



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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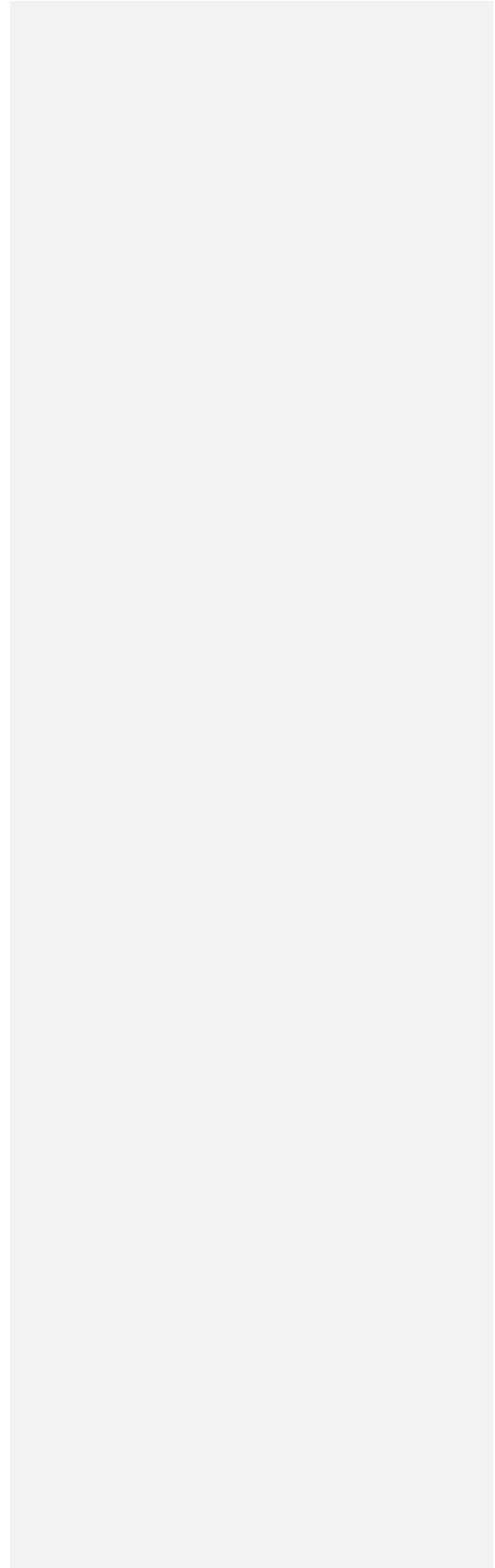
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CONTENTS

PART A – INTRODUCTORY	1
1. TITLE	1
2. PURPOSE OF THIS LOCAL LAW	1
3. ENABLING POWER AND COMMENCEMENT	1
4. DATE THIS LOCAL LAW CEASES OPERATION	1
5. SCOPE AND STATUS OF THIS LOCAL LAW	1
6. DEFINITIONS	2
7. INTERPRETATION	9
PART B – MUNICIPAL BUILDINGS	10
8. OPENING HOURS OF MUNICIPAL BUILDINGS	10
9. USE OF MUNICIPAL BUILDINGS	10
10. PROHIBITION ON ENTRY TO A MUNICIPAL BUILDING	11
11. CONDUCT IN A MUNICIPAL BUILDING	11
PART C – MUNICIPAL RESERVES	12
12. OPENING HOURS OF MUNICIPAL RESERVES	12
13. USE OF MUNICIPAL RESERVES	12
14. CONDUCT IN A MUNICIPAL RESERVE	14
PART D – USE OF COUNCIL LAND AND ROADS	15
15. ACTIVITIES ON COUNCIL LAND OR ROADS	15
16. COLLECTION OF FIREWOOD	15
17. DROVING OF LIVESTOCK	15
18. GRAZING OF LIVESTOCK	15
19. STREET ACTIVITIES	15
20. ITEMS ON COUNCIL LAND	17
21. ADVERTISING AND ADVERTISING SIGNS	17
22. SHOPPING TROLLEYS	17
23. CHARITY DONATION BINS	17
24. STREET PARTIES, FESTIVALS AND PROCESSIONS	17
25. FLOODLIGHTING	18
26. SCARE GUNS	18
PART E – VEHICLES	19
27. VEHICLES USING ROADS CONTRARY TO RESTRICTED USE SIGNS	19
28. USE OF VEHICLES ON COUNCIL LAND	19
29. USE OF RECREATIONAL VEHICLES ON PRIVATE LAND	19
30. REPAIRING VEHICLES	19
31. VEHICLES IN A PUBLIC PLACE	19
PART F – CONDUCT GENERALLY	21
32. DAMAGING, DEFACING OR INTERFERING WITH COUNCIL PROPERTY	21
33. VEHICLE CROSSINGS	21
34. CONSUMPTION OF LIQUOR OR POSSESSION IN UNSEALED CONTAINER AND BEHAVIOUR NEAR LICENSED PREMISES	21
35. BICYCLES, SCOOTERS, SKATEBOARDS, IN-LINE AND ROLLER SKATES	22
36. PROPERTY ADDRESS AND NUMBERS	23
37. INCINERATORS AND BURNING	23
38. BURNING OF MATERIALS	23

