
Community engagement	An interactive process providing a range of opportunities for community to inform decision making, foster relationships and encourage capacity development.
Consultative engagement	A term used to describe engagements at the level of 'inform' or 'consult' on the IAP2 Spectrum of Engagement, with the related promise of keeping the community informed or seeking feedback on strategies, projects, policies and plans.
Deliberative engagement	Deliberative engagement practices are designed to create informed conversations among participants to build a deeper understanding of the complexities, trade-offs, compromises and alternatives when seeking to address complex issues. Participants are provided with a breadth of inputs, information and enough time and opportunity to engage and discuss in a welcoming and respectful environment, then provide recommendations and feedback which is reviewed and considered by Council.
IAP2 Spectrum of Public Participation	The International Association for Public Participation's Spectrum which helps define the public's role in any participation process. The IAP2 Spectrum consists of five engagement levels – Inform, Consult, Involve, Collaborate, Empower.
Stakeholders	Sections of the community involved in engagement because of impact, interest or responsibility to deliver on an outcome. Can also refer to external organisations, and other levels of government involved in a decision. Always includes internal decision makers and implementers of decision outcomes.
The Act	Refers to the <i>Victorian Local Government Act (2020)</i>

4. Policy

The Rural City of Wangaratta commits to lead, promote and advocate for meaningful community engagement. This commitment recognises that Council works in partnership with our community, and that the community understands what is important to them, how they want to live, and how they want their neighbourhoods and towns to develop.

Wangaratta’s engagement principles underpin how we design and deliver community engagement, across all stages of engagement in accordance with the Act and Victorian Auditor General Office’s (VAGO) Better Practice Guide: Public Participation in Government Decision-making. The Act establishes five community engagement principles applicable to Council. This Policy reflects these principles.

Our community promise sits alongside these principles. Especially our commitment that we will take the time to talk to you, to listen to you and to help you, and we will always keep you informed of the things you need to know.

TABLE 1: PRINCIPLES AND ACTIONS

Principle	Rural City of Wangaratta’s Commitment
1. A community engagement process must have a <b>clearly defined objective</b> and <b>scope</b> .	We will support engagement with a plan that is clear about: <ul style="list-style-type: none"><li>the scope and objectives of engagement opportunities.</li><li>the contribution participants will be asked to make, and the responsibilities associated with this.</li><li>what the community can influence, and how they can participate, including what might be non-negotiable</li></ul>
2. Participants in community engagement must have <b>access to objective, relevant and timely information</b> to inform their participation.	We will <ul style="list-style-type: none"><li>provide appropriate time and resources to ensure that those affected can participate in a meaningful way.</li><li>provide access to all relevant information about a project in a manner that participants can understand, so that their contributions may be fully informed.</li></ul>

<p>3. Participants in community engagement must be <b>representative</b> of the <b>persons and groups affected</b> by the matter that is the subject of the community engagement.</p>	<p>We will</p> <ul style="list-style-type: none"> <li>• Complete stakeholder assessments for engagement projects, to ensure potential impacts of a project on community and stakeholder are identified, discussed and addressed</li> <li>• Make every reasonable effort to include community and stakeholders affected by a project.</li> <li>• Make reasonable adjustments where necessary to remove barriers to participation and ensure an inclusive approach.</li> <li>• Consider legislation that should shape the engagement approach, for example The Commission for Children and Young People's Child Safe Standard 7: Strategies to promote the participation and empowerment of children, in recognition that children have a right to be heard and have their concerns and ideas taken seriously, particularly on matters that affect them.</li> </ul>
<p>4. Participants in community engagement are <b>entitled to reasonable support</b> to enable <b>meaningful and informed</b> engagement.</p>	<p>Communication tools will include information formats to support participation including language, graphics, and a range of accessible requirements.</p> <p>We will design engagement activities that are inclusive and accessible and make reasonable adjustments where necessary to remove barriers to participation. Methods will be delivered in a range of formats tailored to the issue</p>
<p>5. Participants in community engagement are informed of the ways in which the community engagement <b>process will influence Council decision making</b>.</p>	<p>We will inform participants of how their feedback will be used in the decision-making process.</p> <p>We will report back to the community in a timely and straightforward way how community feedback informed the decision-making process to demonstrate that results and outcomes are consistent with the commitment made at the beginning of the engagement.</p>

