
Local Law Guidelines

Version 1 –

*Incorporated Document under the Northern
Grampians Shire Council General Local Law
2022*



May 2022



Northern Grampians Shire Council
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INTRODUCTION

The Local Law Guidelines is an incorporated document under the Northern Grampians Shire Council General Local Law 2022.

The purpose of the Local Law Guidelines is to assist with the administration and enforcement of the Local Law.

Words and phrases used in the Local Law Guidelines have the same meaning as they have in the Local Law.

GUIDELINES FOR THE ASSESSMENT OF PERMIT APPLICATIONS

1. HEAVY VEHICLES – CLAUSE 7 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 7 of the Local Law, an Authorised Officer must consider –

- (a) the times involved, and the potential impact on neighbourhood amenity;
- (b) the likely interference caused to pedestrian or vehicular traffic and its impact on public safety;
- (c) likely impact on infrastructure;
- (d) vehicle lighting;
- (e) noise levels;
- (f) impact on Council assets;
- (g) current land usage;
- (h) distance from residential premises; and
- (i) any other matter an Authorised Officer reasonably believes is relevant to the application.

2. OPEN AIR BURNING – CLAUSE 8 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 8 of the Local Law, an Authorised Officer must consider –

- (a) climatic and environmental conditions anticipated;
- (b) firefighting resources available;
- (c) materials to be burnt;
- (d) whether the ground and air space within three metres is clear of flammable material;
- (e) whether an adult will be present to supervise the fire at all times;
- (f) any consultation that has occurred with neighbours and consideration has been given to any submissions or comments received;
- (g) whether the application triggers a need for consultation with the Council's Municipal Fire Prevention Officer; and
- (h) any other matter an Authorised Officer reasonably believes is relevant to the application.

3. USE OF MUNICIPAL PLACES – CLAUSE 20 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 20 of the Local Law, an Authorised Officer must consider –

- (a) the intended use of the municipal place;
- (b) whether the usage applied for is appropriate in the proposed location;
- (c) whether another place, municipal or private property, would be more appropriate;
- (d) whether the activity will have an impact on business and tourism (positive or negative);
- (e) whether community consultation is required;
- (f) any impact on any Council property or assets;
- (g) the likely interference caused to any pedestrian or vehicular traffic and its impact on public safety;
- (h) the times involved, and the potential impact on neighbourhood amenity;
- (i) the activity has the appropriate Public Liability Insurance;
- (j) whether this is the appropriate permit (refer to the Activity Table Schedule 1) and whether the application needs to be referred to, or discussed with, another department of Council; and
- (k) any other matter the Authorised Officer reasonably believes is relevant.

4. LIQUOR IN A MUNICIPAL PLACE – CLAUSE 22 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 22 of the Local Law, an Authorised Officer must consider –

- (a) the nature, duration, and location of the proposed activity;
- (b) whether the permit should include a condition imposing a ban on glass containers;
- (c) the land use of adjoining allotments and the general amenity of the street and neighbourhood;
- (d) whether the location has a verifiable history of liquor-related offences or liquor-behaviour problems;
- (e) the proximity of existing licensed premises;
- (f) the effect on the quiet enjoyment of people in the municipality;
- (g) the impact, if any, on business and tourism (positive or negative);
- (h) public health safety;
- (i) whether the surrounding community has been consulted and any comments or submissions received;

- (j) whether Public Liability Insurance exists;
- (k) whether this is the appropriate permit (refer to the Activity Table in Schedule 4) and whether the application needs to be referred to, or discussed with, another department of Council;
- (l) any advice offered by Victoria Police or any relevant other public authority; and
- (m) any other matter the Authorised Officer reasonably believes is relevant.

5. VEHICLES ON MUNICIPAL PLACES – CLAUSE 27 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 27 of the Local Law, an Authorised Officer must consider –

- (a) the nature, duration, and location of the proposed activity;
- (b) the suitability of the land for use by vehicles;
- (c) the number of vehicles for which the permit is required;
- (d) the days, times, and hours such vehicles are to be used;
- (e) the likely effect on the amenity of the area including noise impacts;
- (f) whether neighbouring properties have been consulted and consideration given to any submissions or comments received;
- (g) the likely damage which may be caused to Council property or assets;
- (h) the nature and extent of any public risk to be created by the activity;
- (i) whether Public Liability Insurance exists; and
- (j) any other matter the Authorised Officer reasonably believes is relevant.

6. EVENTS – CLAUSE 28 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 28 of the Local Law, an Authorised Officer must consider the guidelines provided in relation to the use of municipal places (clause 19 of the Local Law).

7. FIREWORKS – CLAUSE 29 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 29 of the Local Law, an Authorised Officer must consider –

- (a) the seasonal conditions and any existing Country Fire Authority (CFA) declared fire restrictions;
- (b) flammable materials on any land within one kilometre;

- (c) whether the applicant has CFA permission;
- (d) the land use of the area and the impact upon it;
- (e) availability of adequate means of controlling and extinguishing the spread of fire;
- (f) whether the fireworks would constitute a danger to vehicles or pedestrians or compromises the safe and convenient use of a road or the area;
- (g) the proximity of neighbouring animals, including any livestock within a two-kilometre radius;
- (h) whether the required notification has been given to Work Safe and the appropriate pyrotechnic qualifications are held by the person proposing to supervise and light the fireworks;
- (i) the tourism benefits;
- (j) whether the surrounding community has been notified or consulted and any comments or submissions received in response;
- (k) whether the applicant holds public liability insurance (minimum \$10 million); and
- (l) any other matter the Authorised Officer reasonably believes is relevant.

