

Local Law NO. 2 Community Local Law 2020



Strathbogie
shire

Adopted by Council 15 September 2020

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Encouraging an innovative and creative culture in our community

The Community Local Law No.2 is an important document for our community.

It is designed to empower Council to respond to local issues and protect public amenity, health and safety within our municipality.

We want to ensure the place we call home continues to be as special as it is now, well into the future.

Council does not create these local laws to make it hard on our residents.

They are not designed to restrict activities or stymie creativity.

We want to encourage an innovative and creative culture within our community.

You may notice in this Local Law we have removed the section on 'recommended permit considerations'.

Instead we have created guidance papers that ensure we can easily respond to our community's needs.

By doing this we are making it easier for us to be proactive and create change based on our community's advice.

At Strathbogie Shire Council we love where we live and we're here to work with our community to make it even better.

PART ONE – PRELIMINARY

1. Title

This Local Law is titled Community Local Law No. 2. 2020

2. Purposes

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

- (a) Supporting the Strathbogie community to utilise public land managed by Council in a manner which enhances the wellbeing of our community as well as protecting our amenity and livability;
- (b) 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;
 - (b) cause damage to Council assets;
 - (c) create a danger or expose others to risk;
 - (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;
- (c) 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;
 - (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;
- (d) identifying activities and uses that are not permitted so as to achieve these purposes; and
- (e) providing for the administration of Council's powers and functions.

3. Authorising provision

This Local Law is made under section 111(1) of the *Local Government Act 1989* and section 42 of the *Domestic Animals Act 1994*.

4. Commencement and operation

This Local Law:

- (a) commences on 7 October 2020;
- (b) unless sooner revoked, ceases to operate on 7 October 2030; and
- (c) operates throughout the whole municipal district.

5. Revocation of other Local Laws

From the date of commencement of this Local Law, Council's Community Local Law No. 6 2010 will cease to operate and is revoked.

6. Other legislation

Anything allowed under any Act, Regulation or the Planning Scheme is not affected by any prohibition, requirement or restriction under this Local Law.

7. Definitions

In this Local Law:

“Act”	means the <i>Local Government Act 1989</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.
“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 behaviour 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 Act.
“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 of money.
“camp or “camping”	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.
“caravan”	includes a mobile home or dwelling.

“Chief Executive Officer”	means the person appointed as the Chief Executive Officer of the Council.
“commercial waste”	means any refuse, rubbish or other waste matter arising from, or generated by, any trade, industry or commercial undertaking.
“Council”	means Strathbogie Shire Council.
“Council asset”	means Council owned resources and structures including footpaths, nature strips, kerb and channel, drainage pits and pipes and street furniture
“Council building”	means any building owned, occupied or under control of the Council including libraries, swimming pools and recreation centres.
“Council land”	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.
“declared dog”	means a declared restricted breed, menacing or dangerous dog under the <i>Domestic Animals Act 1994</i>
“domestic pets”	includes dogs and cats.
“droving livestock”	means the movement of livestock in or through the municipal district, or from one location to another for the purpose of changing the grazing area, or for the purposes of relocation after sale.
“event”	means a non-private 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, including: festivals, shows, markets, carnivals, live outdoor entertainment, business conferences and exhibitions.
“goods”	includes, produce, articles, items, table and chairs, advertising signs, planter boxes, screens, umbrellas, heaters and anything similar.
“incinerator”	means a structure or device which is not in a building and is used or is intended, adapted or designed to be used for the purpose of burning any matter, material or substance but is: (a) not licensed or subject to control under the provisions of any other Act; or (b) not a barbeque.
“large bird”	means any pigeon, cockatoo or other bird similar or larger size of any age, excluding poultry.
“livestock”	means any animal kept for primary production including cattle, sheep, pigs, buffalo, camels, alpacas, goats, deer and horses (and includes horses used for recreation).
"municipal district"	means the municipal district of the Council, as defined by the Act.