#### 4.1 WHEN WE WILL ENGAGE

The Rural City of Wangaratta will engage the community in decision making processes when there is a legislated or statutory requirement. We will also engage when decisions and issues will have long-term impact on the community. Wherever possible, Council will plan for community engagement early in the project planning process, to ensure community feedback can genuinely inform project outcomes.

The Act requires deliberative engagement practices be applied to the development of the Community Vision, Council Plan, Financial Plan and Asset Plan. The Rural City of Wangaratta commits to using deliberative engagement for other projects, based on their assessed impacts. Further information about Council's deliberative practices is included in the staff community engagement guide and toolkit.

Community engagement may not be possible or feasible prior to making a decision where Council is required to respond quickly to avoid an immediate threat to the health, safety or wellbeing of the community.

Community engagement is not the sole determinant in a decision-making process. There are many other stakeholders and factors that need to be taken into consideration. These include existing policies and strategies, other levels of government, legislation and budget. In making a decision, the council takes all factors into consideration.

**TABLE 2: MINIMUM LEGISLATED ENGAGEMENT**

Strategic document, plan or process	Minimum engagement required
Community Vision*	Deliberative Engagement
Council Plan*+	Deliberative Engagement
Financial Plan*	Deliberative Engagement
Asset Plan*^	Deliberative Engagement
Making of local laws*	Consultative Engagement
Council Budget*	Consultative Engagement
Governance Rules*	Consultative Engagement
Acquiring, purchasing, selling, exchanging or leasing land (where required)*	Consultative Engagement
Other Council plans, policies, planning permits, planning scheme amendments, strategies, major projects, local projects and service delivery decisions	The level of community engagement required will be assessed in accordance with procedures or in accordance with the requirements of the relevant legislation.

Note: This table is not a definitive list of legislative requirements, but rather the key requirements under the *Local Government Act 2020*. Other Acts and Regulations may also specify community engagement or consultation requirements that are required to be considered circumstances, for example, but not limited, to the *Health and Wellbeing Act 2008* and the *Planning and Environment Act 1987*.

\* This engagement approach is required by the *Local Government Act 2020*.

+ Engagement process must be led by the Mayor in accordance with the *Local Government Act 2020*.

^ Deliberative engagement for the Asset Plan will be effective 2025.

## 5. Roles and Responsibilities

Role	Responsibility
Mayor and Councillors	<ul style="list-style-type: none"> <li>• Adopt the Community Engagement Policy</li> <li>• Champion the principles of quality engagement through demonstrating leadership and modelling good practice</li> <li>• Stay informed of engagement activity &amp; attend as appropriate</li> <li>• Consider community engagement feedback as part of the decision-making process</li> <li>• It is also a requirement of the Act that the role of the Mayor is to lead</li> </ul>