8. FOOTPATH USE – CLAUSE 30 OF THE LOCAL LAW

- (a) When determining whether to issue a permit in relation to clause 30 of the Local Law, an Authorised Officer must consider –
 - (i) that safe pedestrian access is the primary purpose (with the maintenance of vehicle safety lines), of all footpaths. Other activities such as trading, storage, advertising, and street events are secondary;
 - (ii) whether the footpath activity will have a positive contribution to the character, business operation and amenity of the business precinct; and
 - (iii) whether the use will impact positively or negatively on the surrounding residential area.
- (b) The following guidelines apply to footpath use.
 - (i) **Zones**

In order to provide a clear and consistently unobstructed access way for pedestrians, and sight safety lines for road users, the footpath is divided into five zones.
 - (ii) **Pedestrian Zone**

The Pedestrian Zone provides a continuous accessible path of travel for people of all abilities extending from the property boundary for a minimum width of 1.8 metres.

Note: for non-ambulatory people, this accessible path of travel does not include a step, stairway, turnstile, revolving door, escalator, or any other impediment which could prevent it from being safely negotiated by people with disabilities.

(iii) **Trading Activity Zone**

The Trading Activity Zone is the only area of the footpath where goods, outdoor eating furniture and ancillary items, and advertising signs, may be placed, subject to the provisions of the Local Law and these guidelines.

(iv) **Kerbside Zone**

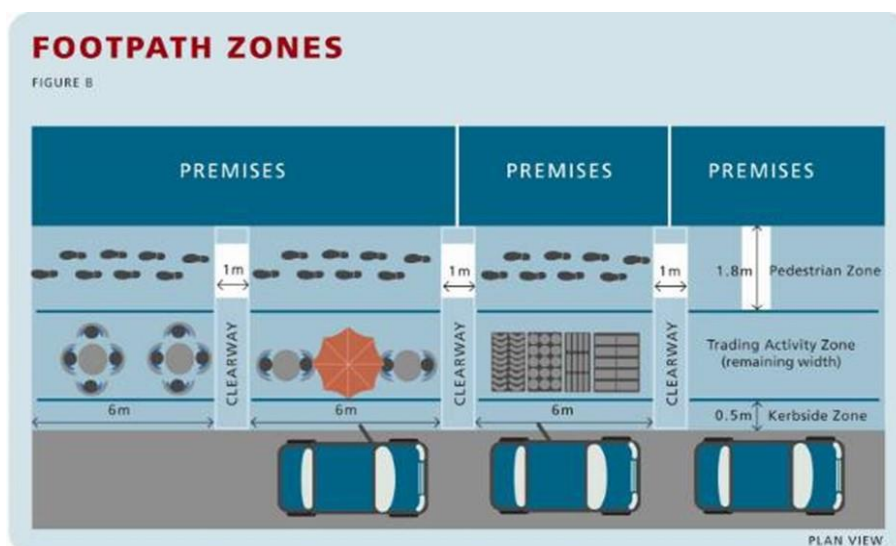
- (1) The Kerbside Zone is a buffer from the roadside kerb to allow for road safety and access to and from parked vehicles.
- (2) The Kerbside Zone is a minimum of 0.5 metre buffer, as measured from the edge of the road, to allow for access to and from parked vehicles including loading zones.
- (3) Where there is a disabled parking bay, the setback from the road will be at least 1.5 metres.

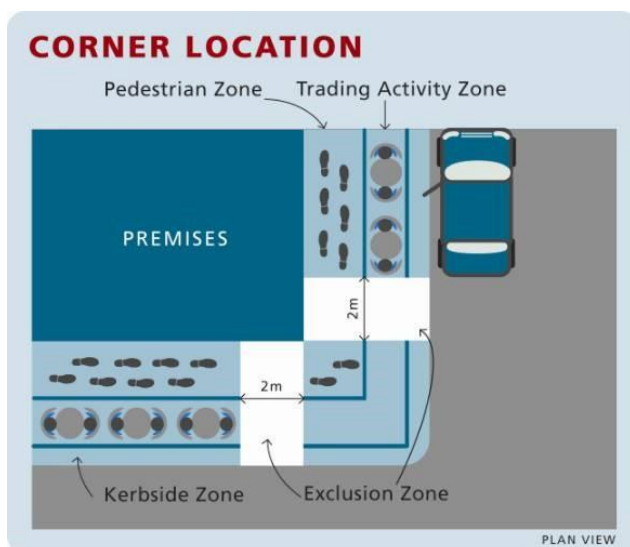
(v) **Clearway Zone**

The Clearway Zone is a 1-metre-wide area on the footpath comprising 0.5 metres on each side of a property boundary and extending across the footpath through to the roadside kerb.

