



**STRATHBOGRIE SHIRE COUNCIL**

**MINUTES OF A SPECIAL MEETING OF THE STRATHBOGRIE SHIRE COUNCIL HELD  
ON TUESDAY 4 AUGUST 2020, VIRTUALLY VIA ZOOM, COMMENCING AT 5.00  
P.M.**

<b>Chair:</b>	Amanda McClaren (Mayor)	<i>(Lake Nagambie Ward)</i>
<b>Councillors:</b>	Robert Gardner	<i>(Lake Nagambie Ward)</i>
	Malcolm Little	<i>(Hughes Creek Ward)</i>
	John Mason	<i>(Seven Creeks Ward)</i>
	Chris Raeburn	<i>(Honeysuckle Creek Ward)</i>
	Alistair Thomson	<i>(Mount Wombat Ward)</i>
	Graeme Williams OAM	<i>(Seven Creeks Ward)</i>
<b>Officers:</b>	Julie Salomon	Chief Executive Officer (CEO)
	David Roff	Director, Corporate Operations (DCO)
	Kristin Favaloro	Executive Manager, Communications and Engagement (EMCE)
	Cameron Fraser	Team Leader Compliance (TLC)

Until further notice, all meetings conducted by Strathbogrie Shire Council will be virtually, using Zoom, and live streamed on our website at [www.strathbogrie.vic.gov.au](http://www.strathbogrie.vic.gov.au). This ensures we are meeting the Victorian Government's social distancing requirements to slow the spread of coronavirus (COVID-19) and help keep our communities safe

We encourage all community members to watch the meeting online, given we have had to close the public gallery until further notice following legal advice around how to comply with COVID-19 social distancing rules.

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*Prior to the commencement of Business for the Special Council meeting, the Mayor provided the following update on the procedures for the meeting*

Until further notice, all meetings conducted by Strathbogie Shire Council will be held virtually, using Zoom, and live streamed on our website at [www.strathbogie.vic.gov.au](http://www.strathbogie.vic.gov.au).

This ensures we are meeting the Victorian Government's social distancing requirements to slow the spread of coronavirus (COVID-19) and help keep our communities safe.

We encourage all community members to watch the meeting online, given we have had to close the public gallery until further notice following legal advice around how to comply with COVID-19 social distancing rules.

Today you may notice our meeting is slightly different to those you have watched in the past.

Today all Councillors are working from home as are our Council Officers – or they are in a closed office space.

This is so we can participate without having to wear a mask.

We understand wearing a mask may create accessibility concerns for some members of our community and we hope, by participating in today's meeting remotely, we can overcome this.

I wanted to take the opportunity to outline that voting at today's meeting will be held by a show of hands.

All Councillors will raise their hands to vote for any motion, making sure their raised hand is visible on the screen.

As the Mayor, I will then state the name of each Councillor with their hands raised both FOR and AGAINST motions.

If a Councillor has a conflict of interest in a matter, then they will be asked to leave the meeting and no discussion on the matter will commence until we are sure they have done so.

I will announce when the Councillor has rejoined the meeting after the matter has been considered and the vote concluded.

If we have technical difficulties during today's meeting, which means we are unable to broadcast to the public we will adjourn the meeting for 15 minutes.

If the issue is not resolved after this time but we maintain a quorum of Councillors under our Local Law, we will continue the meeting.

If we cannot maintain a quorum I will have to close the meeting and will call another Council meeting to consider the unfinished business on the agenda.

Thank you for joining us today.



*The Mayor also provided the following message to our community members*

Today I wanted to take this opportunity to again acknowledge our community for how it is reacting to the coronavirus pandemic.

As you all know so far we've been lucky. Our area does not have any active cases.

However, this does not mean we can become complacent.

From 11.59pm tomorrow we will return to stage three stay at home restrictions. I urge everyone in our community to stay vigilant. To abide by the restrictions and continue to keep us all safe.

Stage three restrictions mean parents will return to home schooling. We all know how difficult this will be for those juggling home schooling with work commitments.

Please take the time to check on these parents – your friends and neighbours who are going to find the next six weeks of stage 3 restrictions tough.

And it's not just parents, there are many people right throughout our community who are finding these ongoing restrictions hard.

Remember to phone your family, friends and neighbours to make sure they're okay.

Isolation, loneliness will continue to affect us all and we need to look after each other.

To get through this together.

In coming weeks Council will be announcing some projects we've been working on to help those in our community who are experiencing these feelings.

Through the Victorian Government's Working for Victoria program we now have more than 30 people whose employment was impacted by the coronavirus pandemic putting their skills to use in our Shire.

These six month positions are providing us with the people power to support our COVID-19 Recover Program – which we're calling the RE3 program that will help Reset, Reboot and Revitalise our community.

You may have noticed team members out in our parks, gardens and roadsides cleaning up and preparing us for the up-and-coming fire and flood seasons.

What you haven't seen yet is the work our community engagement team is doing behind the scenes on projects that will tackle isolation and loneliness in our community.

Council is now developing a series of initiatives to drive community connection.

We will hear from the youngest in our community through an innovative story telling project.

We will see what locals have been doing during these uncertain times through a series of video profiles.

And – we will encourage our community to use the power of the written word to connect with loved ones through a postcard initiative.

All of this wrapped up in a project we're calling 'The Strathbogie Story'.

So I urge you to please stay tuned – we will keep you in-the-loop and we will get through this together.

Stay safe and stay in touch with your loved ones.



## **BUSINESS**

1. Welcome
2. Acknowledgement of Traditional Land Owners  
*'I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present'*
3. Apologies  

Phil Howard	Director, Community and Planning (DCP)
Dawn Bray	Executive Manager, Governance and Customer Service (EMGCS)
4. Disclosure of Interests  

Nil.
5. Petitions  

Nil.
6. Reports of Council Officers
  - 6.1 Climate Change
  - 6.2 Infrastructure
  - 6.3 Private Enterprise
  - 6.4 Public Institutions
  - 6.5 Housing and Recreation
  - 6.6 Tourism
  - 6.7 Organisation
7. Closure of Meeting to the Public
8. Confirmation of 'Closed Portion' Decision/s

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting, as per Local Law No. 1 - Meeting Procedure (2014) or as updated from time to time through Council Resolution

Council does not generally permit individuals to make audio recordings of meetings. Individuals are required to make a written request addressed to the Council (Director, Corporate Operations) should they seek to obtain permission to do so.



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	N/A	

## 6. REPORTS

### 6.7 ORGANISATION

#### 6.7.1 Community Local Law No.2 2020

Author: Team Leader Compliance

Responsible Director: Director Corporate Operations

#### ***EXECUTIVE SUMMARY***

Section 111 of the Local Government Act 1989 allows for Council to have a Community Local Law to address any issue.

Council's current Local Law is due to expire on 7 October 2020 and contains a number of provisions in relation to the use of public land and restrictions on private land with the objective to ensure the safety of our community and protect neighbourhood amenity.

Council's Compliance Department has undertaken a review of the current Local Law in preparation to prepare a new Draft Community Local Law. The draft Local Law has been prepared having reviewed the provisions of current controls and provisions, review of previous consultation as well as a review of the complaints, enquiries and permits. The draft document has also been reviewed by the Community Local Law Project Group endorsed by Council at its ordinary meeting on 21 July 2020.

The draft document, if adopted by council will replace the current local law.

The draft Community Local Law No.2 2020 contains a number of provisions around the use of Council property and private property with a number of new provisions as well as former provisions being either deleted or consolidated. To improve transparency in decision making, permit considerations have been added to the provisions which allow for a permit to be issued.

All Victorian Councils are currently in the process of transitioning to the new Local Government Act 2020 (the 2020 Act) however some of the provisions of the Local Government Act 1989 (the 1989 Act) remain in operation at this time. In relation to Council powers to make and revoke local laws, the requirements of the 1989 Act are still in operation.

As the requirements of the 1989 Act apply, a formal consultation process under Section 223 of the 1989 Act must be undertaken. As such, the draft local law is to be placed on public exhibition for community input and comment for a period of 28 days.

Anyone who makes a written submission in relation to the draft local law can also request an opportunity to make a verbal presentation to Council. They are also able to have someone make that presentation to Council on their behalf.

A Council meeting will be to consider any written submissions and to hear any verbal submissions from the community in relation to the draft Local Law.

A further Council meeting will be held in September 2020 to consider the adoption of the new Local Law.