“notice to comply”	means a notice to comply issued under this Local Law.
“occupier”	means: <ol style="list-style-type: none">a person who manages any land on behalf of the land’s owner;a person who is responsible for the care and control of any land;a lessee or licensee of any land; orin 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
“owner”	means in relation to: <ol style="list-style-type: none">land, the same meaning as in section 3 of the <i>Local Government Act 2020</i>; anda building, the owner of land on which the building is situated; anda motor vehicle<ol style="list-style-type: none">the registered owner of the motor vehicle; anda person who has possession of the motor vehicle;Livestock means<ol style="list-style-type: none">a person who is entitled to legal or equitable possession of livestock whether solely or jointly; anda person who has custody of livestock on behalf of a person referred to in (d)(i).
“penalty unit”	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 a natural person or other legal entity.
“planning scheme”	means the <i>Strathbogie Planning Scheme</i> under the <i>Planning and Environment Act 1987</i> .
“poultry”	means birds kept such as a fowl, bantam or duck that are kept for producing eggs or meat for human consumption, or exhibition but does not include roosters, peacocks, or turkeys.
“public place”	has the same meaning as in the <i>Summary Offences Act 1966</i> .
“recreational vehicle”	includes mini bikes, trail bikes, monkey bikes, quad bikes, motor bikes, motor scooters and go karts or other vehicles used for recreational purposes but does not include motorised vehicles being used for farming purposes or a motorised wheelchair or scooter used by a person with impaired mobility.

“road”	has the same meaning as in section 3(1) of the <i>Road Management Act 2004</i> and includes any public highway, nature strip, ancillary area and land declared to be a road under section 11 of the <i>Road Management Act 2004</i> or forming part of a public highway or ancillary area.
“scare-gun”	means a scare-gun described in the Noise Control Guidelines published by the Environment Protection Authority.
“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.

PART TWO - COUNCIL LAND, BUILDINGS AND ROADS

8. Behaviour on Council land

8.1 A person on Council land must not:

- (a) damage or interfere with that Council land, including any trees or vegetation located on it;
- (b) act contrary to any sign erected or authorised by the Council;
- (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;
- (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 to leave the Council land, whether or not a fee for admission has been paid.

8.2 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.

8.3 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.

8.4 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.

8.5 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.

8.6 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.

8.7 A person must not use:

- (a) or ride a skateboard or similar wheeled recreational vehicle, or ride a horse, in an area where such use or riding is not permitted as stated on Council erected signage;
- (b) a skateboard or similar wheeled recreational vehicle, 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;

- (ii) inconveniences other users of the Council land or public place; or
- (iii) damages any property on the Council land or public place.

9. Shopping trolleys

- 9.1 A person must not leave a shopping trolley at a place other than:
- (a) on the trolley owner's premises in an area designated for such purpose; or
 - (b) in areas for collection located elsewhere that are provided by the trolley owner or the Council and designated for such purpose.
- 9.2 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.
- 9.3 A person to whom a direction has been given under this clause must comply with that direction.

10. Overhanging vegetation

An owner or occupier of land must not allow any vegetation, to grow in such a manner which:

- (a) overhangs onto or over the footpath or road to an extent where, in the opinion of an Authorised Officer, impedes or obstructs the reasonable use of the pavement or road;
- (b) obstructs or impairs the vision of the driver of a motor vehicle travelling along a road adjacent to the land; or
- (c) otherwise interferes with the safe and convenient use of the footpath or road adjacent the land.

11. Consumption of alcohol

- 11.1 A person must not consume an alcoholic beverage or have in their possession alcohol other than in a sealed container, in any municipal place within the township boundaries of Avenel, Euroa, Nagambie (including the Regatta Centre area) or Violet Town.
- 11.2 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 10am until 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 compliance with all conditions of that permit or exemption.
- 11.3 Where an Authorised Officer believes, on reasonable grounds, that a person is in contravention of, or has contravened, clause 11.2(a) the Authorised Officer may direct the person to surrender the alcohol in any unsealed container to them.
- 11.4 A person to whom a direction is given under clause 11.3 must comply with that direction.
- 11.5 If a person to whom a direction is given under clause 11(2)(a) 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 alcohol.

12. Bulk rubbish containers

A person must not without a permit place a bulk rubbish container on a road.

13. Rubbish bins in public places

A person must not deposit any household refuse or recyclable goods in a rubbish bin in a public place.

14. Animals in Council buildings

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.

15. Events, festivals or processions

A person must not, without a permit conduct a commercial activity, including a festival, procession, party or event on Council land or a road.

16. Activities on nature strips

A person must not, without a permit, plant trees, install garden beds or any other item on Council nature strips.

17. Camping on Council managed land

17.1 A person must not 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.

17.2 Nothing in sub-clause 17(1) applies to a person camping on Council managed land where approval has been issued for a specific site approved by Council.