Draft Local Law No. 1 – Community Amenity 2025

39. CONDITION OF LAND	24
40. VACANT, DILAPIDATED & DANGEROUS PREMISES	24
41. STORAGE OF DANGEROUS OR HAZARDOUS SUBSTANCES ON LAND	25
42. STORAGE, VEHICLES AND MACHINERY	25
43. SHIPPING CONTAINERS AND TEMPORARY STRUCTURES	25
44. INTRUDER ALARMS	26
45. CAMPING	26
46. TREES AND VEGETATION	27
47. WASP NESTS AND BEES	28
PART G – ANIMAL MANAGEMENT	29
48. LIMITS ON NUMBER OF ANIMALS KEPT	29
49. REMOVAL OF ANIMAL FAECES	30
50. ANIMAL HOUSING	30
51. PROVISION OF EFFECTIVE FENCING TO CONTAIN ANIMALS	31
52. POWER TO IMPOUND ADDITIONAL ANIMALS	31
PART H – BUILDING SITE MANAGEMENT	32
53. PROTECTION OF COUNCIL INFRASTRUCTURE ASSETS DURING BUILDING- WORKS	32
54. CONTAINMENT OF BUILDING SITES	33
55. ENTRY TO BUILDING SITES	33
56. BUILDING SITE IDENTIFICATION	34
57. APPROVED TOILET SYSTEMS	34
58. BUILDING SITE WASTE	34
59. PEDESTRIAN AND TRAFFIC HAZARDS, AND SAFETY	35
60. SOIL STOCKPILES	35
61. AMENITY CONTROLS	35
62. DRAINS	36
63. BUILDING NOISE	36
PART I – WASTE MANAGEMENT	37
64. DOMESTIC, COMMERCIAL AND INDUSTRIAL GARBAGE SERVICES	37
65. RECYCLABLE MATERIALS SERVICE	38
66. HOUSEHOLD ORGANICS SERVICE	39
67. BULK RUBBISH CONTAINERS	40
68. USE OF DRAINS AND LEGAL POINTS OF DISCHARGE	40
PART J – MURRAY TO THE MOUNTAINS RAIL TRAIL	42
69. APPLICATION	42
70. POWERS OF COUNCIL OVER THE RAIL TRAIL	42
71. VEHICLES	44
72. AIRCRAFT, HELICOPTERS AND AIRBORNE CRAFT	45
73. CAMPING	45
74. FIRE	45
75. ERECTING OR USING BUILDINGS AND STRUCTURES	45
76. GAMES OR SPORTS	46
77. ORGANISED FUNCTION, FETE OR PUBLIC MEETING	46
78. PUBLIC ADDRESS	46
79. COMMERCIAL ACTIVITIES	46
80. MACHINERY AND POWER TOOLS	47
81. BICYCLE PATHS AND FOOTPATHS	47
82. HORSES	47
83. LIVESTOCK	47
84. HAY MAKING	47
85. FIRE MINIMISATION	47
86. NATURAL, CULTURAL AND OTHER ASSETS	47
87. USE OF AMENITY OR FACILITY	48

Draft Local Law No. 1 – Community Amenity 2025

88. GATES	48
89. FIREARMS AND TRAPS	48
PART K – LOCAL LAW PERMITS	49
90. PERMIT APPLICATIONS AND FEES	49
91. ISSUING OR REFUSING PERMITS	49
92. BREACH OF PERMIT CONDITIONS	50
93. CANCELLATION OF PERMITS	51
94. CORRECTION OF PERMITS	51
95. APPLICATION OF LOCAL LAWS TO SERVICE AUTHORITIES	52
PART L – OTHER ADMINISTRATIVE AND ENFORCEMENT MATTERS	53
96. INCORPORATION OF POLICIES	53
97. EXEMPTIONS	53
98. NOTICE TO COMPLY	53
99. POWER OF AN AUTHORISED OFFICER TO ACT IN URGENT CIRCUMSTANCES	53
100. PROCEDURE FOR AN AUTHORISED OFFICER TO IMPOUND	54
101. OFFENCES	55
102. INFRINGEMENT NOTICES	56
103. INFRINGEMENT NOTICE PENALTIES	56
104. PENALTIES UNDER THIS LOCAL LAW GENERALLY	56
105. OFFENCES IN RELATION TO AN AUTHORISED OFFICER	56