	engagement with the municipal community on the development of the Council Plan (s18c)
Community Engagement Portfolio holder (Councillors)	<ul style="list-style-type: none"> <li>• Supports Council's strategic work through the community accountability provisions in the new local government act including the broad implementation of the community engagement policy and principles</li> </ul>
CEO and Corporate Management team	<ul style="list-style-type: none"> <li>• Advocate for and model a culture of good practice engagement</li> <li>• Ensure adequate resourcing of engagement</li> <li>• Communicate cross organizationally about engagement and outcomes</li> </ul>
Managers and Coordinators	<ul style="list-style-type: none"> <li>• Ensure appropriate team members are trained and supported</li> <li>• Develop and provide information,</li> <li>• Promote the use of provided tools such as Connect Wangaratta</li> <li>• Report engagement findings and evaluation</li> </ul>
Team members	<ul style="list-style-type: none"> <li>• Develop and deliver community engagement plans in a consistent way that gives effect to the Council Plan and this Policy.</li> <li>• To utilise provided tools, such as Connect Wangaratta</li> <li>• Evaluate engagement processes</li> <li>• Report engagement findings and evaluation</li> </ul>
Communications and Marketing Team, including Community Engagement Advisor	<ul style="list-style-type: none"> <li>• Ensure policy is up to date, implemented and reviewed</li> <li>• Ensure Council officers undertaking engagement have a good understanding of the Policy and toolkit.</li> <li>• Ensure Connect Wangaratta is utilised, monitored and evaluated</li> <li>• Advise on engagement projects and opportunities</li> </ul>
Advisory Committees and Community Reference Groups	<ul style="list-style-type: none"> <li>• Advocate for quality community engagement and increased participation</li> <li>• Contribute ideas</li> <li>• Seek out ideas of other community members</li> </ul>
External consultants	<ul style="list-style-type: none"> <li>• Advocate for quality community engagement and increased participation</li> <li>• Act in accordance with the CE Policy, utilising the tools provided by Council</li> </ul>
Community stakeholders, groups and individuals	<ul style="list-style-type: none"> <li>• Become informed about the role of Local Government</li> <li>• Participate in an active way by seeking out and requesting information</li> <li>• Contribute and share ideas</li> <li>• Advocate for quality community engagement</li> <li>• Be respectful of others' ideas and opinions</li> </ul>

## 6. Community Consultation

Engagement on this policy will take place in accordance with the Act, and will include engagement of internal stakeholders, and the wider Rural City of Wangaratta Community. Community members will have an opportunity to review and comment on the proposed policy prior to it being adopted by Council. *This section will be updated post community review to reflect any significant findings, feedback or changes.*

## 7. Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

## 8. Equity Impact Assessment

This policy has considered and applied Council's Equity Impact Assessment Template and satisfies the provisions established in the *Gender Equality Act 2020* (Vic).

## 9. Monitoring and evaluation

A periodic review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.

## 10. References and Related Policies

### Legislation

- *Charter of Human Rights and Responsibilities Act 2006*
- *Equal Opportunity Act 2010*
- *Local Government Act 2020 (Vic)*
- *Public Health and Wellbeing Act 2008*
- *Privacy and Data Protection Act 2014*
- *Planning and Environment Act 1987*

### Internal policies and plans

- *Governance Rules*
- *Public Transparency Policy*
- *Community Engagement Toolkit*
- *Council Plan*

### Other references

- *Public Participation and Community Engagement: Local Government Sector, 10 May 2017, Victorian Auditor General*
- *International Association of Public Participation (IAP2) Public Participation Spectrum*



11.Review

The policy may be amended by the Council at any time.

It must be reviewed by the Council, and amended if necessary, at least every five years, or on changes to legislation that impacts this Policy, such as the Local Government Act 2020 (Vic)

Version History		
Version Number	Date of change	Reasons for change
1.0	25.10.2024	Initial Draft
1.1	11.11.2024	Incorporated feedback
1.2	03.03.2025	Adding Community Engagement Portfolio to Roles



## Biannual audit and risk report

Period 1 July 2024 – 31 December 2024

### Objectives and scope

- (1) The Audit and Risk Committee (the Committee) is a Committee established by Council under section 53 of the *Local Government Act 2020* (the Act) on 25 August 2020 to undertake the following functions and responsibilities prescribed under section 54 of the Act:
  - (a) monitor the compliance of Council policies and procedures with the overarching governance principles, the Act, any associated regulations and any Ministerial directions;
  - (b) monitor Council's financial and performance reporting;
  - (c) monitor and provide advice on risk management and fraud prevention systems and controls; and
  - (d) oversee internal and external audit functions.

