



Strathbogie
shire

**STRATHBOGIE SHIRE COUNCIL
COMMUNITY LOCAL LAW
NO. 6 (2010)**

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

Adopted: 21 September 2010

**STRATHBOGRIE SHIRE COUNCIL
COMMUNITY LOCAL LAW No. 6**

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**STRATHBOGRIE SHIRE COUNCIL
COMMUNITY LOCAL LAW NO. 6**

PART ONE – PRELIMINARY PROVISIONS

1. Title

This is the Community Local Law No. 6.

2. Purposes

The purposes of this Local Law are to provide for the peace, order and good Government of the Strathbogrie Shire by:

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

3. Authorising Provision

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

4. Commencement, revocation and area of operation

This Local Law:

- (1) commences on 7 October 2010; and
- (2) unless sooner revoked, ceases to operate on 7 October 2020; and
- (3) operates throughout the whole municipal district.

5. Revocation of other Local Laws

From the date of commencement of this Local Law the following Local Law will cease to operate and is revoked:

Community Local Law No. 6 2006

6. Definitions of Words used in this Local Law

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

“Act”	means the <i>Local Government Act</i> 1989.
“alcohol”	means a beverage intended for human consumption with an alcohol content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius.
“animal”	includes every species of quadruped and every species of bird but does not include a domestic pet.
“appropriate fee”	means the fee determined by the Council in accordance with this Local Law.
“Authorised Officer”	means a person (including a member of the Victoria Police) appointed under section 224 of the Act as an authorised officer for the purposes of this Local Law.
“built up area”	means an area in which there is urban development or in which street lighting is provided.
“bulk rubbish container”	means a container designed to take bulk quantities of rubbish and refuse which can only be lifted with mechanical assistance and includes wheel mounted and tray bin type hoppers.
“camping”	means using a tent, caravan or any other self propelled caravan, motorised or non motorised including mobile camping vehicles and any other movable temporary form of accommodation including sleeping bags or swags.
“Chief Executive Officer”	means the person appointed as the Chief Executive Officer of the Council.
“Council”	means Strathbogie Shire Council.
“Council land”	means land, buildings and facilities which are owned, occupied or vested in the Council or in respect of which the Council has the care and management and to which the public has access whether an entry fee is paid or not, and includes a public place.
"Council policies"	means policies adopted by the Council for the purpose of this Local Law, of which notice has been given in a newspaper generally circulating in the municipal district.
“domestic pets”	means dogs and cats.
“incinerator”	means a structure or device which is not in a building and is used or is intended, adapted or

designed to be used for the purpose of burning any matter, material or substance but is:

- (a) not licensed or subject to control under the provisions of any other Act; or
- (b) not a barbeque.

“livestock”	has the same meaning as in section 3 of the <i>Impounding of Livestock Act 1994</i> .
"municipal district"	means the municipal district of the Council.
“penalty unit”	has the same meaning as in the <i>Sentencing Act 1991</i> .
“permit”	in relation to a use or activity, means a permit issued under this Local Law which authorises that use or activity.
“planning scheme”	means the Strathbogie Planning Scheme.
“poultry”	means birds kept for the production of eggs or meat for human consumption but does not include roosters.
"prescribed"	means prescribed by the Council, and described in a notice published in a newspaper generally circulating in the municipal district.
“public place”	has the same meaning as in the <i>Summary Offences Act 1966</i> .
“recreation vehicle”	includes mini bikes, trail bikes, motor bikes, motor cars, motor scooters and go karts used for recreation purposes but do not include motorised vehicles being used for farming purposes.
“road”	has the same meaning as in section 3(1) of the Act and applies to roads for which the Council is the responsible road authority under the <i>Road Management Act 2004</i> .
“scare-gun”	means a scare-gun described in the Noise Control Guidelines published by the Environment Protection Authority.
“senior officer”	has the same meaning as in section 3(1) of the Act as well as the member of Council staff with management responsibility for the administration and enforcement of the Council's Local Laws.
“temporary dwelling”	means a house, flat, apartment, or any portion thereof, and includes a tent, caravan, sleepout, bungalow, or other place of abode whether temporary or permanent.
“vehicle”	has the same meaning as in the <i>Road Safety Act 1986</i> .
"written consent"	in relation to a use or activity, means a consent given in writing under this Local Law which authorises that use or activity.

PART TWO - ACTIVITIES AND USES NOT PERMITTED

7. Behaviour on Council land

- (1) A person on Council land must not:
- (a) damage or interfere with that Council land, including any trees or vegetation located on it; or
 - (b) act contrary to any sign erected or authorised by the Council; or
 - (c) act other than in compliance with the lawful direction of an Authorised Officer or member of the Victoria Police which is intended to achieve compliance with this Local Law; or
 - (d) obstruct, hinder or do anything that is likely to injure, endanger, inconvenience or interfere with any other person's use of Council land.

Penalty: 5 Penalty Units

- (2) A person must not:
- (a) allow any tree or plant or allow any other condition on land owned or occupied by him or her; or
 - (b) use any vehicle or equipment -
- to cause damage to or interfere with Council land or a road.

Penalty: 5 Penalty Units

- (3) A person using any facilities on Council land must comply with:
- (a) any conditions of entry, including the payment of any fee; and
 - (b) the directions of a person in charge or acting on behalf of a person in charge of facilities on that Council land, and not use insulting or abusive language towards any Authorised Officer or member of the Victoria Police on the land; and
 - (c) any requirements in Council Policies applying to the use of such facilities.

Penalty: 5 Penalty Units

- (4) If a person destroys, damages or interferes with Council land or facilities on Council land the person is liable for any costs associated with the restoration of the Council land or facilities on it.

Penalty: 5 Penalty Units

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

Penalty: 5 Penalty Units

- (6) A person must not use a heavy vehicle on a road contrary to any sign applicable to that road or use the heavy vehicle in a way that causes damage to a road.