SCHEDULE 158Contents

PART A – INTRODUCTORY	1
TITLE	1
1. PURPOSE OF THIS LOCAL LAW	1
2. ENABLING POWER AND COMMENCEMENT	1
3. DATE THIS LOCAL LAW CEASES OPERATION	1
4. SCOPE AND STATUS OF THIS LOCAL LAW	1
5. INCORPORATED DOCUMENTS	1
6. DEFINITIONS	2
PART B – MUNICIPAL BUILDINGS	14
7. ACCESS TO MUNICIPAL BUILDINGS	14
8. PROHIBITION ON ENTRY TO A MUNICIPAL BUILDING	16
9. CONDUCT IN A MUNICIPAL BUILDING	16
PART C – COUNCIL LAND	17
10. ACCESS TO COUNCIL LAND	18
11. PROHIBITED CONDUCT ON COUNCIL LAND	22
PART D – USE OF COUNCIL LAND AND ROADS	24
12. COLLECTION OF FIREWOOD	24
13. DROVING OF LIVESTOCK	24
14. GRAZING OF LIVESTOCK	24
15. STREET ACTIVITIES	24
16. ITEMS ON COUNCIL LAND	27
17. ADVERTISING AND ADVERTISING SIGNS	27
18. SHOPPING TROLLEYS	27
19. CHARITY DONATION BINS	27
20. STREET PARTIES, FESTIVALS AND PROCESSIONS	28
21. FLOODLIGHTING	29
PART E – VEHICLES	31
22. USE OF VEHICLES ON COUNCIL LAND	31
23. USE OF RECREATIONAL VEHICLES ON PRIVATE LAND	31
24. REPAIR AND DISPLAY FOR SALE OF VEHICLES	31
25. VEHICLES ON ROADS AND COUNCIL LAND	31
PART F – CONDUCT GENERALLY	33

Draft Local Law No. 1 – Community Amenity 2025

26. DAMAGING, DEFACING OR INTERFERING WITH COUNCIL PROPERTY	33
27. VEHICLE CROSSINGS	33
28. CONSUMPTION OF LIQUOR OR POSSESSION IN UNSEALED CONTAINER AND BEHAVIOUR NEAR LICENSED PREMISES	33
29. BICYCLES, SCOOTERS, SKATEBOARDS, IN-LINE AND ROLLER SKATES	34
30. PROPERTY ADDRESS AND NUMBERS	35
31. INCINERATORS AND BURNING	35
32. BURNING OF MATERIALS	35
33. CONDITION OF LAND	36
34. STORAGE OF DANGEROUS OR HAZARDOUS SUBSTANCES ON LAND	38
35. STORAGE, VEHICLES AND MACHINERY	38
36. SHIPPING CONTAINERS AND TEMPORARY STRUCTURES	38
37. CAMPING	39
38. TREES AND VEGETATION	40
39. WASP NESTS AND BEES	41
PART G – ANIMAL MANAGEMENT	42
40. APPLICATION OF THIS PART	42
41. LIMITS ON NUMBER OF ANIMALS KEPT	42
42. RACING PIGEONS	44
43. REMOVAL OF ANIMAL FAECES	44
44. ANIMAL HOUSING	44
45. PROVISION OF EFFECTIVE FENCING TO CONTAIN ANIMALS	46
46. POWER TO IMPOUND ADDITIONAL ANIMALS	46
47. WANDERING ANIMALS –	46
PART H – BUILDING SITE MANAGEMENT	47
48. PROTECTION OF COUNCIL INFRASTRUCTURE ASSETS DURING BUILDING WORKS	47
49. CONTAINMENT OF BUILDING SITES	49
50. ENTRY TO BUILDING SITES	49
51. BUILDING SITE IDENTIFICATION	51
52. APPROVED TOILET SYSTEMS	51
53. BUILDING SITE WASTE	51
54. PEDESTRIAN AND TRAFFIC HAZARDS, AND SAFETY	52
55. SOIL STOCKPILES	52
56. DRAINS	53
PART I – WASTE MANAGEMENT	55
57. COLLECTION SERVICES	55
58. SUSPENSION OF COLLECTION SERVICE	56
59. BULK RUBBISH CONTAINERS	59
60. USE OF DRAINS AND LEGAL POINTS OF DISCHARGE	59
PART J – MURRAY TO THE MOUNTAINS RAIL TRAIL	62
61. APPLICATION	62
62. POWERS OF COUNCIL OVER THE RAIL TRAIL	62
63. VEHICLES	64
64. AIRCRAFT, HELICOPTERS AND AIRBORNE CRAFT	65
65. CAMPING	65
66. FIRE	65
67. ERECTING OR USING BUILDINGS AND STRUCTURES	65
68. GAMES OR SPORTS	66
69. ORGANISED FUNCTION, FETE OR PUBLIC MEETING	66
70. PUBLIC ADDRESS	66
71. COMMERCIAL ACTIVITIES	66
72. MACHINERY AND POWER TOOLS	67
73. BICYCLE PATHS AND FOOTPATHS	67
74. HORSES	67
75. LIVESTOCK	67
76. HAY MAKING	67
77. FIRE MINIMISATION	67