18. Droving livestock

18.1 A person must not, without a permit, drove livestock on any Council land or road, unless the livestock are kept within the municipality, or on property which is immediately adjacent to the border of the municipal district and the livestock are travelling either to or from that property into a neighbouring municipality.

18.2 Any stock moved between properties within or bordering the municipal district must meet the following requirements:

- (a) adequate warning of the presence of the livestock on the road is given to other road users;
- (b) signs conforming to guidelines prepared by the relevant road authority must be displayed; and
- (c) the signs must be immediately removed on completion of the droving.

19. Grazing livestock

A person must not, without a permit, graze livestock on any Council land or road.

20. Recreational vehicles on public land

A person must not, without a permit, use or drive a recreational vehicle on any public land.

21. Collection of money

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.

22. Busking

A person must not, without a permit, busk on any road or Council land unless the following conditions are met:

- (a) no services, such as electricity are required from an adjoining building as part of the busking activity;
- (b) there is no interference with the passage or activity of any other user of the road or Council land;
- (c) the duration of the busking activity does not exceed 2 hours;
- (d) on completion of the busking, the road or Council land is restored to the state it was found;
- (e) if busking on a footpath:
 - the footpath must be at least 2.9 metres wide;
 - the busking must be at least 0.75 metres from the edge of the kerb or 1.5m if adjoining a disabled parking space; and
 - the busking must be at least 1.8 metres off the edge of a building or shopfront in order to maintain pedestrian access.

23. Trading from a road

A person must not, without a permit, 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.

24. Using the footpath for commercial activities

A person must not, without a permit, use a footpath:

- (a) to display goods for sale;
- (b) to erect an advertising sign; or
- (c) for the purpose of outdoor-dining.

PART THREE – SAFETY AND AMENITY

25. Dangerous and unsightly land

A person must not allow their land to be, in the opinion of an Authorised Officer, kept in a manner which:

- (a) is dangerous or likely to cause danger to life, property or the environment because of the materials or substances that are kept or are allowed to exist on the land; or
- (b) which is unsightly, offensive or detrimental to the amenity of the neighbourhood.

NOTE: For the purposes of this clause, 'unsightly' land includes land which:

- *harbours rubbish;*
- *contains disused excavation, waste material and other bulky items;*
- *appears neglected or unkempt in appearance; or*
- *is unsightly or detrimental for any other reason.*

26. Storage and maintenance of machinery or second hand goods

26.1 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.

26.2 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.

27. Disused compartments

An owner or occupier must not store a disused refrigerator, ice-chest, ice-box, trunk, chest or other similar article which could facilitate entrapment, on that land.

28. Events on private properties

A person must not, without a permit conduct:

- (a) an event; or
- (b) a private function attended by more than 100 persons on land located within a residential area.

29. Scare guns

29.1 A person must not use, or allow or authorise others to use, a scare gun unless:

- (a) the scare gun is only used for the purpose of scaring birds away from crops during a recognised crop growing period;
- (b) the scare gun is being used on land within in a Rural Zone under the Planning Scheme;
- (c) the distance in a straight line between the scare gun and any residential premises is 300 metres or greater another scare gun in use (whether located on the same or on another land) is 150 metres or greater;
- (d) The scare gun is only used between 7:00am and sunset on any day and is not used in excess of 12 hours in any one day;

- (e) 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;
 - (f) the permitted number and regularity of blasts in any one day period does not exceed the number set out in clause 29(2);
 - (g) 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,
 - (h) wherever possible, the shielding effects of natural features, buildings or the like are used to reduce the level of the blasts on nearby properties.
- 29.2 The number and regularity of blasts of a scare gun in any one day period must not exceed:
- (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 the time between blast sequences being no less than six minutes; and
 - (c) the time between the first blast of a sequence and the last blast of a sequence being no more than one minute.
- 29.3 Each blast in a sequence from a multiple blast scare gun shall be counted as one blast.
- 29.4 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.

31. Collection of domestic waste

- 31.1 An owner or occupier of land must return all Council issued refuse bins to the land within 24 hours after collection.
- 31.2 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;
 - (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.
- 31.3 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.

32. Disposal of commercial waste

A person operating 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;

- (b) compacting waste only while the vehicle is moving; and
- (c) not breaking up bottles at the collection site.