Penalty: 5 Penalty Units

- (7) A person must not use:
- (a) or ride a skateboard or similar wheeled recreational device, or ride a horse, in an area prescribed as an area where such use or riding is not permitted; or
 - (b) a skateboard or similar wheeled recreational device or a motorised wheelchair, or ride a horse, on Council land or in a public place in a way that:
 - (i) causes the safety of other users of the Council land or public place to be compromised; or
 - (ii) inconveniences other users of the Council land or public place; or
 - (iii) damages any property on the Council land in the or public place.

Penalty: 5 Penalty Units

8. Dangerous and Unsightly land

(1) Dangerous & Unsightly Land

A person must not allow his or her land to be, in the opinion of an authorised officer:

- (a) kept in a manner which is dangerous or likely to cause danger to life, property or the environment because of the materials or substances that are kept or are allowed to exist on the land; or
- (b) unsightly because materials or goods kept on the property give it a neglected or unkempt appearance.

**Penalty: First offence - 4 Penalty Units
Second and subsequent offences - 8 Penalty Units**

(2) Storage and maintenance of Machinery or Second Hand Goods

- (a) A person must not use land in a residential area for the storage of old or second-hand motor vehicles or machinery or old or second-hand materials or for the dismantling or breaking up of motor vehicles or machinery.
- (b) A person must not use land in a residential area for the repair, servicing, panel beating or spray painting of any vehicle other than a vehicle which is registered to a person living at that address.

**Penalty: First offence - 2 Penalty Units
Second and subsequent offences - 4 Penalty Units**

(3) Disused Compartments

An owner or occupier of land must not place or leave or allow to remain on that land a disused refrigerator, ice-chest, ice-box, trunk, chest or other similar article.

**Penalty: First offence - 2 Penalty Units
Second and subsequent offence - 4 Penalty Units**

9. Shopping trolleys

A person must not leave a shopping trolley at a place other than:

- (1) on the trolley owner's premises in an area designated for such purpose; or
- (2) in areas for collection located elsewhere that are provided by the trolley owner or the Council and designated for such purpose.

Penalty: 5 Penalty Units

10. Trees, plants and other obstructions

- (1) An owner or occupier of land must not allow any vegetation, structure, chattel or other thing on that land to obstruct or interfere with pedestrian or vehicular traffic by:
 - (a) overhanging the boundary onto a footpath or other part of the road used by pedestrians so as to limit safe access or be likely to cause injury or damage; or
 - (b) extending over any part of the road so that it:
 - (i) obstructs the view between vehicles at an intersection; or
 - (ii) obstructs the view between vehicles and pedestrians; or
 - (iii) obscures a traffic control item from an approaching vehicle or pedestrian; or
 - (iv) obscures street lighting; or
 - (c) constituting a danger to vehicles or pedestrians or compromising the safe and convenient use of the road.

Penalty: 2 Penalty Units

11. Prohibition of Animals in a Public Place

- (1) Council may place restrictions or prohibitions on all animals, or class of animals from any public place during public events or any other time deemed appropriate by Council.

Penalty: 2 Penalty Units

PART THREE - ACTIVITIES AND USES REQUIRING A PERMIT OR WRITTEN CONSENT

12. Activities and uses requiring a permit or written consent

- (1) A person must comply with:
 - (a) any conditions of a permit or written consent; and
 - (b) any additional conditions or requirements imposed by Council policies applying to the use or activity.

Penalty: 10 Penalty Units

- (2) The Council may grant exemptions from any requirements or limitations that this Local Law applies to a specific use or activity.

13. Consumption of alcohol

- (1) A person must not consume an alcoholic beverage or have in his or her possession or control any alcoholic beverage or container containing alcohol or purporting to contain alcohol other than in a sealed container, in or on any municipal place which is located or contained within the township boundaries of Avenel, Euroa, Nagambie (including the Regatta Centre area) or Violet Town.

No offence against this clause arises if:

- (a) the consumption, possession or control of an alcoholic beverage is within the enclosed area shown as Area A on Map 1, Map 2; Map 3 and Map 4 in Schedule 2 of this Local Law while the person is partaking in a meal between the hours of 8am til 9pm on any day; or
- (b) the Council has granted a permit or an exemption from the requirement to have a permit and there is a compliance with any conditions of that permit or exemption.

Penalty: 5 Penalty Units

- (2) Sub-clause (1) does not apply to a person who is drinking alcohol at premises that are licensed or authorised under the *Liquor Control Reform Act 1998*.

14. Driving livestock

- (1) A person must not, without a permit or written consent, drive livestock:
- (a) from outside the municipal district to a destination in the municipal district; or
- (b) from outside the municipal district and through the municipal district to a destination outside the municipal district.
- (2) If a person has a permit or written consent to drive livestock within the municipal district, that person must:
- (a) provide any signs required by the Council warning of the presence of livestock; and
- (b) maintain a public liability policy of insurance in an amount and form approved by the Council.
- (3) Notwithstanding anything else in this Local Law, a permit or written consent to drive livestock within the municipal district may be revoked at any time.

**Penalty: First offence - 5 Penalty Units
Second and subsequent offences - 10 Penalty Units**

15. Grazing livestock

- (1) A person must not, without a permit or written consent, allow livestock to graze on any Council land or road.
- (2) Prior to issuing a permit or written consent to enable livestock to graze on Council land or a road, an Authorised Officer will determine the nature of

the Council land or road and whether there is adequate feed otherwise available.

- (3) If a person has a permit or written consent to enable livestock to graze within the municipal district, that person must:
- (a) provide any signs required by the Council warning of the presence of livestock; and
 - (b) maintain a public liability policy of insurance in an amount and form approved by the Council.
- (4) Notwithstanding anything else in this Local Law, a permit or written consent to enable livestock to graze within the municipal district may be revoked at any time.