Draft Local Law No. 1 – Community Amenity 2025

78. NATURAL, CULTURAL AND OTHER ASSETS	67
79. GATES	68
PART K – LOCAL LAW PERMITS.....	70
80. PERMITS	70
81. ISSUING OR REFUSING PERMITS.....	70
82. BREACH OF PERMIT CONDITIONS.....	72
83. CANCELLATION AND AMENDMENT OF PERMITS	73
84. CORRECTION OF PERMITS	73
PART L – OTHER ADMINISTRATIVE AND ENFORCEMENT MATTERS	76
85. INCORPORATION OF POLICIES	76
86. EXEMPTIONS	76
87. NOTICES TO COMPLY	76
88. POWER OF AN AUTHORISED OFFICER TO ACT IN URGENT CIRCUMSTANCES ...	77
89. IMPOUNDING	78
90. OFFENCES	80
91. INFRINGEMENT NOTICES	82
92. PENALTIES UNDER THIS LOCAL LAW GENERALLY	82
93. REQUIREMENT TO ACT FAIRLY AND REASONABLY	82
94. DELEGATION	82
SCHEDULE 1	85

PART A – INTRODUCTORY

4. 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;~~
- 2.2.1.2 provide for and assure equitable, orderly and enjoyable use by people of community facilities, including roads;
- 2.3.1.3 protect Council Property and other community assets from loss or unnecessary or avoidable damage;
- 2.4.1.4 support provision by Council of a safe, clean and healthy environment in areas under its control and management; and
- 2.5.1.5 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 11171 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.
- 5.4.2.2 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 revoked.

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5. INCORPORATED DOCUMENTS

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

6. DEFINITIONS

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

Act means the Local Government Act 19892020;

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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6.4d. any relevant Commonwealth or State government legislation or policy directives;

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

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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 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*;

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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~~

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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;~~

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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 ~~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;

~~**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;

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

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

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:

- 6.1a. 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:

- 6.1a. used or intended, adapted or designed to, be used, or capable of being used for

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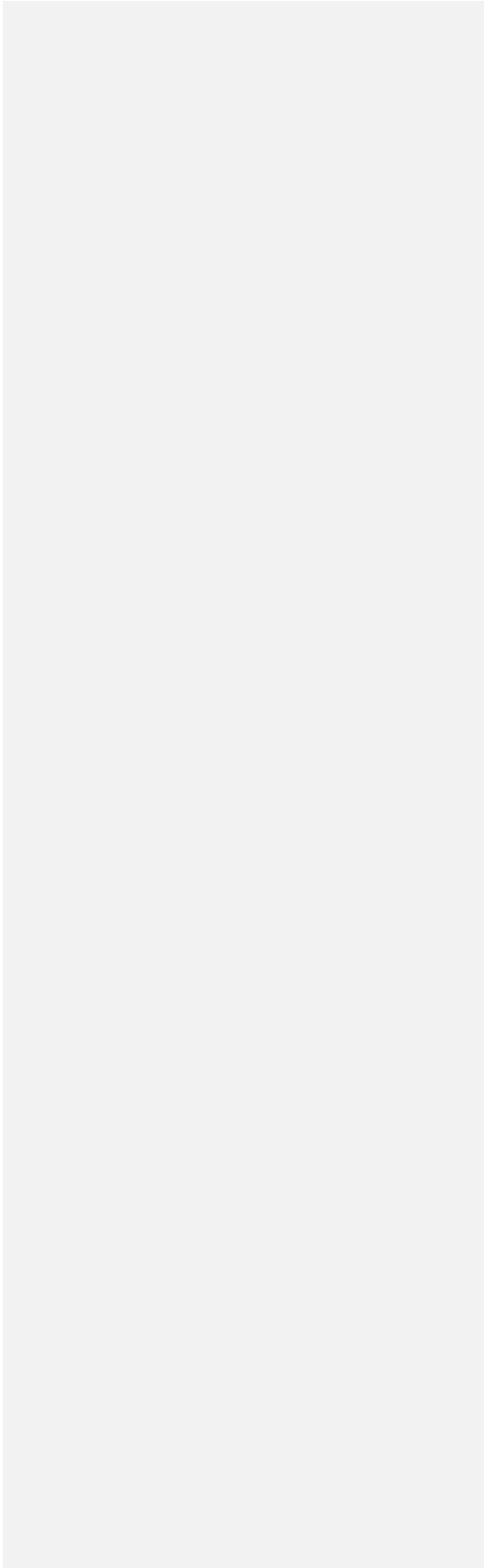
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Draft Local Law No. 1 – Community Amenity 2025

the purpose of burning any matter, material or substance;



~~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 ~~kilometrekilometer~~ 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:

~~6.1a. Bright and Porepunkah, as shown red on the plan, marked LEGL/98-52;~~

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Draft Local Law No. 1 – Community Amenity 2025

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 Murrungee as shown red on the plan marked LEGL./99-41;
- 6.6f. Murrungee as shown red on the plan marked LEGL./99-40;
- 6.7g. Everton and Murrungee as shown red on the plan marked LEGL./99-39;
- 6.8h. Everton and Murrungee 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. Tarrawingee 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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~~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~~

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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.~~

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;

9.4.17.2.2 organise any function or event in a Municipal Building;

9.4.27.2.3 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;

9.4.47.2.4 enter or remain in any part of a Municipal Building not set aside for public use;

9.4.57.2.5 enter a Municipal Building other than through an entrance provided for the purpose of public entry;

9.4.67.2.6 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;

9.4.77.2.7 bring any Vehicle or Recreational Vehicle into a Municipal Building, except for:

9.4.7.17.2.7.1 a pram or pusher being used by a parent to transport a child;

9.4.87.2.8 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 is

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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:
 - ~~9.4.10.17.2.10.1~~ 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
- ~~10.28.2.2~~ not re-enter ~~at~~ 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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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:~~

~~13.110.1.1.1 conditions of, or limitations on, use that apply to any Municipal Reserve Council Land or a class of Municipal Reserves, including: Council Land;~~

~~13.110.1.1.2 times during which the Municipal Reserve certain Council Land will be open to the public; and~~

~~13.1210.1.1.3 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.~~

~~13.410.2 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;~~

~~13.410.2.4 organise any function or sports event in a Municipal Reserve on Council Land;~~

~~13.4210.2.5 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;~~

~~13.4310.2.6 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;~~

~~13.4.410.2.7~~ 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;

~~13.4.610.2.8~~ 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~~the Council Land, except for:

~~13.4.7.1~~~~10.2.9.1~~ a pram or pusher, being used to transport a child;

~~13.4.7.2~~~~10.2.9.2~~ a wheelchair, being used by a person with a disability; or

~~13.4.7.3~~~~10.2.9.3~~ 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;~~

~~13.4.8~~~~10.2.9.4~~ 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;~~

~~13.4.9~~~~10.2.10~~ use or permit to be used any ~~powered and/or remote controlled 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;

~~13.4.10~~~~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 ~~a Municipal Reserve~~any 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;

~~13.4.12~~~~10.2.13~~ 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;

~~13.4.13~~~~10.2.14~~ 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

~~13.4.14~~~~10.2.15~~ bring ~~into a Municipal Reserve~~ onto any Council Land any substance, liquid or powder which may:

~~13.4.14.1~~~~10.2.15.1~~ be dangerous or injurious to health; ~~or~~

~~13.4.14.2~~~~10.2.15.2~~ have the potential to foul, pollute or soil any part of the ~~Municipal Reserve~~Council Land; or

~~13.4.14.3~~~~10.2.15.3~~ 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.~~

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

14.11. PROHIBITED CONDUCT IN A MUNICIPAL RESERVE ON COUNCIL LAND

A person ~~in on~~ any ~~Municipal Reserve Council Land~~ must not:

- ~~14.411.1~~ 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~~ ~~saety~~;
- ~~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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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

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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~~;

~~19.2.15.2.2~~ 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:

~~19.3.4.15.2.3~~ 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;

~~19.3.2.15.2.4~~ within 500 metres of a festival or other event approved by Council ~~unless expressly permitted by Council~~;

~~19.3.3.15.2.5~~ in a way that obstructs or restricts pedestrian or vehicular traffic;

~~19.3.4.15.2.6~~ in a way that obstructs or interferes with entry to or exit from any buildings or land;

~~19.3.5.15.2.7~~ in a way that obstructs or restricts the use of any footpath or Road;

~~19.3.6.15.2.8~~ in an area other than the area specified by Council in their Permit; or

~~19.3.7.15.2.9~~ 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:

~~19.4.4.15.3.1~~ Home Delivery of:

~~19.4.4.1.15.3.1.1~~ magazines or newspapers;

~~19.4.4.1.2.15.3.1.2~~ goods purchased at another location; or

~~19.4.4.1.3.15.3.1.3~~ goods where the delivery has been requested by the Occupier; ~~or~~

~~19.4.2.15.3.2~~ the sale of fundraising products by persons duly authorised by ~~an~~ 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.

~~19.6.15.5A~~ 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

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20-16. ITEMS ON COUNCIL LAND

20-116.1 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.

20-216.2 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

21-17. ADVERTISING AND ADVERTISING SIGNS

21-117.1 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.

21-217.2 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.

21-317.3 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**

21-417.4 ~~Clause 21.1, 21.2 and 21.3 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 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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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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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:

- 25.21.1 it is shielded with devices to prevent glare causing a nuisance outside the boundary of the site on which the Floodlighting is installed; and
- 25.21.2 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

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**~~

28.22. 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.

31.25. VEHICLES IN A PUBLIC PLACE ON ROADS AND COUNCIL LAND

~~31.25.1~~ 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.

~~31.25.2~~ 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.

~~31.25.3~~ 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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PART F – CONDUCT GENERALLY

32-26. DAMAGING, DEFACING OR INTERFERING WITH COUNCIL PROPERTY

32-126.1 Subject to Clause **3226.2**, a person must not alter, destroy, damage, write on, affix anything to, remove, or interfere with any Council Property.

32-226.2 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~~ **anything** 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

33-127.1 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~~ **properly vehicle crossing** constructed and maintained ~~vehicle crossing to the standard~~ **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~~ **vehicle crossing**.

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

34-128.1 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 time~~ **on a Road, in any place or area designated by Council** ~~Land or any open space from time to time~~ **to which the public have access**.

34.1.428.1.1 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

~~35.129.1~~ 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 these areas will have Council Signs displayed~~ advising of the prohibition.

~~35.329.3~~ 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 ~~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

~~36.130.1~~ 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 ~~36.30.1~~, 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.