33. Displaying property numbers

The owner or occupier of a property must ensure that any allocated property number is clearly displayed on the property so that it is visible from the road adjacent the property during normal lighting conditions.

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

34.1 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, unless the fire is lit for the purpose of:

- (a) cooking;
- (b) heating when contained in a fire proof receptacle; or,
- (c) duties carried out by a member of the Country Fire Authority or other approved agency.

34.2 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) offensive to any person; in a manner that causes a hazard, risk or nuisance to another person or property.

34.3 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.

34.5 A person must not fail to comply with a direction given in accordance with clause 34.3

35. Occupying temporary dwellings

A person must not, without a permit occupy a temporary or moveable dwelling within the meaning of the *Residential Tenancies Act 1998* for more than twelve months while a permanent dwelling is being constructed unless:

- (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.

36. Camping on private land

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;
- (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.

37. Recreational vehicles on private land

A person must not, without a permit use or drive a recreational vehicle on any private land so as to cause detriment to the amenity of the neighbourhood.

NOTE: For the purposes of this clause 'detriment' may be suffered by

- (a) dust emission;*
- (b) noise emission; or*
- (c) any other reason which is considered by an Authorised Officer to be unreasonable or which causes discomfort of any other person.*

38. Shipping containers

38.1 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 Planning Scheme.

38.2 Subclause 38.1 *does not apply to any shipping container to be stored, kept or placed on land in the Farming Zone that is used for agricultural purposes provided that the shipping container is appropriately screened or located so as to minimise amenity impacts from adjoining properties or public land.*

PART FOUR - ANIMALS

39. Keeping animals

39.1 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 permitted number in the table below:

Column 1 – Type of animal*	Column 2 – Land less than 1000m ² *	Column 3 – between 1000 – 10,000m ² and in a Residential Zone*	Column 4 – Land greater than 10,000m ² *
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 in a Residential Zone*

39.2 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.

39.3 For the purposes of the above table, the following types of animals are exempt:

- (a) any large bird or poultry that is less than 8 weeks old;
- (b) any dog or cat that is less than 3 months old;
- (c) working dogs; or
- (d) dogs which have been declared under the *Domestic Animals Act 1994* as either a restricted breed, dangerous or menacing dog as separate legislation applies to this class of animal.

40. Vermin control

40.1 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.

- 40.2 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.

41. Poultry

- 41.1 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;
 - (b) at least 3m from any other street or road;
 - (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.
- 41.2 Sub-clause 41.1 does not apply to a commercial poultry farm.
- 41.3 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;
 - (b) weatherproof walls of approved materials, provided that wire netting may be used in a portion of one wall;
 - (c) a weatherproof roof of approved materials; and
 - (d) a wall height of not more than 2.1 metres.

42. Livestock

Unless to the extent permitted in clause 39, a person must not, without a permit, keep any livestock on any property in a residential or commercial area.

43. Cleanliness

- 43.1 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.
- 43.2 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.

44. Animal excrement

- 44.1 A person in charge of a dog must not allow any part of the animal's excrement to remain on a road or Council land.
- 44.2 A person in charge of a dog must carry a suitable receptacle for the removal of that animal's excrement from a road or Council land.

45. Dogs on leads

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.

46. Unleashed dogs

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.

PART FIVE – INFRASTRUCTURE

47. Construction and maintenance of vehicle crossings

A person must not, without a permit, construct or alter a vehicle crossing, including a temporary vehicle crossing.

48. Asset protection

A person must obtain an Asset Protection Permit before commencing or continuing on land any works:

- (a) requiring a building permit under the *Building Act 1993*;
- (b) to a vehicle crossover, including a temporary crossover; or
- (c) in the road reserve

49. Damage to Council assets

A person must not, without a permit:

- (a) destroy;
- (b) damage;
- (c) interfere with;
- (d) excavate;
- (e) tap into; or
- (f) obstruct the function of:
any Council asset.

PART SIX – ADMINISTRATION AND ENFORCEMENT

50. Applying for a permit

50.1 A person may apply for a permit by:

- (a) lodging with the Council an application; and
- (b) paying to the Council the appropriate application fee.

50.2 The Council may require an applicant to provide additional information before dealing with an application for a permit or for exemption.

50.3 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.

51. Issue of permits

The Council may:

- (a) issue a permit either with or without conditions; or
- (b) refuse to issue a permit.