Penalty: First offence - 5 Penalty Units
Second and subsequent offences - 10 Penalty Units

16. Bulk rubbish containers

A person must not, without a permit or written consent, place a bulk rubbish container on a road.

Penalty: 5 Penalty Units

17. Recreation Vehicles

- (1) A person must not, without a permit or written consent, use or drive a recreation vehicle on any land.

Penalty: 2 Penalty Units

- (2) Sub-clause (1) does not apply to a person with physical disabilities using a motorised wheelchair or other form of motorised aid for access to goods and services in the municipal district.

18. Trading from a road

- (1) A person must not, without a permit or written consent, sell or offer to sell:
- (a) goods or services from a road; or
 - (b) goods or services from a vehicle, caravan, trailer, stall or other type of structure on a road.

Penalty: 5 Penalty Units

- (2) Sub-clause (1) does not apply to a person who has been granted a permit under the Planning Scheme to sell or offer to sell goods or services from the road.

19. Using the footpath for commercial activities

A person must not, without a permit or written consent:

- (1) display goods for sale; or
- (2) erect an advertising sign; or
- (3) use for the purpose of outdoor-dining

on any road other than in accordance with the Footpath Trading Policy adopted by the Council from time to time.

Penalty: 5 Penalty Units

20. Events on private properties

- (1) Prior to the issuing of a permit or written consent for a single or one off event on private land, the Council may require the organiser of the event to submit to it an Emergency Management Plan and a Traffic Management Plan, and evidence that all other permits, approvals, consents, licences, authorisations or permissions lawfully required have been obtained.
- (2) If the Council requires any of the things described in sub-clause (1) the organiser of the event must comply with the requirement.

21. Busking

A person must not, without a permit or written consent, busk on any road or Council land.

Penalty: 5 Penalty Units

22. Using incinerators and burning in the open air during non fire danger period.

- (1) A person in a built up area must not, without a permit or written consent, burn in the open air.

Penalty: 4 Penalty Units

- (2) A person in a built up area must not, without a permit or written consent, burn in an incinerator other than on the prescribed days and between the prescribed times.
- (3) A person burning in an incinerator must ensure that it is enclosed to prevent embers, ash and soot escaping from it.

Penalty: 4 Penalty Units

- (4) For the purposes of this clause, the prescribed days and times are between 8am and 3pm on Mondays, Wednesdays, Saturdays and Sundays.
- (5) For burns not to taking place in an incinerator; adequate notice of the proposed burn is required, as an Authorised Officer will attend the site prior to the burn to ensure there are adequate measures in place to ensure the fire is contained.
- (6) A person must not burn in an incinerator or in the open air materials that are likely to be offensive including:
 - (a) any chemicals; or
 - (b) rubbers or plastics; or
 - (c) petroleum products or oil; or
 - (d) paint or paint containers; or
 - (e) food wastes, fish or other offensive food scraps; or
 - (f) any other material that is prescribed.

Penalty: 2 Penalty Units

PART FOUR - ACTIVITIES AND USES TO COMPLY

23. Camping

- (1) A person must not, without the prior approval of an Authorised Officer, camp on Council land for a period longer than 8 hours, whether in a caravan, vehicle or tent or in any other temporary or makeshift structure.

Penalty: 4 Penalty Units

- (2) Nothing in sub-clause (1) applies to a person in a caravan park that is registered under the *Residential Tenancies Act 1998*.

24. Keeping animals

- (1) A person must not, without a permit, have or allow to be kept a domestic pet or other animal on any property if the number of animals exceeds the number permitted or the type of animal is not listed in the following Tables:

Penalty: 4 Penalty Units

Type of Animal	Land Located in Rural Zone (RUZ) ¹	Land Located in Other Zones
Dogs	5	2
Cats	5	2

Type of Animal	Land Located in Rural Zone (RUZ)	Land Located in Other Zones
Livestock	No Maximum Limit	0
Horses/Donkeys ²	No Maximum Limit	0
Poultry ³	20	5
Roosters	2	0
Domestic Mice	No Maximum Limit	4
Guinea Pigs	No Maximum Limit	4
Domestic Rabbits	No Maximum Limit	4
Camels	No Maximum Limit	0

- (2) In deciding whether to grant a permit the Council must take into consideration:
- the zoning of the land; and
 - the proximity to adjoining properties; and
 - the amenity of the area; and
 - the type, size and number of additional animals to be kept; and
 - the likely effects on adjoining owners; and
 - the suitability of animal shelters; and
 - any other matter relevant to the circumstances of the application.

¹ For the purposes of this Local Law, the zones referred to are the zones described in the Strathbogie Planning Scheme.

² "Horses" includes donkeys or mules.

³ The definition of "poultry" excludes roosters, so that roosters are not permitted in any zone other than a Rural or Farm Zone

- (3) Where a person occupies a number of properties, domestic pet numbers are only permitted to be kept at the person's principal place of residence.
- (4) A person keeping domestic pets may be required by an Authorised Officer to comply with the Code of Practice for The Private Keeping of Dogs, and/or the Code of Practice for The Private Keeping of Cats.

25. Vermin Control

- (1) An owner or occupier of any property must keep the area within two metres of a poultry house, pigeon loft, bird cage or any animal enclosure on that property free from all dry grass, weeds, refuse and other materials capable of harbouring vermin.
- (2) An owner or occupier of land must not keep any food for the consumption of any poultry or other birds, or any animals, on that land unless such food is kept in a vermin-proof receptacle or building.

Penalty: First offence - 2 Penalty Units
Second and subsequent offences - 4 Penalty Units

26. Control of Disease

An owner or occupier of land on which there is kept any animal, bird, or poultry which develops any contagious or infectious disease which is or is likely to be injurious to any human being must cause such animal, bird or poultry, to receive appropriate treatment from a qualified veterinarian or be destroyed and properly disposed of to the satisfaction of an Authorised Officer.