6.7.1 Community Local Law No.2 2020 (cont.)

**MOVED COUNCILLOR MASON, SECONDED COUNCILLOR THOMSON  
(subject to amendments to Recommendations 2 and 4 - as shown below) -**

**That Council:**

1. **Note the Draft Local Law No 2 – Community Local Law 2020 and, in accordance with sections 119 and 223 of the Local Government Act 1989, place it on public exhibition for community review and comment for a period of 28 days beginning on 6 August 2020 and ending at 5:00pm on 3 September 2020, advertised through the following means**
  - **A notice in the Government Gazette**
  - **Posts on Council's social media pages**
  - **Notices in the local papers.**
2. **Hold a Special Council Meeting on Tuesday 8 September 2020 at 5:00pm virtually via ZOOM ~~in the Conference Room, Bury Street, Euroa,~~ to consider all written submissions and to hear any verbal submissions.**
3. **Note that, should no written submissions be received during the public consultation period, the Special Council Meeting will not be held.**
4. **Hold a Council meeting at 5:00pm on Tuesday 15 September 2020, virtually via ZOOM, ~~in the Conference Room, Bury Street, Euroa,~~ to consider the adoption of the Local Law.**

**17/20 CARRIED**

**PURPOSE AND BACKGROUND**

The purpose of this report is to enable Council to undertake an initial review of the Draft Local Law No 2 – Community Local Law 2020 to ensure there is continuity in regulation around the use of and activities that can/cannot occur throughout the municipal area.

The Strathbogie Shire Community Local Law No.6 (2010) (the current Local Law) expires on 7 October 2020. The sunseting of the current local law on 7 October 2020 without a replacement would mean that there would be no regulation around the use of, or activities on land throughout the municipal area under any Local Law.

A review of the local law has been undertaken using, previous consultation, complaints, enquiries and permits as well as seeking input from the Community Local Law Project Group which has formed the attached draft document.

#### 6.7.1 Community Local Law No.2 2020 (cont.)

##### ***ISSUES, OPTIONS AND DISCUSSION***

At its meeting on 21 July 2020, Council resolved to endorse the amended process for the review of the Community Local Law which including the formation of the Local Law Project Group which consists of two councillors, two community representatives, two officers as well as the Director Corporate Operations.

The Project Group endorsed by Council met on 29 July 2020 in Council Chambers to discuss the provisions of the local law with changes made to reflect this taking into consideration readability, perceptions of fairness as well as providing our community with a clear local law works to support all. The project group have all had input into the draft of which they have already received copies.

The Author and other members of the Compliance team have reviewed the current provisions of our local law as well as reviewing the content of surrounding documents of similar and neighbouring Councils to assess what needs to be retained, deleted or added to in relation to the new Community Local Law.

##### ***COMMUNITY ENGAGEMENT***

There are supporting principles relating to community engagement and public transparency in the 2020 Act that promote community participation in Council decision making processes.

The 1989 Act requires the draft Local Law to be placed on public exhibition for a period of no less than 28 days. The period for submissions would run between 6 August 2020 and 3 September 2020.

Those making written submissions may ask for an opportunity to make a verbal presentation, or have someone present on their behalf, to a Special Council meeting on 8 September 2020.

Notices will be placed in newspapers circulating in Euroa, Benalla and Shepparton as well as in local newsletters in townships across the Shire. Posts will appear on Council's website and social media pages throughout the consultation period. A notice must also be placed in the Government Gazette to commence the statutory community engagement process.

A Community Impact Statement has been prepared to inform the community about the implications of the draft local law, using templates provided by the state government. This forms part of the draft documentation but will need to be updated following the consultation and any changes made to the draft prior to adoption. This Statement can be found at Attachment 1 to this report.

##### ***POLICY CONSIDERATIONS***

###### Council Plans and Policies

The review of the Community Local Law to reflect contemporary issues is a key strategy of the Council's goal to enhance community health and wellbeing. The draft local law has been updated to reflect a number of current and emerging issues within our community.

### 6.7.1 Community Local Law No.2 2020 (cont.)

#### Regional, State and National Plans and Policies

The preparation and exhibition of the draft Local Law is consistent with practices across the State and discussions have been had within the North/North East Region as to how to best deal with the repealing of meetings procedures local laws to ensure there is still regulation around the use of the Common Seal.

#### **LEGAL CONSIDERATIONS**

The draft Local Law and its proposed public exhibition are in accordance with the power to make a local law under section 111 of the 1989 Act and the requirements of sections 119 and 223 of the same Act.

The provisions of the Local Government Act 1989 (the 1989 Act) remain in operation at this time in part while the transition to the Local Government Act 2020 (the 2020 Act) is made. In relation to Council powers to make and revoke local laws, the requirements of the 1989 Act are still in operation.

The Local Law repeals the existing Strathbogie Shire Council Community Local Law No.6 (2010) as this is about to expire.

#### Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

#### Transparency

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is to achieve transparency in Council decision making, actions and information.

The exhibition of this draft Local Law is the most transparent way to explain what these documents mean and the way in which Council is complying with the 2020 Act's new requirements.

#### **SUSTAINABILITY CONSIDERATIONS**

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

#### Economic

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

#### Social

The author of this report considers that the recommendation has no significant social implications for Council or the broader community.

#### Environmental

The author of this report considers that the recommendation has no significant environmental implications for Council or the broader community.



6.7.1 Community Local Law No.2 2020 (cont.)

Climate change

The author of this report considers that the recommendation has no significant implications in terms of Climate Change.

**HUMAN RIGHTS CONSIDERATIONS**

The author of this report considers that the recommendation of this report has no significant implications arising in relation to human rights.

**CONCLUSION**

The draft Local Law complies with all aspects of the 1989 Act in relation to making a new local law.

A 28 day community consultation process will ensure there is public scrutiny and input into the final document. There will also be an opportunity for our community to make a verbal presentation to Council in support of their written submission.

**ATTACHMENTS**

**Attachment 1:** Community Impact Statement for Draft Local Law No 1 – Use of Common Seal 2020

**Attachment 2:** Draft Local Law No 2 – Community Local Law (2020)

**ATTACHMENT 1:**

**STRATHBOGIE SHIRE COUNCIL  
DRAFT LOCAL LAW NO.2 – COMMUNITY LOCAL LAW (2020)  
LOCAL LAW COMMUNITY IMPACT STATEMENT**

Strathbogie Shire Council (Council) provides the following information to the community to support the public exhibition of the draft new Local Law No.2 – Community Local Law (2020)

**1. INTRODUCTION**

Council is proposing to make the new Local Law No. 2 – Community Local Law 2020 (proposed Local Law).

The proposed Local Law will revoke Council's Community Local Law No.6 (2010) (current Local Law) and replace the local law to the extent that current local law regulates community safety and amenity.

This Community Impact Statement has been prepared to inform the community about the draft new Local Law and to assist any member of the public who may wish to make a written submission to Council during the public consultation process required under the Local Government Act 1989 (1989 Act).

**2. BACKGROUND**

Council's current Local Law expires on 7 October 2020. Officers commenced a review of the provisions of the current Local Law, enquiries and complaints. Once completed, Council appointed a project group to review and provide input into the final draft. The proposed new Local Law is the result of this process.

The proposed Local Law contains several requirements for the use of Council land as regulation for the use of private land which may impact on the amenity and safety of adjoining land owners and the wider community.

**3. OVERVIEW OF PROPOSED LOCAL LAW**

The overall objectives of the proposed Local Law are set out in the draft document. For the most part, the objective of a provision is clear from the wording of the provision.

The purpose of the proposed Local Law is to:

Revoke the current Local Law

Ensure the ongoing management of safety, amenity and protection of our community through the proposed Local Law.

The proposed Local Law will come into operation once gazetted and will expire 10 years after commencement unless revoked at an earlier date by Council.

On commencement of the proposed Local Law, the Current Local Law will be revoked.

The draft Community Local Law No.2 2020 contains a number of provisions around the use of Council property and private property with a number of new provisions as well as former provisions being either deleted or consolidated. To improve transparency in decision making, permit considerations have been added to the provisions which allow for a permit to be issued.

#### 4. COMMENTS ON THE PROPOSED LOCAL LAW

Measures of Success of proposed Local Law	Council will measure the success of the Local Law as follows: <ul style="list-style-type: none"> <li>• Time taken to resolve complaints</li> <li>• The number of permits issued</li> <li>• Ratings for enforcement of Local Laws in Annual Community Satisfaction Survey.</li> </ul>
State legislation more appropriate	Council sees the problems identified as being a Council issue and that, seeking compliance through a the Local Law improves efficiencies for the community in resolution of these issues.
Overlap of planning scheme	Council does not believe that any provision in the Local Law overlaps, duplicates or creates any inconsistency with the Strathbogie Planning Scheme
Risk assessment	Council has adopted a risk management approach to the review and development of the proposed Local Law. Council has considered the risk to the community and the organisation in regard to the provisions of the current local law and what needs to remain. Council has also considered the risk to the community and wider organisation in the creation of the new provisions.
Legislative approach adopted	Council believes the proposed local law provides minimal imposition on our community by providing for the following: <ul style="list-style-type: none"> <li>• Reasonable penalties</li> <li>• Minimising the number of offences</li> <li>• Creating permit requirements rather than prohibition</li> <li>• Reasonable considerations for permits</li> <li>• Reasonable enforcement and review provisions</li> </ul>
Restriction of competition	Council does not believe that the proposed Local Law will restrict competition throughout the municipality.
Penalties	Council has reviewed the penalties provided for in neighbouring Councils with Murrindindi Shire and Mansfield Shire being the most comparable due to population spread, size and economy. Penalty levels have then been adjusted upwards or downwards in relation to perceived seriousness compared with other provisions within our proposed Local Law.
Permits	A number of provisions where specific information is required have created permit requirements. Permit Considerations have been added to the document which are generally standardised however some contain specific requirements in relation to the issue i.e. Drones require consideration of CASA requirements.