52. Duration of permits

52.1 A permit is in force until the expiry date indicated on the permit, unless it is cancelled before the expiry date.

52.2 Before the permit expires, a person may request the Council to extend the permit for a further period.

53. Correction of permits

53.1 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.

53.2 The Council must notify a permit holder in writing of any correction.

53.3 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.

54. Review of permit decision or conditions

Any person can request a review of any decision to issue a permit with permit conditions or to refuse to issue a permit, in writing within 30 days of the date of Council's decision.

55. Fees

55.1 The Council may, from time to time, by resolution determine fees for the purposes of this Local Law.

55.2 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.

55.3 The Council may waive, reduce or alter a fee with or without conditions.

56. Notice to Comply

- 56.1 An Authorised Officer may serve a Notice to Comply on any person who is in breach of this Local Law.
- 56.2 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.
- 56.3 The time required by a Notice to Comply must be reasonable in the circumstances having regard to:
- (a) the amount of work involved;
 - (b) the degree of difficulty;
 - (c) the availability of necessary materials or other necessary items;
 - (d) climatic conditions;
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant factor.

57. Urgent circumstances

- 57.1 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.
- 57.2 In deciding whether circumstances are urgent, an Authorised Officer must take into consideration, to the extent relevant whether it is practicable to contact:
- (a) the person by whose default, permission or tolerance the situation has arisen; or
 - (b) the owner or the occupier of the premises or property affected; and
 - (c) whether there is an urgent risk or threat to public health, public safety, the environment or animal welfare.
- 57.3 The action taken by an Authorised Officer under clause 57.1 must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
- 57.4 An Authorised Officer who takes action under clause 57.1 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.

58. Power to impound

- 58.1 Where any items, goods and equipment are used in contravention of this Local Law an Authorised Officer may remove and impound them.

- 58.2 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.
- 58.3 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; or
 - (b) where the item is declared by a person in sub-clause 58.3(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.
- 58.4 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:
- 58.5 If the person described in sub-clause 58.4 cannot be identified 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.
- 58.6 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.

59. Infringement notices and penalties

- 59.1 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.
- 59.2 The penalty fixed in respect of an infringement is the amount set out in the Schedule 1 to this Local Law.

60. Offences generally

A person is guilty of an offence, and liable to a maximum penalty of 20 Penalty units if the person –