Penalty: First offence - 2 Penalty Units
Second and subsequent offences - 4 Penalty Units

27. Poultry

- (1) A person must not, without a permit, keep on any property in a residential or commercial area a number of fowl hens greater than five mature birds.
- (2) A person must not, without a permit, keep poultry on any property other than in a poultry house which is:
 - (a) at least 20m from the property frontage; and
 - (b) at least 3m from any other street or road; and
 - (c) at least 12m from any dwelling whether on the same or adjoining property; and
 - (d) consisting of a minimum floor area of five square metres.
- (3) Sub-clause (2) does not apply to any commercial poultry farm.
- (4) An owner or occupier of land on which a poultry house is located must ensure that it has:
 - (a) a location on ground which is well drained; and
 - (b) weatherproof walls of approved materials, provided that wire netting may be used in a portion of one wall; and
 - (c) a weatherproof roof of approved materials; and
 - (d) a wall height of not more than 2.1 metres.

Penalty: First offence - 2 Penalty Units
Second and subsequent offences - 4 Penalty Units

28. Horses/Donkeys

- (1) A person must not, without a permit, keep any horse or donkey on any property in a residential or commercial area.
- (2) A permit to keep a horse or donkey on any property in a residential or commercial area must not be granted unless the property concerned:
 - (a) is of an area of not less than 500 square metres; and
 - (b) has an adequate water supply; and
 - (c) is securely fenced on all sides.
- (3) A permit for the keeping of a horse or donkey on any property in a residential or commercial area will be assessed on the following basis:
 - (a) the zoning of the land; and
 - (b) the proximity of adjoining properties; and
 - (c) the amenity of the area; and
 - (d) the likely effects on adjoining owners; and
 - (e) the adequacy of shedding and fencing; and
 - (f) any other matters relevant to the circumstances associated with the application.
- (4) Prior to the assessment of an application for a permit under this clause, the applicant must advise all adjoining owners of the application in writing and of the fact that they may make written comments on the application to Council within 14 days of the advice of the application, and provide evidence to the Council of such notification.
- (5) In assessing an application for a permit, the Council must take into consideration the views expressed in writing by adjoining landowners.

Penalty: First offence - 2 Penalty Units
Second and subsequent offences - 4 Penalty Units

29. Cleanliness

- (1) An owner or occupier of land must cause every poultry house, pigeon loft, bird cage or animal enclosure on that land to be thoroughly cleansed as often as may be necessary to keep the same in a clean and sanitary condition.

Penalty: First offence - 2 Penalty Units
Second and subsequent offences - 4 Penalty Units

- (2) An owner or occupier of land must remove droppings and refuse from any animal, bird or poultry from time to time or as frequently as may be directed by an Authorised Officer so as not to cause a nuisance or offensive condition.

Penalty: First offence - 2 Penalty Units
Second and subsequent offences - 4 Penalty Units

30. Animal Excrement

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

- (2) A person in charge of a domestic animal must carry a suitable receptacle for the removal of that animal's excrement from a road or Council land.

**Penalty: First offence - 2 Penalty Units
Second or subsequent offence - 4 Penalty Units**

31. Dogs on Leads

- (1) A person in charge of a dog on any road or in any public place must ensure that the dog is secured by a chain, cord or leash in any area zoned under the Strathbogrie Planning Scheme as Township, Residential (including low density residential) or Business or Industrial, unless it is an off leash area designated and signposted for the purpose.

**Penalty: First offence - 2 Penalty Units
Second or subsequent offence - 4 Penalty Units**

32. Unleashed Dogs

- (1) A person may unleash a dog in an area designated by Council and sign posted for the purpose except that:
- (a) a person who unleashes a dog must keep the dog under effective control; and
 - (b) the provisions of this clause do not apply to greyhounds, dangerous dogs or restricted breed dogs.

**Penalty: First offence - 2 Penalty Units
Second or subsequent offence - 4 Penalty Units**

33. Using scareguns

A person using a scare gun must comply with the **Noise Control Guidelines** published by the Environment Protection Authority.

Penalty: 4 Penalty Units

34. Construction and maintenance of vehicle crossings

- (1) An owner of land must ensure that:
- (a) each point of vehicle access to the land from an adjacent carriageway or road has a vehicle crossing that is constructed and is of a standard of construction to the satisfaction of an Authorised Officer; and
 - (b) each vehicle crossing to the land and any channel or pipe under or forming part of that crossing are maintained to the satisfaction of an Authorised Officer; and
 - (c) where it is likely that damage may be caused to the road, a temporary vehicle crossing is constructed to the satisfaction of an Authorised Officer; and
 - (d) when a temporary vehicle crossing is no longer necessary, it is removed and the road and the assets in the road are reinstated to the satisfaction of an Authorised Officer.

Penalty: 10 Penalty Units

- (2) A person must not, without the written consent of an Authorised Officer, remove or alter a vehicle crossing.

Penalty: 4 Penalty Units

35. Livestock on roads

- (1) A person who owns or is in charge of livestock must not allow livestock to be on a road unless the requirements of this Local Law are complied with.

**Penalty: First offence - 5 Penalty Units
Second or subsequent offence - 10 Penalty Units**

- (2) A person may use a road to move livestock from one part of a property being part of a single farming enterprise to another property being part of the same farm enterprise or from one part of a property to another part of the same property.

36. Adequate fencing for animals

The owner or occupier of any land where any animal is kept must ensure that it is fenced in a way that will prevent the animal escaping from the land.

Penalty: 10 Penalty Units

37. Occupying temporary dwellings

- (1) A person may occupy a temporary or moveable dwelling within the meaning of the *Residential Tenancies Act 1998* while a permanent dwelling is being constructed provided that:

- (a) if a planning permit for the dwelling is required under the Planning Scheme it has been granted; and
- (b) a building permit is applied for within 12 months of the date that the planning permit is granted; and
- (c) an appropriate sanitation system/waste disposal system has been obtained and approved by the Council's Environmental Health Officer.