Fees	Fees will be set by Council on an annual basis through the Budget Process.
Comparison with neighbouring and like Councils	The proposed Local Law has been prepared following a review of a number of issues and resources. One such resource was the Community Local Laws of surrounding Council areas. The draft document has been prepared having consideration for the requirements of neighbouring councils with a view to ensure a level of consistency.
Charter of Human Rights	The authors of the document do not believe the proposed Local Law constitutes a breach of the charter of human rights.

ATTACHMENT 2:

**STRATHBOGIE SHIRE  
COUNCIL LOCAL LAW  
NO. 2**



**Strathbogie**  
*shire*

*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.*

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**STRATHBOGIE SHIRE COUNCIL  
COMMUNITY LOCAL LAW No. 2**

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

**PART ONE – PRELIMINARY PROVISIONS**

1. Title  
This is the Community Local Law No. 2.
2. Purposes  
The purposes of this Local Law are to provide for the peace, order and good Governance of the Strathbogie 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 ..... 2020; and
  - (2) unless sooner revoked, ceases to operate on ..... 2030; 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 2010

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 2020</i>
“advertising sign”	Means any board, notice, structure, banner, flag or similar device whether portable, affixed to a structure or attached to any public land to be used for the purpose of soliciting sales or promoting a brand, person or business, goods, services, a competition or an event
“alcohol”	means a beverage intended for human consumption with an alcohol content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius.
“animal”	includes every species of quadruped and every species of bird and any other living animal tame or wild kept by a person.
“apiary”	means land used for the keeping of bees in hives and on-site extraction of honey and/or other beehive products.
“appropriate fee”	means the fee determined by the Council in accordance with this Local Law.
“applicant”	means a Person who applies for a Permit under this Local Law
“assistance animal”	means a dog or other animal, accredited by a State or Territory to assist a person with a disability that meets the standards of hygiene and behavior that are appropriate in a public place.
“Authorised Officer”	means a person appointed as an Authorised Officer, including a police officer, under section 224 of the <i>Local Government Act 2020</i> .
building	has the same meaning as in the <i>Building Act 1993</i>
built up area”	means an area in which there is urban development or in which street lighting is provided.
“bulk rubbish container”	means a skip, bin, container, mobile storage unit, charity collection bin or other structure designed to take bulk quantities of rubbish and refuse which can only be lifted with mechanical assistance but excludes rubbish receptacle used in connection with the Council’s collection service for domestic waste.
“busk”	means to perform to the public, whether by acting, juggling, dancing, singing, mime, statue, drawing, playing a musical instrument or otherwise entertaining passers-by, with or without collection money.

<b>camp or “camping”</b>	means using a tent, caravan, motor vehicle or like structure, including sleeping bags or swags for either temporary or permanent accommodation of a person or persons.
<b>“caravan”</b>	includes a mobile home or dwelling.
<b>“Chief Executive Officer”</b>	means the person appointed as the Chief Executive Officer of the Council.
<b>“commercial waste”</b>	means any refuse, rubbish, slops or other waste matter arising from, or generated by, any trade, industry or commercial undertaking.
<b>“Council”</b>	means Strathbogie Shire Council.
<b>“Council building”</b>	means any building owned, occupied or under control of the Council including libraries, swimming pools and recreation centres.
<b>“Council land”</b>	means any land vested in, or under the control, of the Council, including municipal reserves, watercourses, reservations and the like, including a road vested in or under the care and management of Council.
<b>“Council policies”</b>	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.
<b>“declared dog”</b>	means a: Restricted breed dog; and or a menacing dog; and or a declared dangerous dog under the <i>Domestic Animals Act 1994</i>
<b>“domestic pets”</b>	means dogs and cats
<b>“driving livestock”</b>	means the movement of livestock in or through the <i>municipal area, or from one location to another for the purpose of changing the grazing area, or for the purposes of relocation after sale.</i>
<b>“event”</b>	means a gathering of people, which is free or ticketed, at a predetermined location, for a specific purpose, for a specified time, which occurs in either open space or within a purpose-built building. Examples include, but are not limited to: festivals, shows, markets, carnivals, live outdoor entertainment, business conferences and exhibitions
<b>“goods”</b>	includes, but not limited to, produce, articles, items, table and chairs, advertising signs, planter boxes, screens, umbrellas, heaters and anything similar
<b>“incinerator”</b>	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.

<b>“large bird”</b>	means any pigeon, cockatoo or other bird similar or larger size of any age, excluding poultry.
<b>“livestock”</b>	means any animal kept for primary production including cattle, sheep, pigs, buffalo, camels, alpacas, goats, deer and horses (and includes horses used for recreation).
<b>“municipal district”</b>	means the municipal district of the Council, as defined by the Act.
<b>“notice to comply”</b>	means a notice to comply issued under this Local Law
<b>“not of profit organisation”</b>	means a body who holds a current registration with the Australian Charities and Not-for-profit Commission (ACNC).
<b>“Occupier”</b>	means: <ul style="list-style-type: none"><li>a. a person who manages any land on behalf of the land’s owner or occupier; and</li><li>b. a person who is responsible for the care and control of any land; and</li><li>c. a lessee or licensee of any land; and</li><li>d. in relation to land that has a lot entitlement or lot liability in respect of common property, the body corporate created upon the registration of a land of subdivision affecting the land</li></ul>
<b>“Offence”</b>	includes an offence against, or breach or a provision of, this Local Law or breach of a permit, notice or direction issued under this Local Law
<b>“Owner”</b>	means in relation to: <ul style="list-style-type: none"><li>a. land, the same meaning as in section 3 of the <i>Local Government Act 1989</i>; and</li><li>b. a building, the owner of land on which the building is situated; and</li><li>c. a motor vehicle<ul style="list-style-type: none"><li>(i) the registered owner of the motor vehicle ; and</li><li>(ii) a person who has possession of the motor vehicle</li></ul></li><li>d. Livestock means<ul style="list-style-type: none"><li>(i) A person who is entitled to legal or equitable possession of livestock whether solely or jointly; and</li><li>(ii) A person who has custody of livestock on behalf of a person referred to in (d)(i)</li></ul></li></ul>
<b>“penalty unit”</b>	has the same meaning as in the <i>Sentencing Act 1991</i> and includes any amendments to that amount as determined from time to time.

“permit”	in relation to a use or activity, means a permit issued under this Local Law which authorises that use or activity.
“person”	means any human, humans or other entity
“planning scheme”	means a <i>Strathbogie Planning Scheme</i> operating in the Strathbogie Shire under the <i>Planning and Environment Act 1987</i>
“poultry”	means birds kept such as a fowl, bantam or duck that is kept for the production of eggs or meat for human consumption, or exhibition but does not include roosters, peacocks, or turkeys.
“prescribed”	means prescribed by the Council, and described in a notice published in a newspaper generally circulating in the municipal district.
“public land”	means any land owned, managed or controlled by Strathbogie Shire Council.
“public place”	has the same meaning as in the <i>Summary Offences Act 1966</i> .
“recreation vehicle”	includes mini bikes, trail bikes, monkey bikes, quad bike, motor bikes, motor scooters and go karts or other vehicles used for recreation purposes but does not include motorised vehicles being used for farming purposes, a motorized wheelchair or scooter used by a person with impaired mobility
“remotely controlled aircraft”	an unmanned toy or model aircraft with an internal combustion engine or other form of self-propulsion and includes a drone or other such unmanned aerial vehicles.
“road”	has the same meaning as in section 3(1) of the Road Management Act 2004. It includes any public highway, ancillary area and land declared to be a road under Section 11 of the Road Management Act 2004 or forming part of a public highway or ancillary area.
“scare-gun”	means a scare-gun described in the <b>Noise Control Guidelines</b> 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, mobile home or other place of abode.
“vehicle”	has the same meaning as in the <i>Road Safety Act 1986</i> .

**"Vehicle crossover"**

means a Council approved and properly constructed surface providing for vehicular access from the road carriageway to a parcel of land, including footpath section, crossing culverts, kerb and channel or layback.

**"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 - COUNCIL LAND, BUILDINGS AND ROADS

### 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; or
  - (e) Act contrary to any lawful direction of an Authorised Officer including, without limitation, a direction to leave the place, whether or not a fee for admission has been paid.