### Membership

- (2) The Committee comprised 4 independent members and 2 Councillors during this period.
- (3) The independent members were Mr Vito Giudice, Mr Matt Fagence, Ms Jane Watson and Mr Wilson Tang.
- (4) The Councillor representatives were Mayor Cr Dean Rees and Cr Jack Herry until 19 November 2024 (the end of their councillor terms).
- (5) Mayor Cr Irene Grant and Deputy Mayor Cr Harvey Benton were appointed as the councillor representatives at the 19 November 2024 Council meeting for one-year terms.
- (6) The chairperson was Mr Vito Giudice. Mr Giudice was unanimously endorsed by the Committee as Chairperson for a period of one year on 5 March 2024.

Meetings

- (7) The Committee met 3 times during this period on 6 August, 17 September (Special Meeting for the purposes of endorsing in-principles the Financial and Performance Statements and Governance and Management Checklist) and 3 December 2024.

Attendance

- (8) The following table shows meeting attendance by members.

Member	6 August	17 September	3 December	TOTAL
Ms Jane Watson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	2/3
Mr Vito Giudice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3/3
Mr Matt Fagence	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3/3
Mr Wilson Tang	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3/3
Cr Jack Herry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Not required	1/2
Cr Mayor Dean Rees	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Not required	2/2
Cr Irene Grant	Not required	Not required	<input type="checkbox"/>	0/1
Cr Harvey Benton	Not required	Not required	<input checked="" type="checkbox"/>	1/1

## External audit

- (9) The external audit was conducted by Crowe on behalf of VAGO the week commencing 26 August 2024.
- (10) The Final Management Letter for the year ending 2024 was issued by VAGO on 15 October 2024 which provided a summary of audit findings. The summary of audit findings were:



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Open item	Rating	Findings	Recommended management action	Implementation Date
Infringement Debtors Control account	Moderate	We noted in our review of Infringement control debtors that the trial balance did not agree to the schedule of debtors. It was identified on further investigation that there were a number of old dated journals that made up the balance which include significantly aged debtors without proper details.	We recommend management review their listing of infringement control debtors and assess whether the old journals are still required. Old uncollectable debtor balances should be written off.	30 June 2025
Historic Bank Accounts	Low	It was identified in our review bank accounts that there were 2 bank accounts that were not included in the trial balance. It was noted from discussion with management that the two bank accounts in question were effectively monies held in trust. However, the funds in the bank	We recommend management either determine an appropriate resolution to closing these bank accounts down and distributing the remaining funds or include these bank accounts within the trial balance going forward so that they are subject to a regular review, reconciliation and monitoring process	30 June 2025



		account have existed for multiple periods.		
Accounting for developer contributions and gifted assets	Moderate	We note that internal process for accounting for developer contributions and gifted assets received throughout the year by the council is monitored on a reactive and ad hoc basis. There is no overarching register to monitor the developer contributions and gifted assets in terms of control and recognition of assets, timing of revenue recognition and communication between various council departments (Planning Team,	While the Planning Team do maintain records of developer contributions and gifted assets, this is not utilised by the Engineering Team and Finance Team. Recognition of developer contributions and gifted assets relies on email communication between teams. We recommend Council review and implement a more formalised process to assist with accounting, reporting and compliance requirements.	30 June 2025



Engineering Team and Finance  
Team) to ensure completeness and  
recognition in a timely manner

Recognition and control of Art Works	Low	We noted that Council identified and recognised \$1.094 million of artworks as part of the comprehensive revaluation performed for 30 June 2024. We noted that a large amount of these found assets were artworks that were pieces that were donations made to Council since the previous comprehensive revaluation was performed. Council did not appear to be keeping its financial records up to	We recommend that Council implement a process to ensure that Artworks that are donated are recognised by Council in its fixed asset register when Council controls the asset. We also recommend that Council establish an accounting policy for artworks that are on longer term loan to Council	30 June 2025
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date as artworks were being donated. We also noted that there were a couple of pieces of artwork Council recognised as a found asset where a long-term loan agreement existed between Council and the owner of the artwork. However, Council did not have an accounting policy that deals with how these assets are treated under AASB 116 Property, Plant and Equipment.