~~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

~~37.131.1~~ 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:

~~37.1431.2.1~~ 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

~~37.1231.2.4~~ lit for human consumption; ~~and the purpose of the person enjoying their culture or practicing their religion.~~

~~37.1331.3~~ 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
~~38.9~~32.1.8 any other noxious or offensive material.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

39.33 CONDITION OF LAND

~~39.1~~33.1 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.

~~39.1.4~~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 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;

~~39.1.4~~33.2.4 noxious weeds or other invasive plants or vermin; or

~~39.1.5~~33.2.5 become a source of offensive odours discernible beyond the land.

~~39.2~~33.3 An Authorised Officer may direct an Owner to secure the Owner's land to prevent unauthorised entry.

~~39.3~~33.4 An Owner of land to whom a direction is given under Clause ~~39.2~~33.2 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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Draft Local Law No. 1 – Community Amenity 2025

- ~~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~~

~~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

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

45.37. CAMPING

~~45.137.1~~ 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.

~~45.237.2~~ 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:

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~~45.3.41.1.1~~ 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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46.4.38.4 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:

47.139.1a European wasp nest; or

47.239.2 bee hiveshive that areis 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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Domestic 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 ²
Cattle	Prohibited	Prohibited	0	1 per 4,000m ²
Sheep & Goats	Prohibited	Prohibited	2	2 per 4,000m ²
Goats/Pigs	Prohibited	2 Prohibited	Prohibited	21 per 4,000m ²
Other Agricultural Animals	Prohibited	Prohibited	2	2 per 4,000m ²

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Pigs	Prohibited	Prohibited	1 per 4,000m ²
Other agricultural Animals	Prohibited	2	2 per 4,000m ²
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:

- 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.

42.2 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

49.143.1 A person in charge of an Animal must:

- 49.1.143.1.1 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
- 49.1.243.1.2 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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Draft Local Law No. 1 – Community Amenity 2025

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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51.45. 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

52.46. POWER TO IMPOUND ADDITIONAL ANIMALS

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.

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

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:

~~53.2.148.2.1~~ requiring the payment of an Asset Protection Permit Bond and may contain conditions that;

~~53.2.248.2.2~~ 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 reinstated 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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Draft Local Law No. 1 – Community Amenity 2025

~~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;

~~53.5-148.5.2~~ 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. If 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

~~56-151.1~~ 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

~~57-152.1~~ 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

~~58-153.1~~ The Owner or Occupier of a Site must ensure that waste produced as a result of Building Works on the Site is:

~~58-1-153.1.1~~ 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 pedestrian~~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 naturestrip;

~~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:

~~62.2.1~~ 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.

~~62.356.3~~ 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 dwellings.

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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 comply 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.~~

~~64.257.2A person must not remove or interfere with a Garbagean Approved Bin or its contents when the GarbageApproved 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 garbagean Approved Bin, or an employee of such person in the course of his or hertheir employment;~~

~~57.3.2 the person placing the garbageApproved Bin out for collection; or~~

~~64.357.3.3 an Authorised Officer in the course of his or hertheir employment.~~

65.58. RECYCLABLE MATERIALSSUSPENSION OF COLLECTION SERVICE

~~65.1 Thef an Occupier, of every premisesland, 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 recyclablesCollection 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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Draft Local Law No. 1 – Community Amenity 2025

~~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;~~

~~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;~~

~~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

~~67.159.1A 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

~~68.160.1A 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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~~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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PART J – MURRAY TO THE MOUNTAINS RAIL TRAIL

69.61. APPLICATION

~~69.161.1~~ 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

~~70.162.1~~ 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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- 70.1.1262.1.12 a Separated Footpath;
 - 70.1.1362.1.13 a Shared Pathway;
 - 70.1.1462.1.14 the conducting of a community event;
 - 70.1.1562.1.15 a commercial venture;
 - 70.1.1662.1.16 for the Droving and/or Grazing of Livestock (Exceptional circumstances only);
 - 70.1.1762.1.17 to cut and bale grass for hay; and
 - 70.1.1862.1.18 to conduct fuel reduction burns.
- 70.262.2A 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.
- 70.362.3If 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—:
- 70.3.162.3.1 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.
- 70.462.4Council 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—:
- 70.4.162.4.1 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.
- 70.562.5A determination under Clause 7062.4 must specify—:
- 70.5.162.5.1 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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70.5.262.5.2 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—:

70.6.162.6.1 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:

70.9.162.9.1 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.

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71.63. VEHICLES

71.163.1 A person must not, without a Permit:

71.1.163.1.1 use, control or drive a Vehicle; or

71.1.263.1.2 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

71.263.2 Clause 7163. 1, does not apply to—:

71.2.163.2.1 a bicycle, unicycle, tricycle or scooter;

71.2.263.2.2 a battery powered bicycle or scooter with a power source of less than 200 watts;

71.2.363.2.3 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.

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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

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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.