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 Council Officer, 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 plus the cost of restoration of any damage

- (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. 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.

(3) If a shopping trolley has been left in a public place (other than in an area designated for that purpose), an Authorised Officer may direct the owner of the shopping trolley, or the person in charge of the land from which it has apparently been transported, to remove the shopping trolley.

(4) A person to whom a direction has been given under this clause must comply with that direction.

(5) An Authorised Officer may impound a shopping trolley left in a public place in contravention of Clause 8(3). Clause 71 of this Local Law applies in these circumstances.

Penalty: 5 Penalty Units

#### 9. 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

**10. 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

**11. 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

(c) Where an Authorised Officer believes, on reasonable grounds, that a person is in contravention of or has contravened clause 11(1) the Authorised Officer may direct the person to surrender the liquor in any unsealed container to them.

(d) A person to whom a direction is given under clause 11(1)(c) must comply with that direction.

(e) If a person to whom a direction is given under clause 11(1)(c) does not immediately comply with that direction, the Authorised Officer may seize any alcohol in any unsealed container in that person's possession and then keep, store or dispose of that liquor.

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.

**12. 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

**13. Rubbish Bins in Public Places**

(1) A person must not place or deposit any refuse or recyclable goods that have been generated on or from land owned or occupied by that person in a rubbish bin in a public place.

Penalty: 2 Penalty Units

**14. Animals in Council Buildings**

(1) A person must not bring any animal into a Council building, or allow an animal under their control to remain in a Council building with the exception of an assistance animal.

(2) Sub-clause 1 does not apply to a municipal pound or any animal in the process of being surrendered under the Domestic Animals Act 1994.

**15. Events, 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.

**16. Activities within Council Nature Strips**

(1) A person must not, without a permit plant trees, install garden beds or any other item.

Penalty: 5 Penalty Units

Permit Considerations:

As part of the consideration of any application for a permit under this clause, Authorised Officers will consider the following:

- Strathbogie Shire Council, Nature Strip Policy (2014)(as amended)

**17. Camping on Council Managed Land**

(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*.

(3) Nothing in sub-clause (1) applies to a person camping on Council managed land where approval has been issued for a specific site approved by Council.

Permit Considerations:

As part of the consideration of any application for a permit under this clause, Authorised Officers will consider the following:

- The location of the land;
- The purpose of the public land;
- The suitability of the land for camping including, but not limited to, any environmental impact, and nearby land uses;
- The length of time the tents and other structures will be erected on the land;
- The availability of sanitary and toilet facilities on the land;
- The economic benefits of the application to the locality and wider community;
- The economic impact on business providing similar facilities in the locality and wider community;
- The views of the community;
- The impact on the amenity, including visual amenity, and the quiet enjoyment of the area; and,
- Any other matter relevant to the circumstances associated with the application.

**18. Driving livestock**

- (1) A person must not, without a permit or written consent, drive livestock:
  - (a) Within the municipal district (unless part of an event)
  - (b) from outside the municipal district to a destination in the municipal district; or
  - (c) 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**

Permit Considerations:

As part of the consideration of any application for a permit under this clause, Authorised Officers will consider the following:

- The period of time requested for the permit, as an applicant can request a permit to be issued for a maximum period of five (5) years;
- Whether the permit applicant is able to provide public liability insurance policy for a minimum value of \$20,000,000 that indemnifies Council against all actions, cost claims, charges, expenses and damage whatsoever which may be brought or made or claimed against Council.
- Whether the applicant is agreeable to providing a Certificate of Insurance referred to in clause

- on an annual basis, and whether the applicant is agreeable to the permit being cancelled should this Certificate of Insurance not be provided to Council.

**19. 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**

Permit Considerations:

As part of the consideration of any application for a permit under this clause, Authorised Officers will consider the following:

- The period of time requested for the permit, as an applicant can request a permit to be issued for a maximum period of five (5) years;
- Whether the permit applicant is able to provide public liability insurance policy for a minimum value of \$20,000,000 that indemnifies Council against all actions, cost claims, charges, expenses and damage whatsoever which may be brought or made or claimed against Council.
- Whether the applicant is agreeable to providing a Certificate of Insurance referred to in clause
- on an annual basis, and whether the applicant is agreeable to the permit being cancelled should this Certificate of Insurance not be provided to Council.

**20. Recreation Vehicles on Public Land**

- (1) A person must not, without a permit or written consent, use or drive a recreation vehicle on any public land.  
Penalty: 5 Penalty Units
- (2) A permit will not be issued for the use of a recreation vehicle on public land if the vehicle is not registered.
- (3) An Authorised Officer may impound a recreational vehicle being used in contravention of this Local Law in accordance with Clause 71 of this Local Law
- (4) A person who owns an unregistered recreation vehicle must not knowingly allow another person to ride the recreational vehicle on public land  
Penalty: 5 Penalty Units

- (5) 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.

Permit Considerations:

As part of the consideration of any application for a permit under this clause, Authorised Officers will consider the following:

- The location of the land where the vehicle(s) is to be used;
- The zoning of the land;
- The suitability of the land for use by recreation vehicles, including but not limited to the size of the land;
- The number of vehicles for which the permit is required;
- The days, times and hours the vehicles are to be used;
- The impact on the amenity and the quiet enjoyment of the area;
- Proximity of residential premises on adjoining land;
- Opportunities for mitigation of dust, noise and any other adverse impacts on the amenity of the neighbourhood;
- The likely damage which may be caused to any Council managed land or any other land not managed by Council; and,
- Any other matter relevant to the circumstances associated with the application.

21. Remotely Controlled Aircraft and Drones

- (1) A person must not, without a permit, fly or allow another person to fly, a remotely controlled aircraft or drone in a public place.
- (2) The flying of a remotely controlled aircraft or drone in any public place must not be flown in such a way as to:
- (a) obstruct;
  - (b) inconvenience;
  - (c) hinder;
  - (d) endanger;
  - (e) Alarm;
  - (f) Damage property; or,
  - (g) prevent the free passage of other users of the public place.

Penalty: 2 penalty units

Permit Considerations:

As part of the consideration of any application for a permit under this clause, Authorised Officers will consider the following:

- The days, times and hours the device(s) are to be used;
- The impact on the enjoyment of other users of the public space
- The requirements of the Civil Aviation Safety Authority (CASA)
- Any other matter relevant to the circumstances associated with the application.



**22. Collection of Money**

- (3) A person must not, without a permit, solicit or collect money or any articles from any person for a charitable organisation, or cause or authorise another person to do so in a public place.  
Penalty: 1 penalty unit.

Permit Considerations:

As part of the consideration of any application for a permit under this clause, Authorised Officers will consider the following:

- Strathbogie Shire Council, Footpath Trading Policy (as amended)

**23. Busking**

- (1) A person must not, without a permit or written consent, busk on any road or Council land.  
Penalty: 5 Penalty Units

Permit Considerations:

As part of the consideration of any application for a permit under this clause, Authorised Officers will consider the following:

- Strathbogie Shire Council, Footpath Trading Policy (as amended)

**24. Trading from a road (includes road reserve)**

- (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.

Permit Considerations:

As part of the consideration of any application for a permit under this clause, Authorised Officers will consider the following:

- Strathbogie Shire Council, Footpath Trading Policy (as amended)

**25. 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



Permit Considerations:

As part of the consideration of any application for a permit under this clause, Authorised Officers will consider the following:

- Strathbogie Shire Council, Footpath Trading Policy (as amended)



## PART THREE – SAFETY AND AMENITY

### 26. Activities and uses requiring a permit or written consent

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

Penalty: 10 Penalty Units

### 27. Dangerous and Unsightly land

#### (1) **Dangerous 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;

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

#### (2) **Unsightly Land**

A person must not allow his or her land to be kept in a manner which is unsightly, offensive or detrimental to the amenity of the neighbourhood, including land which:

- (a) Harbours rubbish
- (b) Contains disused excavation, waste material and other bulky items;
- (c) unsightly because materials or goods kept on the property give it a neglected or unkempt appearance. or,
- (d) Is unsightly or detrimental for any other reason.

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

#### (3) **Storage and maintenance of Machinery or Second Hand Goods**

- (a) A person must not use open 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**

#### (4) **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 which could facilitate entrapment.

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

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

**28. 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.

Penalty: 10 Penalty Units

**29. Using scare guns**

- (1) A person must not use, or allow or authorise others to use, a scare gun unless all of the following are satisfied:

- (a) The scare gun is only used for the bona fide purpose of scaring birds away from crops during a recognised crop growing period; and
- (b) The scare gun is positioned on land within in a Rural Zone under the Planning Scheme; and
- (c) The distance in a straight line between the scare gun and any residential premises is 300 metres or greater; and
- (d) The distance in a straight line between the scare gun and another scare gun in use (whether located on the same or on another land) is 150 metres or greater; and
- (e) The scare gun is only used between 7:00am and sunset on any day; and
- (f) The scare gun is not used in excess of 12 hours in any one day; and
- (g) The maximum noise level of the scare gun when measured immediately in front of residential premises on another parcel of land is 100dB LIN peak or less; and
- (h) The permitted number and regularity of blasts in any one day period does not exceed the number set out in clause 29(2); and
- (i) No more than one scare gun is in use at any one time on the land unless a permit has been issued by Council under this Local Law to allow multiple scare guns; and,
- (j) Wherever possible, the shielding effects of natural features, buildings or the like are used to reduce the level of the blasts on nearby properties.