Consistency of depreciation policy

Low

We noted during our testing of IPPE that there were additions during the year with capitalisation dates (date ready for intended use) dated prior

We recommend that Council apply a consistent depreciation policy in the fixed asset register to ensure that depreciation expense is accurate.

30 June 2025



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FY24. The Council has backdated the depreciation for these additions and were recorded fully in FY24. Crowe has noted that while not material in the current year, this practice could result in a material overstatement of depreciation for the current year in the financial statements. We also noted that due to a clean-up in the system to the fixed asset register (FAR) to properly reflect remaining useful lives of some assets which was processed by management on 1 June 2024, a number of assets in the FAR had 0% depreciation rates. The ending result

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was depreciation amount being recorded for 11 months at the old depreciation rate and one month at the revised rate. Since the update caused some assets to have revised depreciation rate to 0%, those assets haven't been depreciated for one month (June 2024). Crowe has noted that while not material in the current year, this practice could result in a material understatement of depreciation for the current year in the financial statements.

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### **Monitor compliance of policies and procedures**

- (11) The Committee reviewed Council's Council Expenses Policy at the 6 August 2024 Audit and Risk Committee Meeting.
- (12) The Audit and Risk Committee requested a presentation of Council's Child Safety Policy and Community Engagement Policy in 2025.

### **Financial and performance reporting**

- (13) The Committee reviewed the quarterly performance reports at the 6 August and 3 December 2024 Audit and Risk Committee meetings during this period but only reviewed the Quarter 1 Finance Report at the 3 December 2024 Audit and Risk Committee Meeting due to the proximity of the August Audit and Risk Committee to the special Committee meeting in September, the purpose of which was the approve in-principle the financial statement for 2024/25.

### **Risk management**

- (14) The Committee noted the Risk Management Policy and Risk Appetite Statement.
- (15) The Committee considered Council's strategic risks at the 3 December 2024 Committee meeting and were provided with an update on Council's Operational Risk Register rollout during this period.

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- (16) Presentations on climate change and fraud management business risks were provided during this period.
- (17) The Committee reviewed councillor expense reimbursements and CEO credit card expenses during the period.

### **Internal audit and Committee actions**

- (18) The Records Management and Information Privacy internal audit was completed and presented to the Committee on 6 August 2024, with three recommendations (1 moderate and 2 minor) being accepted by Council officers.
- (19) The Road Asset Management internal audit was completed and presented to the Committee on 3 December 2024, with 12 recommendations (11 moderate and 1 minor) being accepted by Council officers.
- (20) The Data Mining – Accounts Payable and Procurement internal audit was completed and presented to the Committee on 3 December 2024, with 3 recommendations (all moderate) being accepted by Council officers.
- (21) The Data Analytics – Payroll internal audit was completed and presented to the Committee on 3 December 2024, with 3 recommendations (all minor) being accepted by Council officers.
- (22) Management implementation of internal audit actions is monitored and reviewed at each Committee meeting. 9 actions were due for completion during the period of 1 July – 31 December 2024; the composition of these actions include:

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- a. 3 from the 2024 Records Management and Information Privacy internal audit;
- b. 3 from the 2024 Data Analytics -Payroll Internal Audit; and
- c. 3 from the 2024 Data Mining - Accounts Payable and Procurement internal audit.

(23) Of these actions, 8 were reported to the Audit and Risk Committee and completed, one item remained off track (as of 31 December 2024). More detail on the off track item is included in the Committee Actions report in this agenda.