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79-71. COMMERCIAL ACTIVITIES

A person must not, without a Permit—:

79-171.1 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

79-1071.10 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

81.73. 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:

- 83.175.1 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

- 86.178.1 A person must not:
 - 86.1.178.1.1 take, cut, damage, displace, deface or interfere with any timber, tree, shrub, plant, wildflower or other vegetation;
 - 86.1.278.1.2 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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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~~

~~90.480.2.3 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.~~

~~90:80.6 A person who makes provides any false representation or declaration or who omits 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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Draft Local Law No. 1 – Community Amenity 2025

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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~~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;~~

~~91.1.881.1 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:~~

~~91.2.181.2.1 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.

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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:~~

~~83.1.1 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 such Despite 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 then property, 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.

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

~~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~~

~~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

~~99.5.89.3.2~~ 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 ~~its~~from the Owner, if:

~~89.4~~ if:

~~99.5.189.4.1~~ 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

~~100.190.1~~ A person who contravenes or fails to comply with:

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Draft Local Law No. 1 – Community Amenity 2025

~~100.1.190.1.1~~ any provision of a Local Law;
~~100.1.290.1.2~~ any condition contained in a Permit issued under a Local Law;
or
~~100.1.390.1.3~~ a Notice to Comply issued under Clause 9689, is guilty of an Offence.
~~100.2~~ 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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~~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.~~

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~~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 Unit penalty unit for each day after conviction during which the contravention continues; and~~

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~~400.2.390.2.2 upon conviction for being found guilty of a second or subsequent Offence, offence, a penalty that is double such specific the penalty stated under the provision that is contravened or twenty (20) Penalty Units penalty units, whichever is the lesser.~~

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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.~~

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~~91.2 A person issued with The penalties fixed for Infringement Notices:~~

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~~91.2.1 are set out in Schedule 1; or~~

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~~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.~~

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402. INFRINGEMENT NOTICE PENALTIES

~~Where an Infringement Notice is issued under this Local Law stated in Schedule 1, the penalty payable in respect of the Infringement Notice will be:~~

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~~402.1 as set out in the table in Schedule 1; or~~

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~~402.291.2.2 where the penalty is not listed is two (2) Penalty Units.~~

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403.92. PENALTIES UNDER THIS LOCAL LAW GENERALLY

~~92.1 In cases where a 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.~~

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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.~~

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94. DELEGATION

~~403.194.1 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.~~

~~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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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
97 Use of Access to Municipal Buildings	Two (2) Penalty Units	--
408 Prohibition on entry to a Municipal Building	Two (2) Penalty Units	--
449 Conduct in a Municipal Building	Two (2) Penalty Units	--
4310 Use of Municipal Reserves Access to Council Land	Two (2) Penalty Units	--
44 Conduct in a Municipal Reserve	Two (2) Penalty Units	--
4511 Activities Prohibited conduct on Council Land or Roads	Two (2) Penalty Units	--
4612 Collection of Firewood	Two (2) Penalty Units	--
4713 Droving of Livestock	Two (2) Penalty Units	--
4814 Grazing of Livestock	Two (2) Penalty Units	--
4915 Street Activities	One (1) Penalty Unit	--
2016 Items on Council Land	Two (2) Penalty Units	--
2417 Advertising and Advertising Signs	Two (2) Penalty Units	--
2218 Shopping trolleys	Two (2) Penalty Units	--
2319 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	--
34 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
3920 Street parties, festivals and processions <u>Condition of land</u>	Five (5) Penalty Units <u>One (1) Penalty Unit</u>	--
4021 Vacant, Dilapidated & Dangerous Premises <u>Floodlighting</u>	Five (5) Penalty Units <u>Two (2) Penalty Units</u>	Ten (10) Penalty Units <u>Five (5) Penalty Units</u>
4122 Use of Vehicles on Council Land <u>Storage of dangerous or hazardous substances on land</u>	Five (5) Penalty Units <u>Two (2) Penalty Units</u>	--
4223 Use of Recreational Vehicles on private land <u>Storage, vehicles and machinery</u>	Two (2) Penalty Units	--
4324 Repair and Display for sale of Vehicles <u>Shipping containers and temporary structures</u>	Two (2) Penalty Units	Ten (10) Penalty Units
4425 Intruder alarms <u>Vehicles on roads and Council Land</u>	Two (2) Penalty Units	--
45 <u>Camping</u>	One (1) Penalty Unit	--
4626 Damaging, defacing or interfering with Council Property <u>Trees and vegetation</u>	Two (2) Penalty Units <u>Four (4) Penalty Units</u>	--
4727 Vehicle crossings <u>Wasp nests and bees</u>	Two (2) Penalty Units	Five (5) Penalty Units
4828 Consumption of Liquor or possession in unsealed container and behaviour near Licensed Premises <u>Limits on number of animals kept</u>	Two (2) Penalty Units <u>Three (3) Penalty Units</u>	--
4929 Bicycles, scooters, skateboards, in-line and roller skates <u>Removal of animal faeces</u>	One (1) Penalty Unit	--
50 <u>Animal housing</u>	Two (2) Penalty Units	--
51 Provision of effective fencing to contain animals	Two (2) Penalty Units	--
5330 Protection of Council Infrastructure Assets <u>Property address and numbers</u>	Five (5) Penalty Units <u>Two (2) Penalty Units</u>	Ten (10) Penalty Units
5431 Incinerators and burning <u>Containment of building sites</u>	Five (5) Penalty Units	Ten (10) Penalty Units