Penalty: 4 penalty units.

- (2) the purpose of clause 29(1)(h) the number and regularity of blasts in any one day period is as follows:

- (a) In the case of a single blast scare gun, 70 blasts, with the time between blasts to be no less than six minutes;
- (b) In the case of a multiple blast scare gun, 70 blasts, with
  - (i) The time between blast sequences being no less than six

minutes; and,

(ii) The time between the first blast of a sequence and the last blast of a sequence being no more than one minute.

(c) Each blast in a sequence from a multiple blast scare gun shall be counted as one blast.

Penalty: First offence - 1 Penalty Units

**Second and subsequent offence - 5 Penalty Units**

(3) A permit may be granted to allow the use of multiple scare guns where the area under crop is twenty hectares or more, but so as not to allow more than two scare guns for each ten hectares of crop.

**30. 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

**31. 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; and

(c) provided for organic material, has only been used for the material that can be composted at Council's composting facility

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

**32. Disposal of Commercial waste**

(1) A person providing or using a commercial waste collection service must take all practicable steps to minimise interference with the amenity of any residential area by:

- (a) locating commercial 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

**33. 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

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

- (1) A person must not, without a permit, burn in the open air or in a properly constructed fireplace any material on land located in a Residential Zone (with the exception of land within a Low Density Residential Zone), Business or Industrial zone under the Planning Scheme within the municipal district, unless the fire is lit for the purpose of:

- (a) Cooking; or
- (b) Heating when contained in a fire proof receptacle; or,
- (c) Fire lit by a member of the Country Fire Authority or other approved agency, in the course of his or her duty.

Penalty: 10 penalty units.

- (2) A person must not, without a permit, burn or cause or allow to be burned, any substance that may:

- (a) Be dangerous to the health of any person; or,
- (b) Be offensive to any person; in a manner that causes a hazard, risk or nuisance to another person or property.

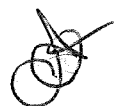
**Penalty: 5 penalty units.**

- (3) A member of an emergency service or an Authorised Officer may direct any person to extinguish a fire that contravenes, or is likely to contravene, this Local Law.

- (4) A person must not fail to comply with a direction given in accordance with clause 34(3).

Penalty: 10 penalty units.

- (5) The Council may exempt in writing a person, class of persons or body corporate from the application of Clause 34.



Permit Considerations:

As part of the consideration of any application for a permit under this clause, Authorised Officers will consider the following:

- The location of the proposed burning in proximity to adjoining dwellings and buildings;
- The zoning of the land on which the burning is to take place;
- Alternative options for the disposal of the material;
- The proposed supervision of the burning;
- What means are proposed to control and extinguish the spread of fire;
- The degree to which the material to be burned may produce offensive, toxic or unpleasant smells or smoke;
- The likely duration of the burning;
- The volume and nature of the material to be burned;
- Any policies of the Environment Protection Authority;
- Whether any fire restrictions are or will be in place at the proposed time of the burn; and,
- Any other matter relevant to the circumstances associated with the application.

**35. Occupying temporary dwellings**

- (1) A person may, with a permit occupy a temporary or moveable dwelling within the meaning of the *Residential Tenancies Act* 1998 for up to twelve months while a permanent dwelling is being constructed provided that:
- (a) the landowner has a current building permit; and
  - (b) 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

Permit Considerations:

As part of the consideration of any application for a permit under this clause, Authorised Officers will consider the following:

- The location of the land;
- The zoning of the land;
- The suitability of the land for the occupation including, but not limited to, the size of the land and proximity of abutting dwellings;
- The length of time the temporary structures will be erected on the land;
- The availability of sanitary and toilet facilities on the land;
- The impact on the amenity, including visual amenity, and the quiet enjoyment of the area; and,
- Any other matter relevant to the circumstances associated with the application.

**36. Camping on Private Land**

- (1) A person must not, without a permit, use accommodation in any caravan, mobile home or tent on any private land unless all of the following requirements are met:
- (a) The occupation does not exceed 28 days in any calendar year; and
  - (b) No rent, licence fee or charge is paid by any person in respect of the

- occupation; and
- (c) Toilet, bathing and laundry facilities are made available without charge to the occupant(s) of the caravan, mobile home or tent; and
  - (d) Waste water disposal from the caravan, mobile home or tent does not cause a health risk, nuisance or an offensive condition; and,

Penalty: 5 Penalty Units

Permit Considerations:

As part of the consideration of any application for a permit under this clause, Authorised Officers will consider the following:

- The location of the land;
- The zoning of the land;
- The suitability of the land for camping including, but not limited to, the size of the land and proximity of abutting dwellings;
- The number of tents or other structures to be located on the land and the number of proposed occupants;
- The length of time the tents and other structures will be erected on the land;
- The frequency, and duration, of permits issued for camping in the past 24 months;
- The availability of sanitary and toilet facilities on the land;
- Whether the camping is for the purpose of housing for the applicant while a home is being erected on the land;
- The impact on the amenity, including visual amenity, and the quiet enjoyment of the area; and,
- Any other matter relevant to the circumstances associated with the application.

**37. Recreation Vehicles on Private Land**

- (1) A person must not, without a permit or written consent, use or drive a recreation vehicle on any private land within the municipal boundary so as to cause detriment to the amenity of the neighbourhood, whether by:
  - (a) The emission of dust; or
  - (b) Noise; or
  - (c) Any other reason which is considered by an Authorised Officer to be unreasonable or which causes discomfort of any other person.
- (2) A permit will not be issued for the use of recreation vehicles on private land within 300 metres (in a straight line) from any dwelling not in the same ownership unless written consent is provided from all dwellings within this radius as part of any application.

Penalty: 5 Penalty Units

Permit Considerations:

As part of the consideration of any application for a permit under this clause, Authorised Officers will consider the following:

- The location of the land where the vehicle(s) is to be used;
- The zoning of the land;
- The suitability of the land for use by recreation vehicles, including but not

limited to the size of the land;

- The number of vehicles for which the permit is required;
- The days, times and hours the vehicles are to be used;
- The impact on the amenity and the quiet enjoyment of the area;
- Proximity of residential premises on adjoining land;
- History of complaints from adjoining and surrounding landowners in relation to previous non-compliance.
- Where permits have been issued previously, the change in property ownership or occupancy.
- Opportunities for mitigation of dust, noise and any other adverse impacts on the amenity of the neighbourhood; and,
- Any other matter relevant to the circumstances associated with the application.

**38. Shipping Containers**

- (1) A person must not, without a permit, store, keep or place a shipping container on any land within the municipal district unless permitted under a planning permit issued in accordance with the Strathbogie Planning Scheme.

Penalty: 5 Penalty Units

- (2) An owner or occupier if directed or given written notice by an authorised officer, must take steps to remove a shipping container from any land that is not permitted in accordance with clause 38(1)

Penalty: 5 Penalty Units

Permit Considerations:

As part of the consideration of any application for a permit under this clause, Authorised Officers will consider the following:

- The location of the land;
- The zoning of the land;
- The size of the land and proximity of abutting dwellings;
- The number of other structures to be located on the land;
- The length of time the container will be situated on the land;
- The impact on the amenity, including visual amenity, and the quiet enjoyment of the area; and,
- Any other matter relevant to the circumstances associated with the application.



**PART FOUR - ANIMALS**

**39. 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

Column 1 – Type of animal*	Column 2 – Land less than 1000m2 *	Column 3 – between 1000 – 10,000m2 and in a Residential Zone*	Column 4 – Land greater than 10,000m2 *
Dogs	2	2	5
Cats	2	2	5
Poultry	5	5	Not limited by this Local Law
Roosters**, Peacocks and Donkeys	Not Permitted	Not Permitted	Not limited by this Local Law
Pigs	Not Permitted	Not Permitted	Not limited by this Local Law
Other large birds (excluding peacocks, poultry and roosters)	5	5	Not limited by this Local Law
Livestock	Not Permitted	Maximum Density of one animal per every 2000 square metres of open land (excluding buildings)	Not limited by this Local Law
Maximum total number of animals of any kind	20	20	Not limited by this Local Law

\*The Planning Scheme may also affect a person's right to use land for the keeping of animals

\*\*Roosters are prohibited on any land in a Residential Zone

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.