- (2) A person who occupies a temporary or movable dwelling contrary to sub-clause (1) is guilty of an offence.

Penalty: 5 Penalty Units

38. Disposal of domestic waste

- (1) A person placing out any garbage or recycling bin for collection by the Council must remove it from the road within 24 hours after collection and must only remove the bin referable to the land in relation to which it was issued.

Penalty: 2 Penalty Units

- (2) A person using the Council's waste collection services must comply with any instructions or requirements that the Council notifies in writing in relation to that service.

Penalty: 2 Penalty Units

- (3) A person placing a bin out for collection by the Council must ensure that only the type of waste intended for the type of bin provided has been placed in the bin and in the case of a bin:
- (a) provided for garbage, has only been used for waste or material that cannot be reused, recycled or composted; and
 - (b) provided for recycling, has only been used for recycling bottles, cans, paper and cardboard but not for any other type of product that the Council has advised is not acceptable and will not be collected.

Penalty: 2 Penalty Units

- (4) A person must not interfere with any bin left out for collection and must not remove any goods or materials left out for collection as part of the Council's domestic waste collection.

Penalty: 2 Penalty Units

39. Disposal of trade waste

- (1) A person providing or using an industrial waste collection service must take all practicable steps to minimise interference with the amenity of any residential area by:
- (a) locating industrial waste bins at sites to limit interference with residential land; and
 - (b) compacting waste only while the vehicle is moving; and
 - (c) not breaking up bottles at the collection site.

Penalty: 5 Penalty Units

- (2) A person providing or using an industrial waste collection must comply with the Noise Control Guidelines published by the Environment Protection Authority.

Penalty: 5 Penalty Units

40. Displaying property numbers

Where road numbers have been allocated to a property, the owner or occupier of that property must ensure that the allocated number is clearly displayed on the property and that it can be clearly read from the road immediately adjacent to the front boundary of the property in all normal lighting conditions.

Penalty: 2 Penalty Units

41. Festivals or processions

- (1) A person proposing to conduct an activity that is a festival or a procession, a party or an event on Council land or a road must, prior to the activity occurring, provide written evidence to the satisfaction of the Council that:
- (a) an appropriate risk management plan for the activity has been approved by the insurer of the activity; and
 - (b) an indemnity that indemnifies the Council in respect of any liability in connection with the activity is in place.

PART FIVE – ADMINISTRATION AND ENFORCEMENT

DIVISION 1 – PERMITS, FEES AND DELEGATIONS

42. Applying for a permit

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

43. Issue of permits

- (1) The Council may:
 - (a) issue a permit with or without conditions; or
 - (b) refuse to issue a permit.

44. Duration of permits

- (1) A permit is in force until the expiry date indicated on the permit, unless it is cancelled before the expiry date.
- (2) If no expiry date is indicated on the permit, the permit expires twelve months after the date on which it is issued.

- (3) Before the permit expires, a person may request the Council to extend the permit for a further period.
- (4) A permit is issued to the person named in the permit and is valid and authorises only the person named in the permit to undertake the use or activity permitted.

45. Conditional permits

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

46. Cancellation of permit

- (1) The Council may cancel a permit if it considers that:
 - (a) there has been a serious or ongoing breach of the conditions of the permit; or
 - (b) a Notice to Comply has been issued, but not complied with within seven days after the time specified in the notice for compliance; or
 - (c) there was a significant error or misrepresentation in the application for the permit; or
 - (d) in the circumstances, the permit should be cancelled.
- (2) Before it cancels a permit, the Council must provide to the permit holder an opportunity to make comment on the proposed cancellation.
- (3) If a permit holder is not the owner of the land and the owner's consent was required to be given to the application for the permit, the owner must be notified of any notice to comply and of the reason why it has been served.

47. Correction of permits

- (1) The Council may correct a permit in relation to:
 - (a) an unintentional error or an omission; or
 - (b) an evident material miscalculation or an evident material mistake of description of a person, thing or property.
- (2) The Council must notify a permit holder in writing of any correction.
- (3) If the permit holder is not the owner of the land and the owner's consent was required to be given to the application for the permit, the owner must be notified of any correction to a permit.

48. Fees

- (1) The Council may, from time to time, by resolution determine fees for the purposes of this Local Law.
- (2) In determining any fees and charges the Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.
- (3) The Council may waive, reduce or alter a fee with or without conditions.

49. Permits Not Transferable

A person must not transfer or attempt to transfer a permit.

50. Registers

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

51. Exemptions

- (1) The Council may by written notice exempt any person or class of persons from the requirement to have a permit, either generally or at specified times.
- (2) An exemption may be granted subject to conditions.
- (3) A person must comply with the conditions of an exemption.
- (4) An exemption may be cancelled or corrected as if it were a permit.

52. Permit Offences

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

Penalty: 10 Penalty Units

53. Delegations

The Council may delegate to any member of its staff any duties imposed or function or power enforced on the Council under this Local Law.

DIVISION 2 – ENFORCEMENT

54. Warning to offenders

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

55. Power of Authorised Officer – Notice to Comply

Where there is a breach of this Local Law, an Authorised Officer may serve a Notice to Comply on the person who is breaching the Local Law.

56. Time to Comply

- (1) A Notice to Comply must state the time and date by which the situation must be remedied and must include the signature of the Authorised Officer.
- (2) The time required by a Notice to Comply must be reasonable in the circumstances having regard to:
 - (a) the amount of work involved; and
 - (b) the degree of difficulty; and
 - (c) the availability of necessary materials or other necessary items; and
 - (d) climatic conditions; and
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant factor.

57. Failure to comply with a Notice to Comply

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

Penalty: 10 Penalty Units

- (2) Where a Notice to Comply requiring works to be undertaken is not complied with an Authorised Officer may cause any works to be carried out to ensure compliance and the Council may recover the costs incurred by or on behalf of the Authorised Officer.