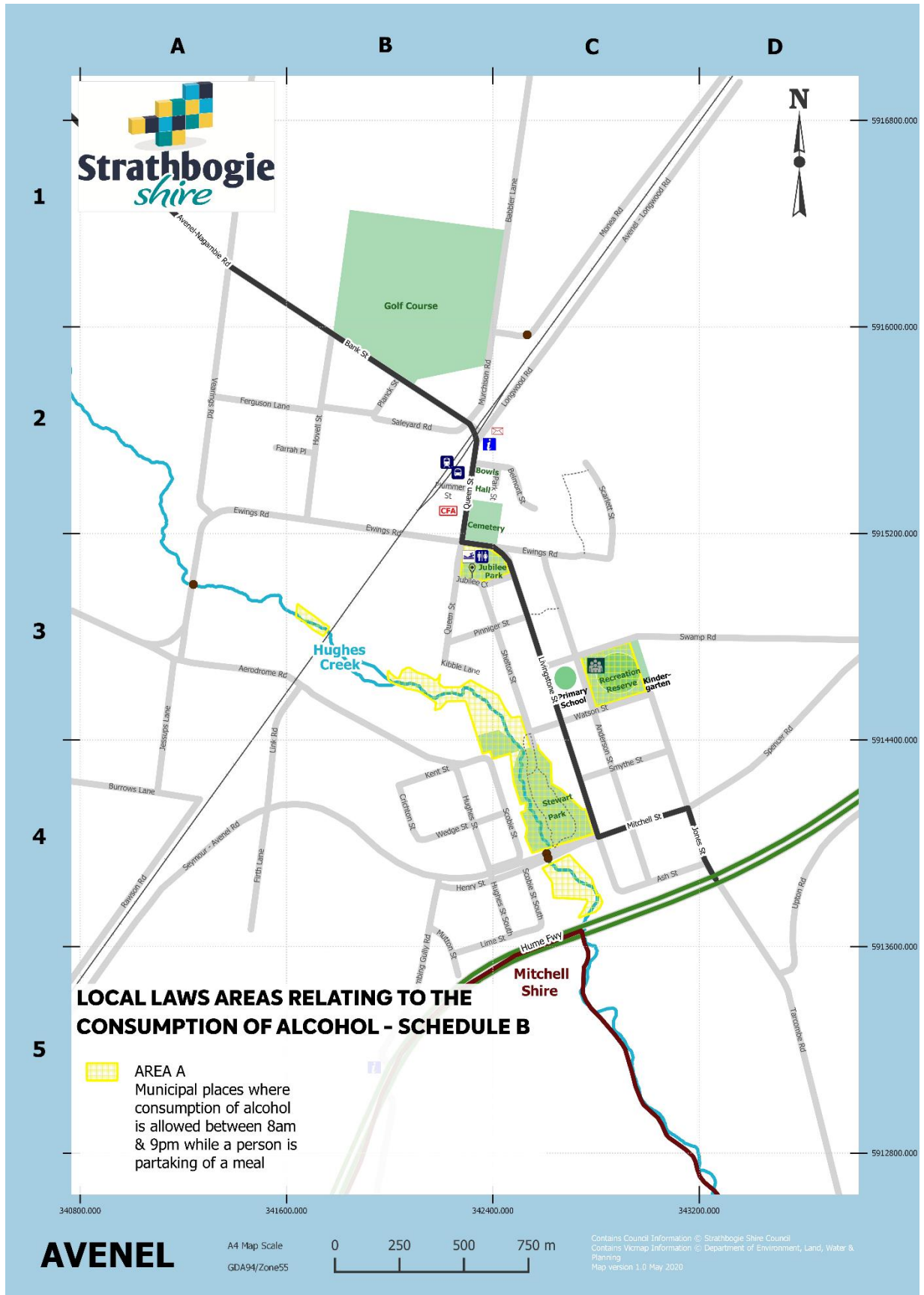
- (a) does something which a provision of this Local Law prohibits;
- (b) knowingly provides false information in support of an application for a permit under this Local Law;
- (c) knowingly supplies false or misleading information to an authorised officer;
- (d) engages in an activity without a current permit where a provision of this Local Law requires that person obtain a permit before engaging in that activity;
- (e) breaches or fails to comply with a condition of a permit issued under this Local Law;
- (f) fails to comply with a verbal direction issued, or a notice to comply served, by an authorised officer; or
- (g) fails to comply with a sign erected by Council.