- (2) 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.

**Penalty: 2 Penalty Units**

- (3) For the purposes of the table contained in Clause 39(1) any of the following animals are not to be counted:

- (a) Any large bird or poultry that is more than 8 weeks old;
  - (b) Any dog or cat that is less than 3 months old.
- (4) The limits for dogs and cats listed under Clause 37(1) does not apply to land with a valid permit issued under the Domestic Animals Act 1994 for a Domestic Animal Business.
- (5) The limits on the number of dogs under Clause 39(1) does not include a working dog.
- (6) An owner of a declared dog may only keep two such dogs in total on any land  
Penalty: 5 Penalty Units

Permit Considerations:

As part of the consideration of any application for a permit under this clause, Authorised Officers will consider the following:

- The size of the land on which the animals are to be kept;
- The number and type of animals already kept on the land
- The zoning of the land
- The proximity to adjoining habitable dwellings
- Potential adverse impact on the amenity of the area including, but not limited to, potential noise, smell, disposal of faeces, food storage facilities and the location of proposed accommodation for the animals;
- The type and additional numbers of animals to be kept;
- The likely impacts on adjoining owners;
- The adequacy of proposed animal shelters;
- History of any complaints received in relation to the keeping of animals or birds on the land to which the application relates; and,
- Any other matter relevant to the circumstances associated with the application.

**40. 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**

**41. Animal Health**

- (1) Where any animal, bird, or poultry is identified by an Authorised Officer as requiring veterinary or other type of care, the owner of the animal or the land must act to the satisfaction of the Authorised Officer.

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

- (2) In addition to Clause 41(1), an officer will direct any matter to another authority where required.

**42. 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**

**43. Livestock**

- (1) Unless to the extent permitted in Clause 39(1), a person must not, without a permit, keep any livestock on any property in a residential or commercial area.
- (2) A permit to keep a livestock 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 livestock 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**

**44. 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 the land from regularly 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**

**45. 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**

**46. 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 Strathbogie 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**

**47. 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**



## PART FIVE – INFRASTRUCTURE

### 48. 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

### 49. Asset Protection

- (1) A person must obtain an Asset Protection Permit before either:
  - (a) obtaining a building permit;
  - (b) obtaining a permit for a temporary vehicle crossing; or
  - (c) obtaining a permit for works in the road reserve.Penalty Units: 20
- (2) An application for an Asset Protection Permit must:
  - (a) be accompanied by such fee and/or bond as is fixed by council;
  - (b) include a statement from the Person in Charge of the location and the extent of any pre-existing damage and latent defects in public infrastructure assets adjacent to the building site; and
  - (c) be lodged with council prior to commencement of doing the thing for which the Asset Protection Permit is necessary.
- (3) Any Asset Protection Permit issued by Council:
  - (a) may be issued subject to conditions; and
  - (b) will not be operative until the applicant for the Asset Protection Permit has paid such permit fee as is fixed by Council.
- (4) An Asset Protection Permit issued by Council is applicable for the entire validity period of any permit issued for related works.



- (5) A person to whom an Asset Protection Permit has been issued must comply with any conditions contained in that Asset Protection Permit.  
Penalty Units: 20
  - (6) Council may exempt any person from one or more of the obligations imposed by this Part subject to conditions it considers appropriate.
  - (7) A person granted an Asset Protection Permit under this Clause, may be required to provide a security bond or guarantee under the same security bond conditions as if the Asset Protection Permit was granted.
  - (8) When the Council receives notice of the completion of the works the subject of the Permit, the land may be inspected by the Council and the amount of the security bond:
    - (a) may be retained by the Council to the proportion necessary to offset the costs of carrying out any works to rectify any damage, provided the person who lodged the bond is first notified of the damage and declines or fails within 30 days to make good the damage at their own expense to the Council's satisfaction; or
    - (b) must be refunded to the person who lodged it upon the Council's satisfaction that no damage has been caused, or that any damage caused has been repaired by, or on behalf of, that person to the Council's satisfaction.
- 50. Damage to Council Assets**
- (1) A person must not damage a Council Asset  
Penalty Units: 20
- 51. Temporary Vehicle Crossings**
- (1) A person must not, without a permit, enter a property in a vehicle via any means other than a properly constructed vehicle crossing.  
Penalty Units: 15
  - (2) Temporary vehicle crossings must be built to a standard approved by an authorised officer.  
Penalty Units: 15
  - (3) Council may require a bond for the installation of a temporary vehicle crossing.
  - (4) Any damage to Council's assets may incur a penalty and must be reconstructed or reinstated at the applicants cost to Council's satisfaction.  
Penalty Units: 15
  - (5) When a temporary crossing is no longer required, the land must be restored to its original state or to the satisfaction of an authorised officer.  
Penalty Units: 15



## **PART SIX – ADMINISTRATION AND ENFORCEMENT**

### **DIVISION 1 – PERMITS, FEES AND DELEGATIONS**

#### **52. 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.

#### **53. Issue of permits**

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

#### **54. 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.

**55. 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.

**56. 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.

**57. 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.

**58. Review of Permit Decision or Conditions**

- (1) Any person can request a review of any permit decision or permit conditions. The request must be made within 30 days of the date of the permit and must be made in writing.
- (2) Any request for a review of a permit decision or conditions will be made by an independent Officer of the Council who has not been involved in any part of the assessment of the application being appealed.

**59. 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.

**60. Permits Not Transferable**

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

**61. 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.

**62. 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.

- 63. 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

- 64. 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**

- 65. 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.
- 66. 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.
- 67. 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.
- 68. 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.
- 69. 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.

**70. 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.

**71. 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.

**72. 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.

**73. 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.



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

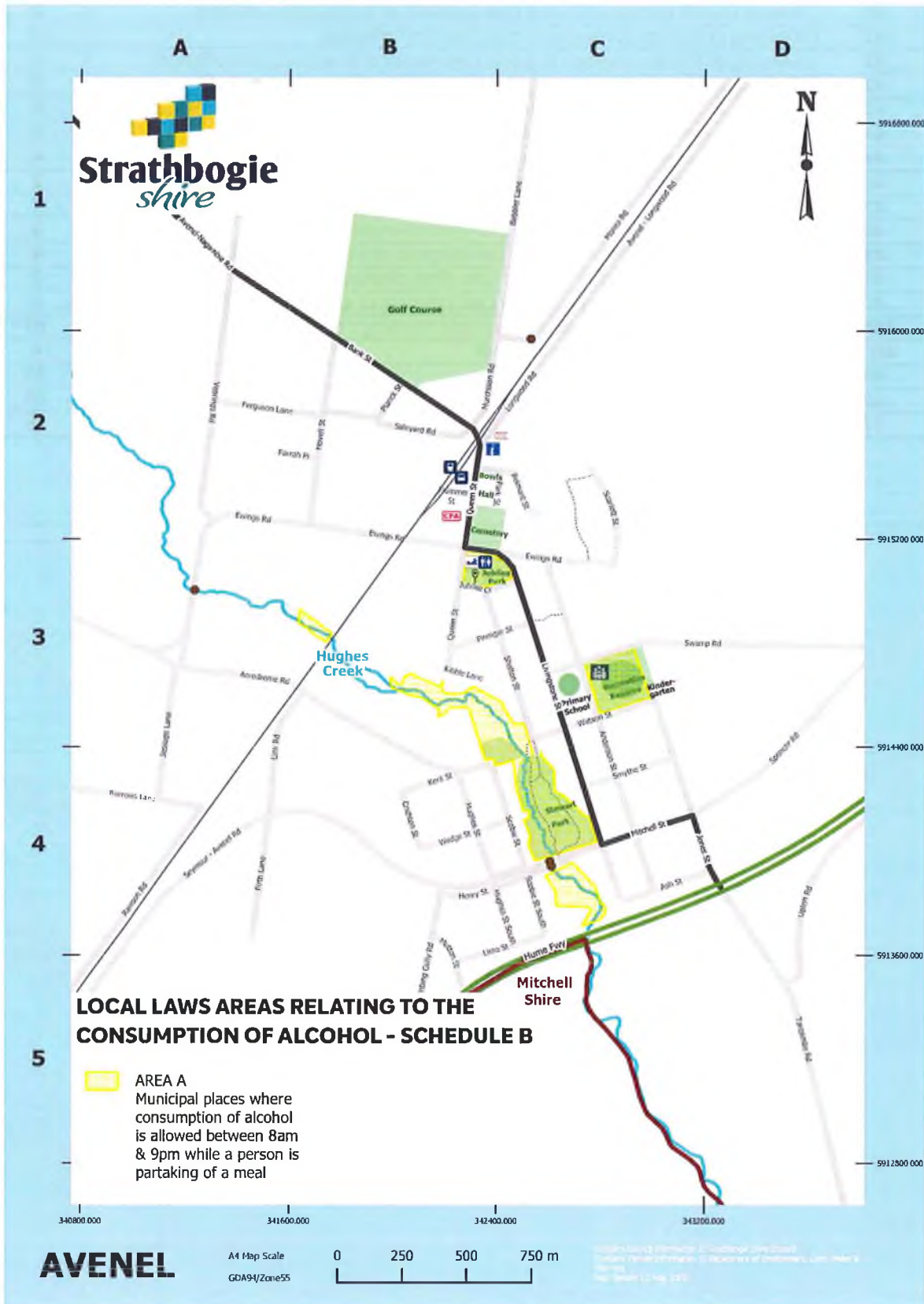
**SCHEDULE 1 - PENALTIES FIXED FOR INFRINGEMENT NOTICE  
PURPOSES**  
(Clause 62)