58. Power of Authorised Officers to act in urgent circumstances

- (1) In urgent circumstances arising as a result of a failure to comply with this Local Law, an Authorised Officer may take action to remove, remedy or rectify a situation without first serving a Notice to Comply if:
 - (a) the Authorised Officer considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice, may place a person, animal, property or thing at risk or in danger; and

- (b) wherever practicable, a senior officer is given prior notice of the proposed action.
- (2) In deciding whether circumstances are urgent, an Authorised Officer must take into consideration, to the extent relevant:
 - (a) whether it is practicable to contact:
 - (i) the person by whose default, permission or tolerance the situation has arisen; or
 - (ii) the owner or the occupier of the premises or property affected; and
 - (b) whether there is an urgent risk or threat to public health, public safety, the environment or animal welfare.
- (3) The action taken by an Authorised Officer under sub-clause (1) must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
- (4) An Authorised Officer who takes action under sub-clause (1) must ensure that, as soon as practicable:
 - (a) details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and
 - (b) a report of the action taken is submitted to the Chief Executive Officer.

59. Power of Authorised Officers to impound

- (1) Where any items, goods and equipment are used in contravention of this Local Law an Authorised Officer may remove and impound them.
- (2) Where any items, goods and equipment are impounded under this provision, an Authorised Officer must as soon as possible and where practicable serve a Notice of Impounding on the owner or the person responsible for the item setting out the fees and charges payable and the time by which the item must be retrieved.
- (3) Where the identity or whereabouts of the owner or the person responsible for the impounded item is unknown the Authorised Officer must take reasonable steps to establish the identify or whereabouts of the person and may to dispose of the impounded item in the following way:
 - (a) where the item is declared by a senior officer or another officer authorised for the purpose to have no saleable value, it may be disposed of in the most economical way determined by that officer;
 - (b) where the item is declared by a person in paragraph (a) to have some saleable value the item may be disposed of by tender, public auction or private sale but may be given away or disposed of if the sale is unsuccessful.
- (4) Any proceeds from the disposal of an impounded item will be paid to the owner or the person who in the opinion of the Council appears to be authorised to receive the money, except for the reasonable costs incurred to the Council in the administration of this Local Law:
- (5) If the person described in sub-clause (4) cannot be identified or located within 1 year of serving the Notice of Impounding, any proceeds of sale cease to be payable to that person and may be retained for municipal purposes.

- (6) If an Authorised Officer has impounded anything in accordance with this Local Law, the Council may refuse to release it until the appropriate fee or charge for its release has been paid to the Council.

60. Infringement Notices and Penalties

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

61. Payment of Penalty

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

62. Offences Generally

A person who breaches or fails to comply with any provision in this Local Law is guilty of an offence, and liable to a penalty specified, or, if no penalty is specified, a penalty of 2 penalty units.