SCHEDULE 1 - PENALTIES FIXED FOR INFRINGEMENT NOTICE PURPOSES

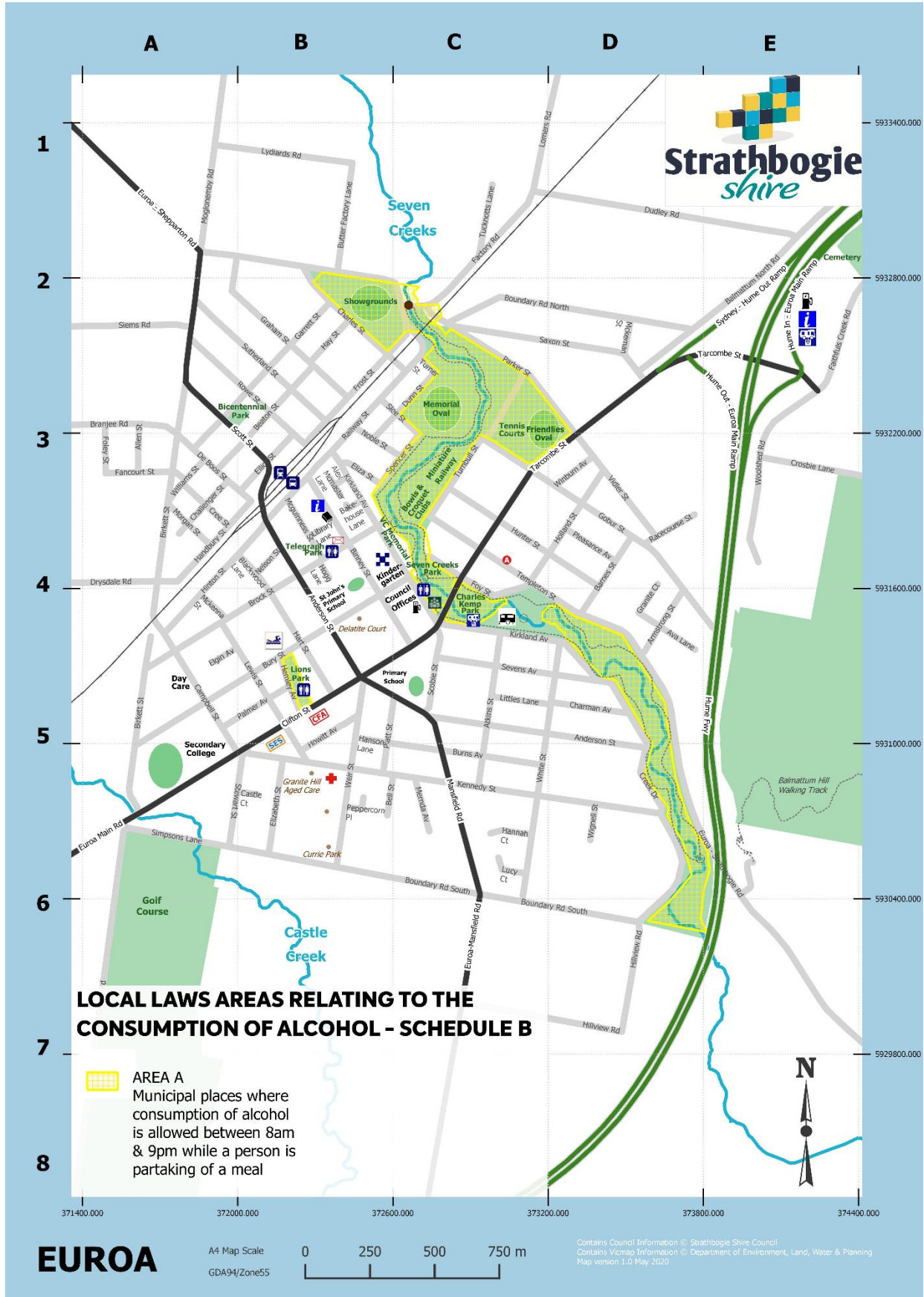
(Clause 59)

Clause	Infringement	Penalty Units
8	Behaving on Council land contrary to Local Law	2
8	Failing to comply with requirements applying to activities on Council land and roads	5
9	Leaving a shopping trolley contrary to a Local Law or failure to comply with direction	1
10	Allowing trees, plants and obstructions contrary to a Local Law	1
11	Consumption of alcohol contrary to Local Law	3
12	Bulk Rubbish Containers contrary to Local Law	5
13	Rubbish Bins in Public Places contrary to Local Law	2
14	Animals in Council Buildings contrary to Local Law	1
15	Events, festivals or processions contrary to Local Law	5
16	Activities on Nature Strip contrary to Local Law	1
17	Camping on Council Land contrary to Local Law	3
18	Droving livestock contrary to Local Law or Policies (first offence)	5
19	Grazing livestock contrary to Local Law or Policies (first offence)	3
20	Failing to obtain a permit for a recreation vehicle	3
21	Collection of money without a permit	1
22	Busking without a permit	1
23	Trading from a road contrary to Local Law	5
24	Using the footpath for commercial activities contrary to Local Law or Policy	3
25	Dangerous & Unsightly Land contrary to Local Law	5
26	Storage and maintenance of Machinery or Second Hand Goods contrary to Local Law	3
27	Disused Compartments contrary to Local Law	4
28	Events on private property contrary to Local Law	5
29	Using Scareguns contrary to Local Law	4
30	Failing to provide adequate fencing	5
31	Collection of Domestic Refuse Bins contrary to Local Law	1
32	Disposal of Commercial Waste contrary to Local Law	2
33	Failing to display property numbers	1
34	Using incinerators and burning in the open air during non fire danger period	5
35	Occupation of temporary dwelling without a permit	5
36	Camping on private land contrary to Local Law	2
37	Recreation Vehicles on Private Land contrary to Local Law	3
38	Shipping Containers contrary to Local Law	5
39	Keeping Animals contrary to Local Law	4
40	Vermin control contrary to Local Law	2
41	Keeping of Poultry contrary to Local Law	2
42	Keeping of Livestock contrary to Local Law	2
43	Cleanliness contrary to Local Law	2
44	Animal Excrement contrary to Local Law	2
45	Dogs on Leads contrary to Local Law (first offence)	2
46	Unleashed Dogs contrary to Local Law	2
47	Construction and maintenance of vehicle crossings contrary to Local Law	10
48	Asset Protection contrary to Local Law	5
49	Damage to Council Assets	10