<b>Clause</b>	<b>Infringement</b>	<b>Penalty Units</b>
7(1)	Behaving on Council land contrary to Local Law	5
8	Leaving a shopping trolley contrary to a Local Law or failure to comply with direction	5
9	Allowing trees, plants and obstructions contrary to a Local Law	2
10	Failing to comply with requirements applying to prohibition of animals in a public place	2
11	Consumption of alcohol contrary to Local Law	5
12	Bulk Rubbish Containers contrary to Local Law	5
13	Rubbish Bins in Public Places contrary to Local Law	2
16	Activities on Nature Strip contrary to Local Law	2
17	Camping on Council Land contrary to Local Law	4
18	Driving livestock contrary to Local Law or Policies (first offence)	5
18	Driving livestock contrary to Local Law or Policies (second or subsequent offence)	10
19	Grazing livestock contrary to Local Law or Policies (first offence)	5
19	Grazing livestock contrary to Local Law or Policies (second or subsequent offence)	10
16	Failing to obtain a permit for a recreation vehicle	5
21	Use of Remote Control Aircraft in a public place without a permit	2
22	Collection of money without a permit	1
23	Busking without a permit	5
24	Trading from a road contrary to Local Law	5
25	Using the footpath for commercial activities contrary to Local Law or Policy	5
26(1)	Dangerous Land contrary to Local Law (first offence)	5
26(1)	Dangerous Land contrary to Local Law (second or subsequent offence)	10
26(2)	Unightly Land contrary to Local Law (first offence)	5
26(2)	Unightly Land contrary to Local Law (second or subsequent offence)	10
26 (3)	Storage and maintenance of Machinery or Second Hand Goods contrary to Local Law (first offence)	
26(3)	Storage and maintenance of Machinery or Second Hand Goods contrary to Local Law (second and subsequent offence)	4
26(4)	Disused Compartments contrary to Local Law (first offence)	5
26(4)	Disused Compartments contrary to Local Law (second and subsequent offence)	10
28	Events on private property contrary to Local Law	10
29(1)	Using Scareguns contrary to Local Law	4
29(2)	Using Scareguns contrary to Local Law (first offence)	1
29(2)	Using Scareguns contrary to Local Law (second or subsequent offence)	5
30	Failing to provide adequate fencing	10
31	Disposal of Domestic Waste contrary to Local Law	2
32	Disposal of Commercial Waste contrary to Local Law	2
33	Failing to display property numbers	2
34(1)	Fire in an urban area contrary to Local Law	10
34(2)	Burning Contrary to the Local Law	5
34(3)	Failure to follow order	10

35	Occupation of temporary dwelling without a permit	5
36	Camping on private land contrary to Local Law	5
37	Recreation Vehicles on Private Land contrary to Local Law	5
38	Shipping Containers contrary to Local Law	5
39(1)	Keeping Animals contrary to Local Law	3
39(2)	Failure to comply with direction of Authorised Officer	2
39(6)	Keeping more than two declared dogs	5
40	Vermin control contrary to Local Law (first offence)	2
40	Vermin control contrary to Local Law (second or subsequent offence)	4
41	Animal Health contrary to Local Law (first offence)	2
41	Animal Health contrary to Local Law (second or subsequent offence)	4
42	Keeping of Poultry contrary to Local Law (first offence)	2
42	Keeping of Poultry contrary to Local Law (second or subsequent offence)	4
43	Keeping of Livestock contrary to Local Law (first offence)	2
43	Keeping of Livestock contrary to Local Law (second or subsequent offence)	4
44	Cleanliness contrary to Local Law (first offence)	2
44	Cleanliness contrary to Local Law (second or subsequent offence)	4
45	Animal Excrement contrary to Local Law (first offence)	2
45	Animal Excrement contrary to Local Law (second or subsequent offence)	4
46	Dogs on Leads contrary to Local Law (first offence)	2
46	Dogs on Leads contrary to Local Law (second or subsequent offence)	4
47	Unleashed Dogs contrary to Local Law (first offence)	2
47	Unleashed Dogs contrary to Local Law (second or subsequent offence)	4
48(1)	Construction and maintenance of vehicle crossings contrary to Local Law	10
48(2)	Removal of crossing without consent	4
49	Asset Protection contrary to Local Law	20
50	Damage to Council Assets	20
51	Temporary Vehicle Crossings contrary to Local Law	15

STRATHBOGRIE SHIRE COUNCIL  
COMMUNITY LOCAL LAW No. 6

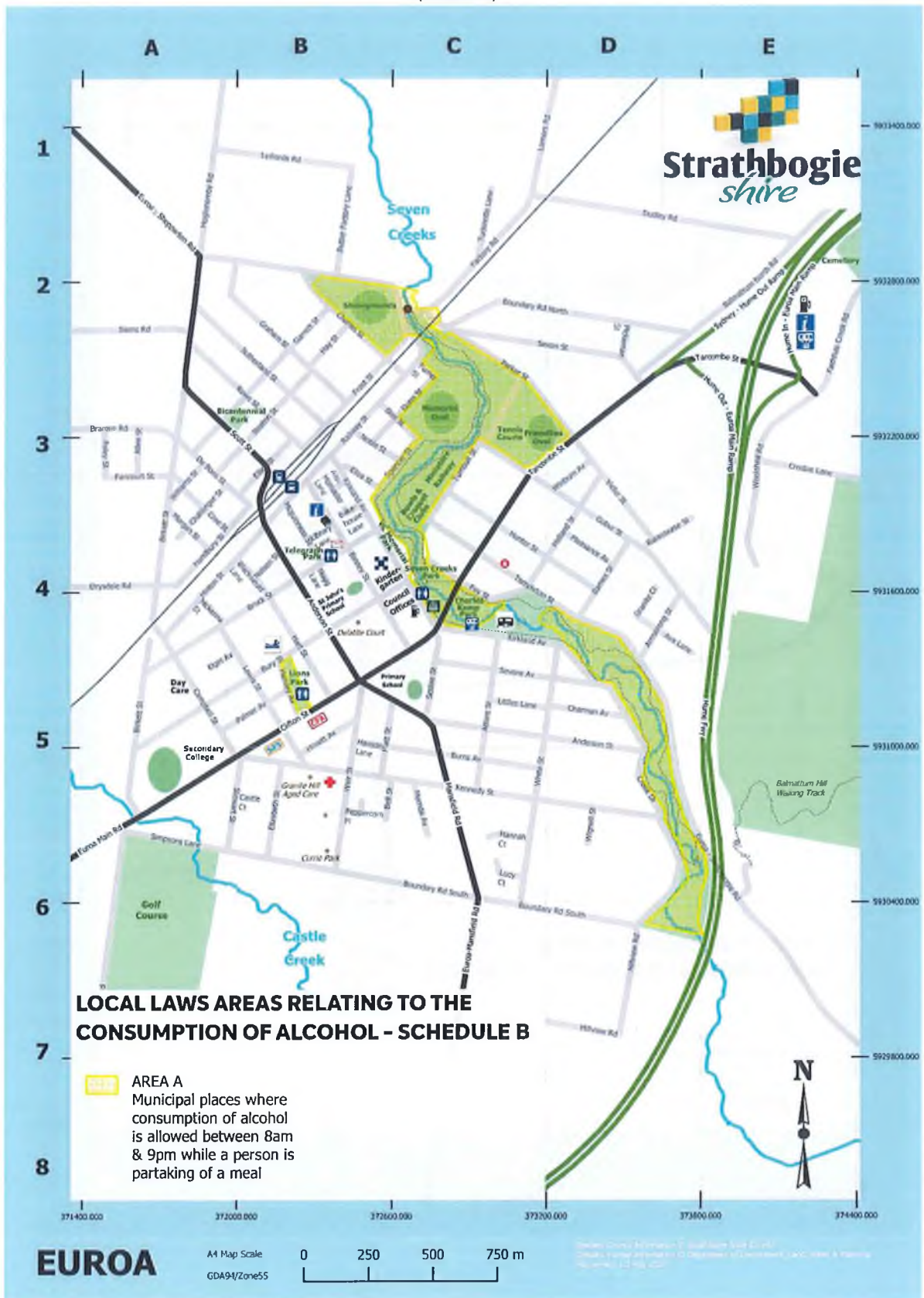
SCHEDULE 2 - CONSUMPTION OF  
ALCOHOL  
(Clause 11)