**STRATHBOGRIE SHIRE COUNCIL
COMMUNITY LOCAL LAW No. 6**

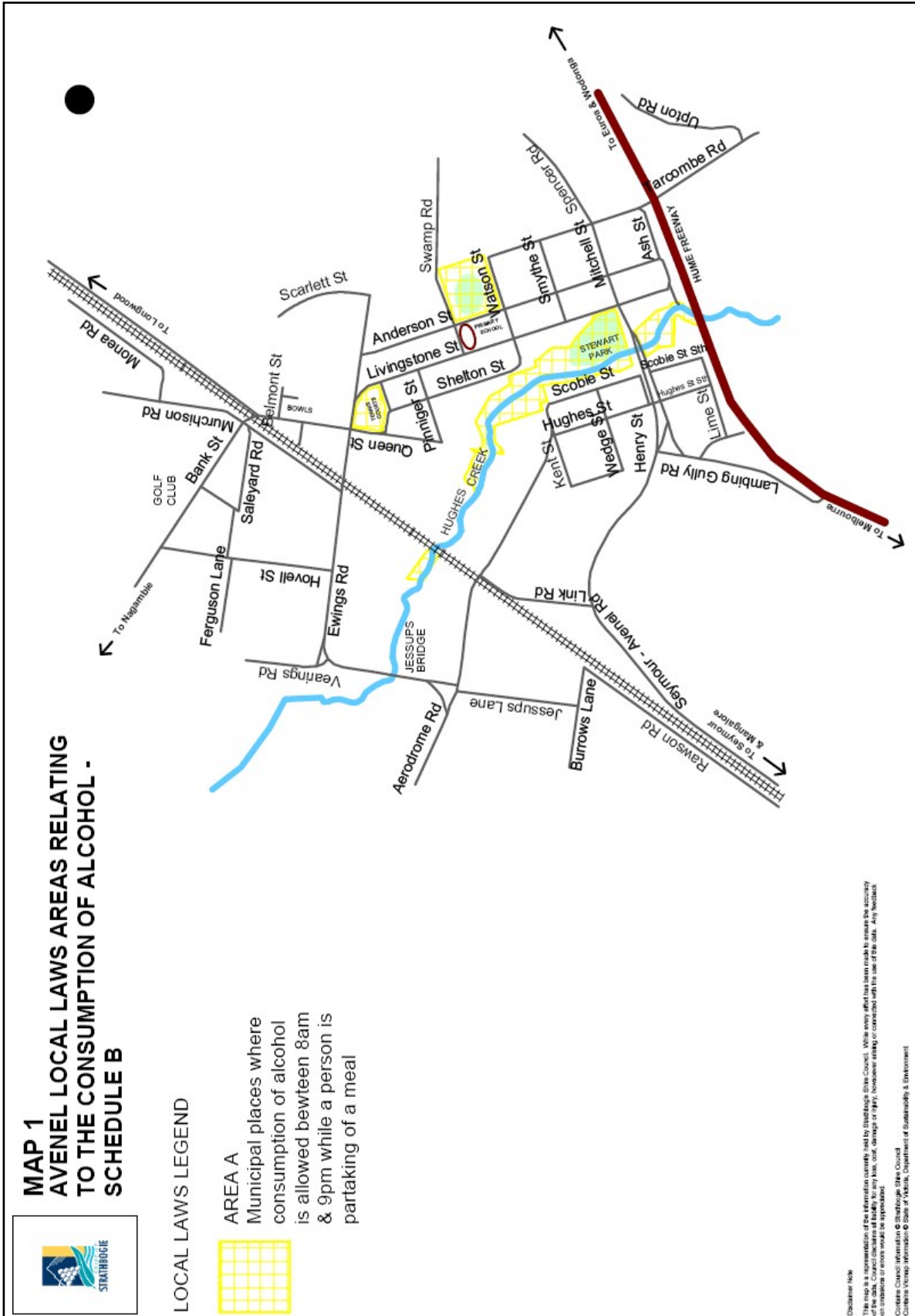
SCHEDULE 1 - PENALTIES FIXED FOR INFRINGEMENT NOTICE PURPOSES

(Clause 62)

Clause	Infringement	Penalty Units
7	Behaving on Council land contrary to Local Law	2
7	Failing to comply with requirements applying to activities on Council land and roads	5
7(2)	Damaging Council roads contrary to Local Law	5
7(7)	Using skateboards and other wheeled recreation devices	1
8(2)	Repairing and storing vehicles contrary to Local Law	1
9	Leaving a shopping trolley contrary to a Local Law	1
10	Allowing trees, plants and obstructions contrary to a Local Law	.5
11	Failing to comply with requirements applying to prohibition of animals in a public place	.5
12	Failing to obtain a permit or comply with conditions or additional requirements	2
13	Consumption of alcohol contrary to Local Law	3
14	Driving livestock contrary to Local Law or Policies	3
15	Grazing livestock contrary to Local Law or Policies	3
16	Failing to obtain a permit for a bulk rubbish container	3
17	Failing to obtain a permit for a recreation vehicle	.5
18	Trading from a road contrary to Local Law	3
19	Using the footpath for commercial activities contrary to Local Law or Policy	3
21	Busking contrary to Local Law	1
22	Using incinerators and open air burning contrary to Local Law	2
23	Camping contrary to Local Law	2
24	Keeping animals contrary to Local Law	1
25	Failing to comply with requirements applying to vermin control	1
26	Failing to comply with requirements applying to control of disease	1
27	Keeping poultry contrary to Local Law	1
28	Keeping horses/donkeys contrary to Local Law	1
29	Failing to comply with requirements applying to cleanliness	1
30	Failing to comply with requirements applying to animal excrement	1
31	Failing to comply with requirements applying to dogs on leads	1
32	Failing to comply with requirements applying to unleashed dogs	1
33	Using scare-guns contrary to Local Law	2
34	Failing to comply with vehicle crossing requirements contrary to Local Law	5
34	Failing to obtain written consent to remove or alter a vehicle crossing	2
35	Livestock on roads contrary to Local Law	3
36	Failing to provide adequate fencing for animals	5
37	Failing to comply with requirements applying to temporary dwellings	3
38	Disposal of domestic waste contrary to Local Law	1
39	Disposal of trade waste contrary to Local Law	3
40	Failing to display property numbers	1
52	Making a false representation or declaration	5
57	Failing to comply with a Notice to Comply	5