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5532	Burning of materials Entry to building sites	Five (5) Penalty Units	Ten (10) 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
5633 <u>Condition of land</u> Building site identification	One (1) Penalty Unit <u>Five (5) Penalty Units</u>	Five (5) Penalty Units <u>Ten (10) Penalty Units</u>
<u>34</u> <u>Storage of dangerous or hazardous substances on land</u>	<u>Five (5) Penalty Units</u>	=
<u>35</u> <u>Storage, vehicles and machinery</u>	<u>Two (2) Penalty Units</u>	=
<u>36</u> <u>Shipping containers and temporary structures</u>	<u>Two (2) Penalty Units</u>	=
<u>37</u> <u>Camping</u>	<u>One (1) Penalty Unit</u>	=
5738 <u>Trees and vegetation</u> Approved toilet systems	Five (5) Penalty Units <u>Two (2) Penalty Units</u>	Ten (10) Penalty Units <u>Five (5) Penalty Units</u>
<u>39</u> <u>Wasp nests and bees</u>	<u>Two (2) Penalty Units</u>	=
<u>41</u> <u>Limits on number of animals kept</u>	<u>Two (2) Penalty Units</u>	=
5842 <u>Building site waste</u> Racing Pigeons	Five (5) Penalty Units <u>Two (2) Penalty Units</u>	Ten (10) Penalty Units <u>Five (5) Penalty Units</u>
<u>43</u> <u>Removal of animal faeces</u>	<u>One (1) Penalty Unit</u>	=
<u>44</u> <u>Animal housing</u>	<u>Two (2) Penalty Units</u>	<u>Ten (10) Penalty Units</u>
<u>45</u> <u>Provision of effective fencing to contain animals</u>	<u>Two (2) Penalty Units</u>	=
<u>46</u> <u>Power to Impound Additional Animals</u>	<u>Two (2) Penalty Units</u>	=
<u>47</u> <u>Wandering Animals</u>	<u>Two (2) Penalty Units</u>	=
5948 <u>Protection of Council Infrastructure Assets During Building Works</u> Pedestrian and traffic hazards, and safety	<u>Five (5) Penalty Units</u>	<u>Ten (10) Penalty Units</u>

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Draft Local Law No. 1 – Community Amenity 2025

6049	Containment of building sites Soil stockpiles	Five (5) Penalty Units	Ten (10) Penalty Units
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6150	Entry to building sites Amenity controls	Five (5) Penalty Units	Ten (10) Penalty Units
51	Building site identification	One (1) Penalty Unit	Five (5) Penalty Units
6252	Approved toilet systems Drains	Five (5) Penalty Units	Ten (10) Penalty Units
6353	Building or industrial noises site waste	Two (2) Five (5) Penalty Units	Ten (10) Penalty Units
6454	Pedestrian and traffic hazards, and safety Domestic, commercial and industrial garbage services	Two (2) Five (5) Penalty Units	Ten (10) Penalty Units
6555	Soil stockpiles Recyclable 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 service 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	--
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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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>	==
7371	<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 Tail 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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Space Before: 0 pt, No bullets or numbering, Tab stops: Not at 3.25 cm

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English (Australia)

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Level 4 Numbers, Space Before: 0 pt, No bullets or numbering, Tab stops: Not at 6.75 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 + 6.75 cm

Page 20: [116] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Level 4 Numbers, Space Before: 0 pt, No bullets or numbering, Tab stops: Not at 6.75 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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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

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Page 31: [160] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Page 31: [161] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Page 31: [164] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Page 31: [168] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Page 34: [174] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Page 34: [175] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Page 34: [176] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
legalTitleDescription, Centered, Indent: Left: 0 cm, Space Before: 0 pt		
Page 34: [177] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Page 34: [178] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Page 34: [179] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Page 34: [180] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
Right: 0 cm, Space Before: 0 pt, No bullets or numbering, Tab stops: Not at 3.24 cm + 3.25 cm		
Page 35: [181] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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		

Page 35: [182] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Page 35: [183] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Page 35: [184] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Page 35: [185] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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		
Page 35: [186] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
List Paragraph,Level 2 Numbers, Indent: Left: 0 cm, Space Before: 0 pt		
Page 35: [187] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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		
Page 35: [188] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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		
Page 42: [189] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Page 42: [193] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Page 42: [194] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Page 42: [195] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Page 42: [196] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Page 42: [197] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Page 67: [423] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Page 67: [424] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM
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Page 67: [425] Formatted	Celeste Brockwell	13/03/2025 4:56:00 PM

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Page 67: [430] Formatted **Celeste Brockwell** **13/03/2025 4:56:00 PM**

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Page 67: [431] Formatted **Celeste Brockwell** **13/03/2025 4:56:00 PM**

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Page 76: [440] Formatted **Celeste Brockwell** **13/03/2025 4:56:00 PM**

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