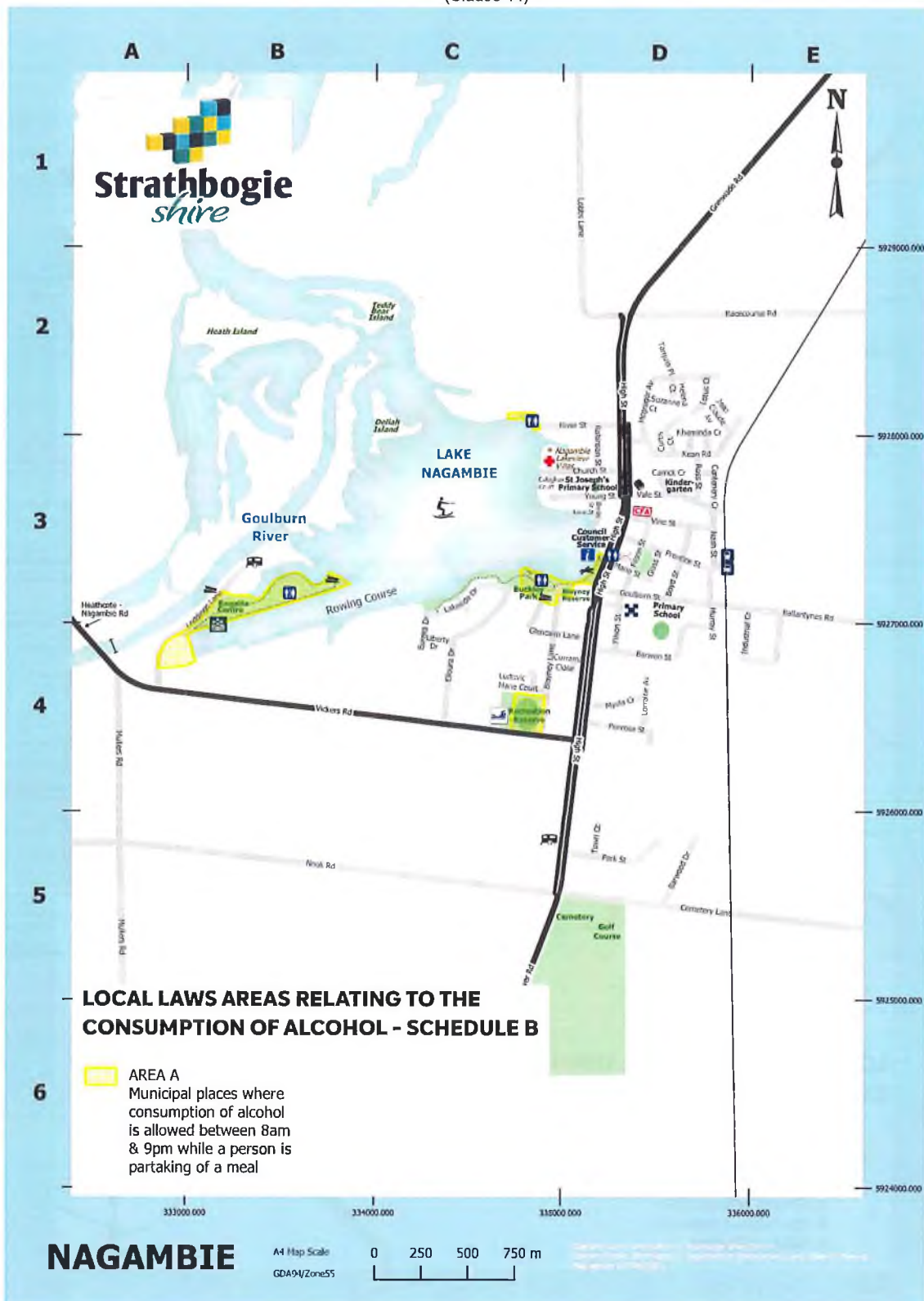
STRATHBOGIE SHIRE COUNCIL  
COMMUNITY LOCAL LAW No. 6

SCHEDULE 2 - CONSUMPTION OF  
ALCOHOL  
(Clause 11)



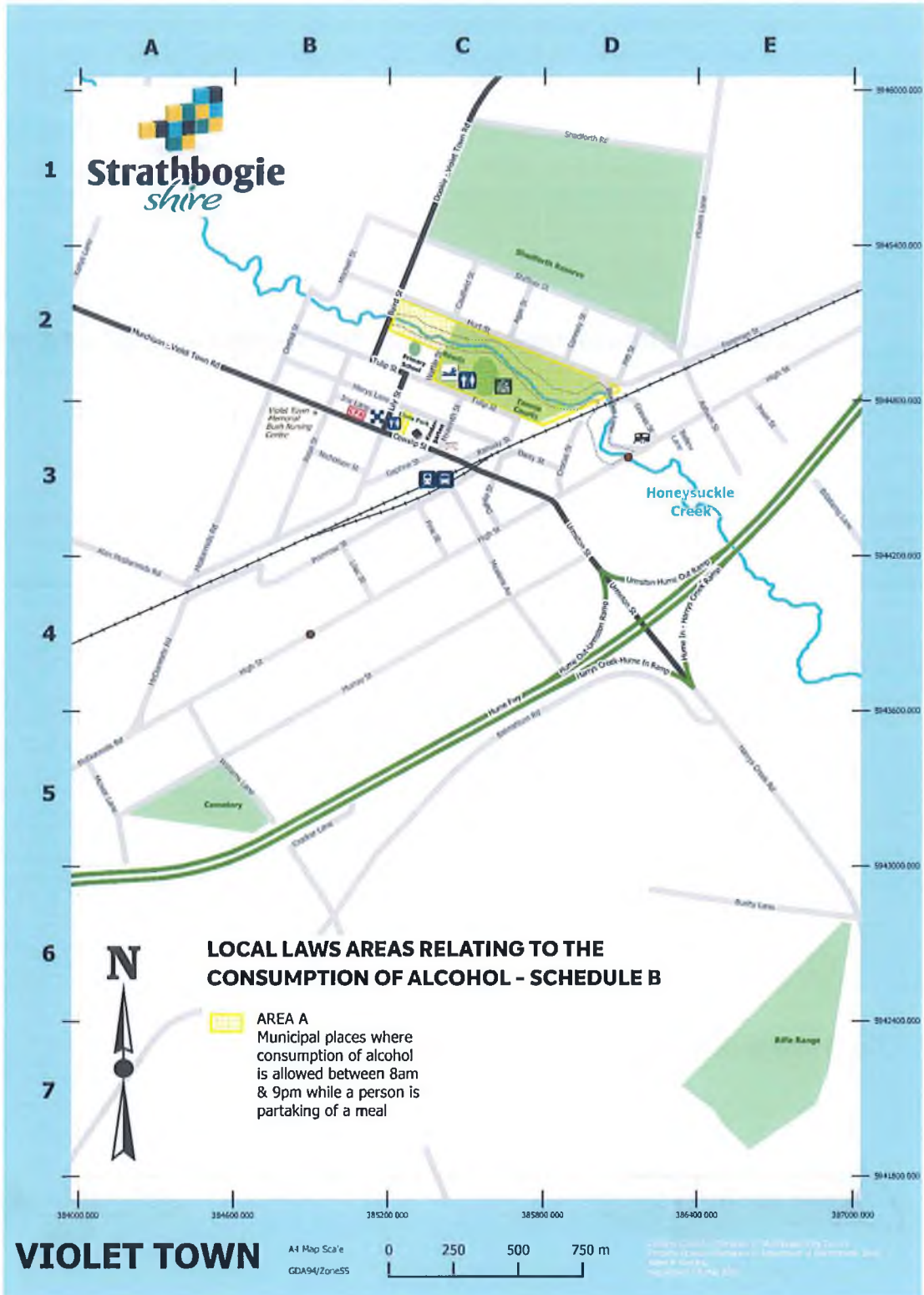
STRATHBOGIE SHIRE COUNCIL  
COMMUNITY LOCAL LAW No. 6

SCHEDULE 2 - CONSUMPTION OF  
ALCOHOL  
(Clause 11)



STRATHBOGRIE SHIRE  
COUNCIL COMMUNITY  
LOCAL LAW No. 6

SCHEDULE 2 - CONSUMPTION OF  
ALCOHOL  
(Clause 11)



7. CLOSURE OF MEETING TO THE PUBLIC


N/A

8. CONFIRMATION OF 'CLOSED PORTION' DECISION/S

N/A

***THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.19 P.M.***

Confirmed as being a true and accurate record of the Meeting

  
.....  
Chair

*18.08.2020*  
.....  
Date