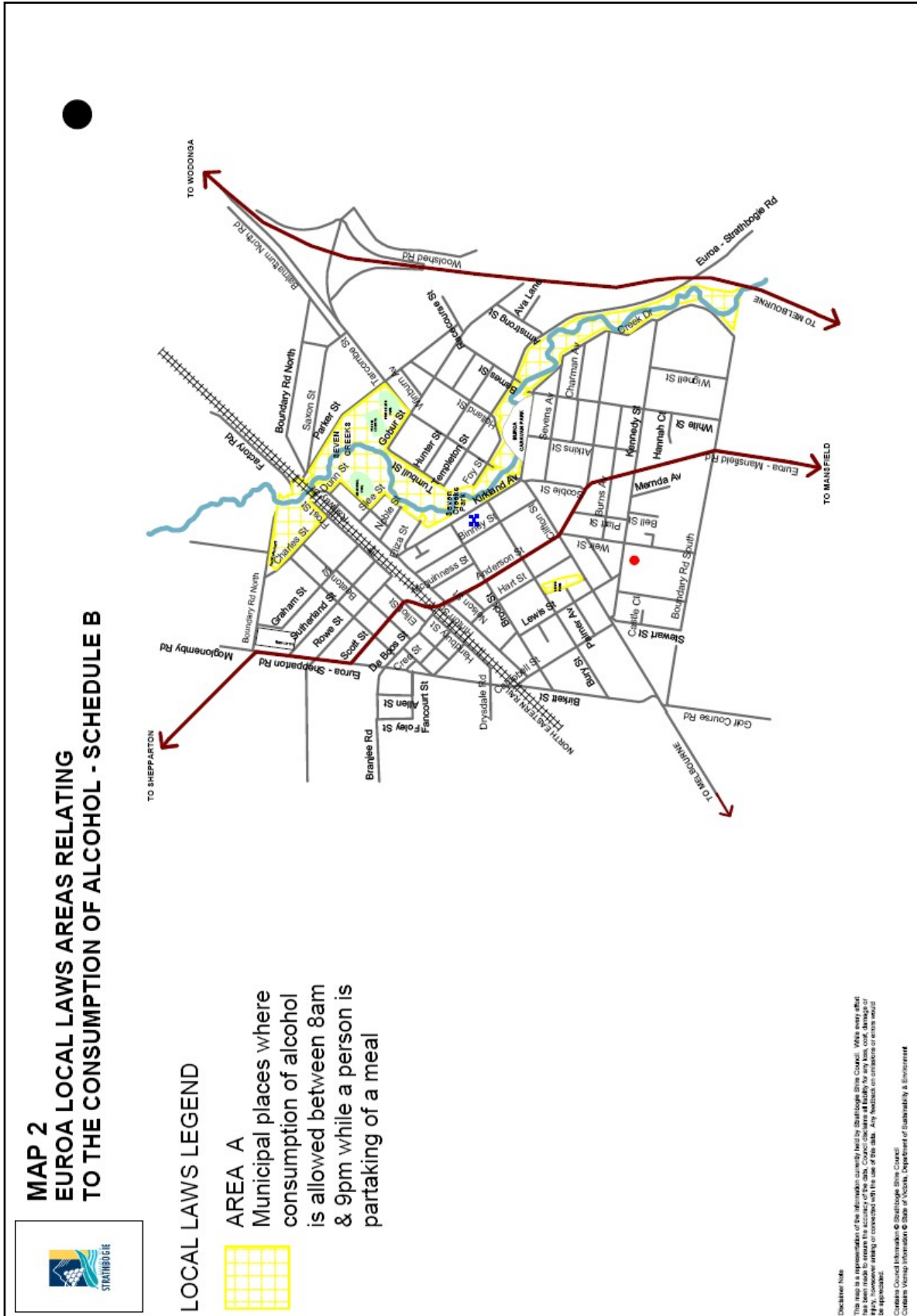
**STRATHBOGRIE SHIRE COUNCIL
COMMUNITY LOCAL LAW No. 6**

**SCHEDULE 2 - CONSUMPTION OF ALCOHOL
(Clause 13)**



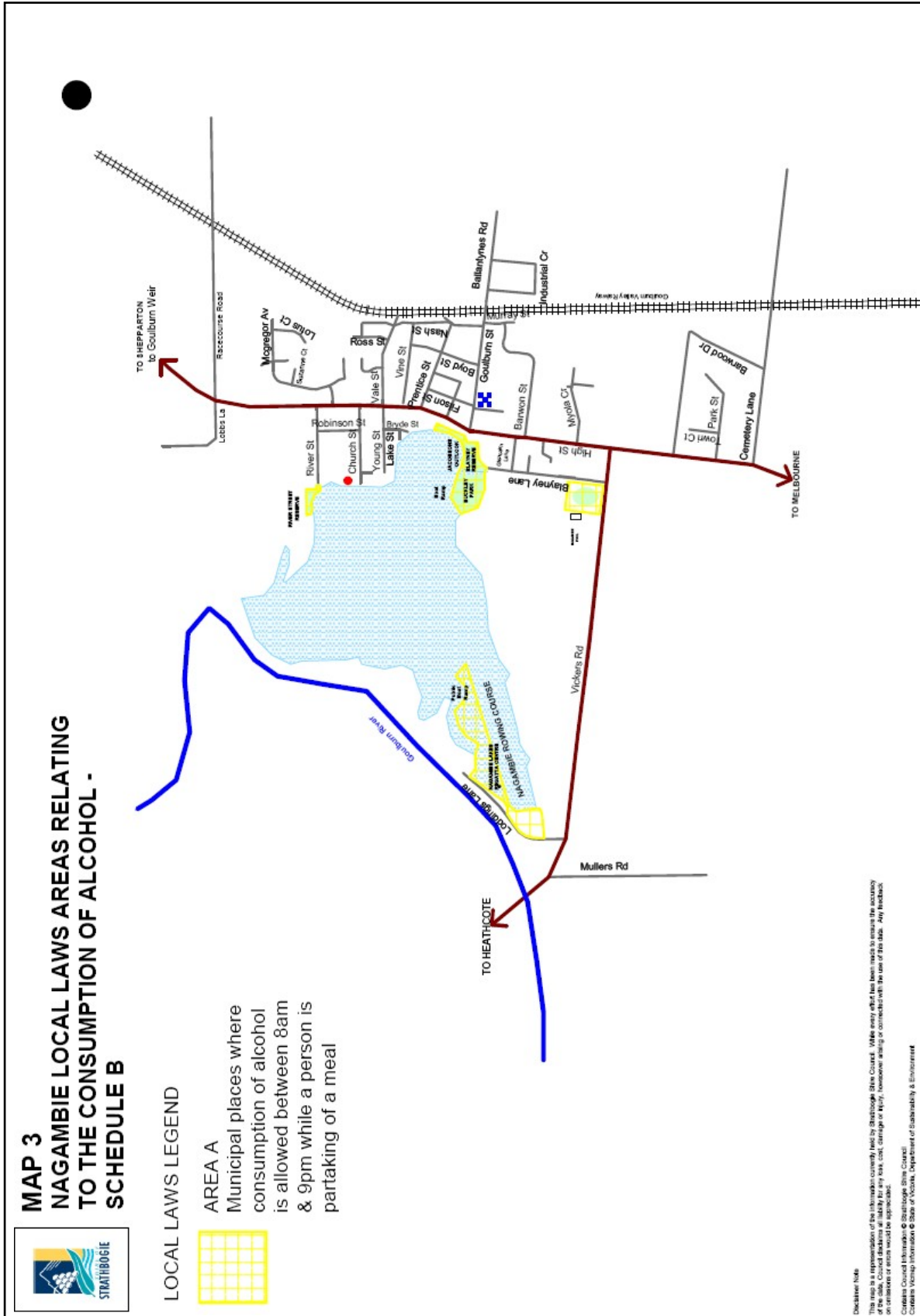
**STRATHBOGRIE SHIRE COUNCIL
COMMUNITY LOCAL LAW No. 6**

**SCHEDULE 2 - CONSUMPTION OF ALCOHOL
(Clause 13)**



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**SCHEDULE 2 - CONSUMPTION OF ALCOHOL
(Clause 13)**



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**SCHEDULE 2 - CONSUMPTION OF ALCOHOL
(Clause 13)**