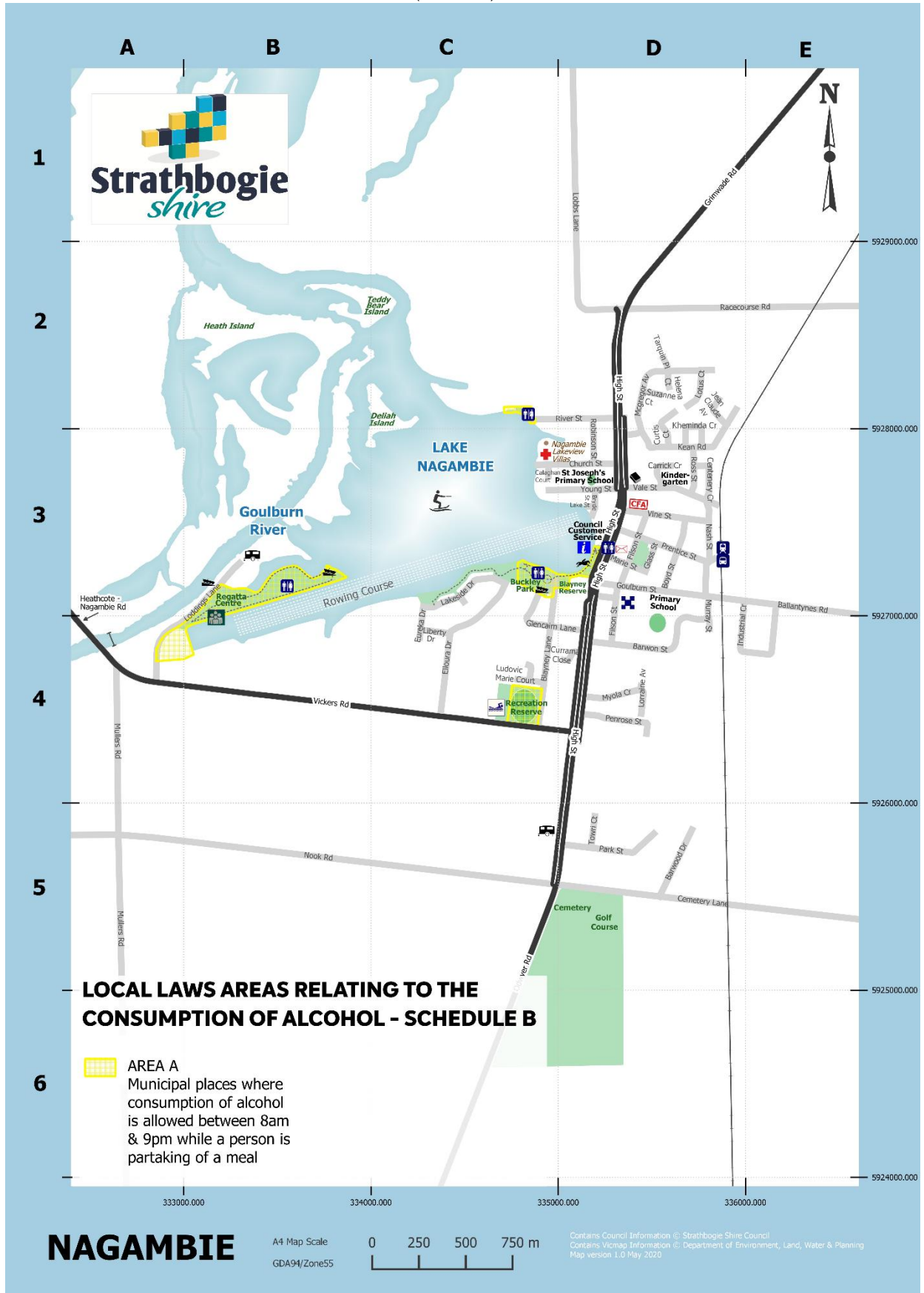
SCHEDULE 2 - CONSUMPTION OF ALCOHOL (Clause 11)



SCHEDULE 2 - CONSUMPTION OF ALCOHOL (Clause 11)



SCHEDULE 2 - CONSUMPTION OF ALCOHOL
(Clause 11)



SCHEDULE 2 - CONSUMPTION OF ALCOHOL
(Clause 11)