(vi) **Exclusion Zone**

The Exclusion Zone at a corner location is a 2-metre-wide area on the footpath from the property side boundary through to the roadside kerb.





(vii) **Core Provisions**

The following core provisions must not be varied. Where these requirements cannot be met, a footpath activity requiring a permit under the Local Law is prohibited –

- (1) the minimum footpath width required before the footpath activity can be considered is 2.7 metres;
- (2) the minimum width of the Pedestrian Zone must be 1.8 metres and the minimum width of the Kerbside Zone must be 0.5 metres;
- (3) where a constructed footpath is greater than 1.8 metres in width and there is an associated unconstructed area, any permitted footpath activity must be in the unconstructed area and not breach the Kerbside Zone or Pedestrian Zone;
- (4) footpath activities for which a permit exists where the whole permit area is not being used, must be placed or conducted nearest to the roadside kerb of the Trading Activity Zone. Any unutilized space within the Trading Activity Zone must be left clear for pedestrian access;
- (5) all goods and furnishings within the Trading Activity Zone must not be brought into the Pedestrian Zone or the Kerbside Zone regardless of weather conditions;
- (6) the advertising area on screens or barriers must be restricted to the business name or logo, or the key product (e.g.: the brand name of the product available at the business). This must not exceed 20 percent of the total area of each screen or barrier;
- (7) planter boxes must not display advertising material;
- (8) the permit issued must be displayed prominently at the front of the business to which the permit applies;
- (9) existing infrastructure, regardless of ownership, must not be used to support or secure any signs, goods, or furnishings;

- (10) clearance of one metre is required from public infrastructure, including, but not exclusive to, fire hydrants; litter, recycling, or cigarette butt bins; pay phones; council street furniture; planter boxes;
- (11) no items may be placed in or overhang the Pedestrian Zone, the Kerbside Zone, the Clearway Zone, or the Exclusion Zone;
- (12) any item placed between two metres and nine metres of an intersection of property lines must not exceed 1.2 metres in height; and
- (13) if Council is not the responsible road manager, written approval must be obtained from the responsible road manager for the intended use prior to the permit application being assessed.

(viii) **Outdoor eating**

Any chairs, tables and ancillary items associated with outdoor eating must –

- (1) only be placed outside premises which are registered under the *Food Act 1984* to serve food and/or beverages;
- (2) only be placed in the Trading Activity Zone of the footpath;
- (3) only be placed on the footpath during the normal trading hours of the business which they relate, unless otherwise approved by Council; and
- (4) be of sufficient weight or secured in such a way as to prevent them causing a hazard.

(ix) **Barrier Screens**

The form and construction of any barrier screen must be suitable for its functional requirements and location, taking into account prevailing weather conditions, and must –

- (1) be associated with the use of the footpath for an outdoor eating facility;
- (2) only be placed in the Trading Activity Zone;
- (3) be no more than 1.2 metres high; or less than 0.9 metres high;
- (4) only be in place during the normal trading hours of the business with which they are associated; and
- (5) be placed so that the screens are stable and secure or weighted so that they will not be moved by patrons or prevailing weather.

(x) **Goods for display**

- (1) All items displayed on the footpath must –
 - (A) only be placed in the Trading Activity Zone regardless of weather conditions;

- (B) only be placed on the footpath during the normal trading hours of business which they relate;
 - (C) not exceed a height of 1.5 metres, or length of 2.5 metres, and width of 1 metre;
 - (D) not form a continuous display area greater than 2.5 metres in length, and there must be a minimum 1 metre clear space at each 2.5 metre interval;
 - (E) be kept in a clean and tidy state, including the area around the display;
 - (F) not impede access to or from any loading zone or disabled parking bay;
 - (G) not cause difficulty to any footpath users, including pedestrians and people exiting or accessing parked vehicles or the footpath; and
 - (H) not overhang either the Kerbside Zone, Clearway Zone, Exclusion Zone, or Pedestrian Zone.
- (2) Consideration may be given for an individual item for display where that item exceeds the 2.5 metre length, 1.5 metre height or 1 metre width. When considering such a permit application an Authorised Officer must consider the following –
- (A) pedestrian safety and access;
 - (B) visual amenity;
 - (C) other permit activities within the vicinity;
 - (D) maintenance of the 1 metre clear space at either end of the displayed item;
 - (E) the weight of the item; and
 - (F) any other matter the Authorised Officer reasonably believes is relevant.
- (xi) ***Movable signs (including A frames)***
- (1) use of this advertising medium at the front of premises, apart from food and retail shops, is not encouraged;
 - (2) where a business is undertaking any other footpath activity requiring a permit under the Local Law, the display of movable signs is not encouraged; and
 - (3) any advertising on the sign is restricted to the name of the business or logo or the key product (e.g., the brand of the product available at the business) sold by the business.
- (xii) ***Lock-in devices in footpath***
- (1) display and furniture items may be secured to the footpath by a lock-in device;

- (2) lock-in devices will only be approved when the device lies flat with the footpath when not in use; and
- (3) approval must be sought from the Infrastructure department before any lock-in devices are installed.

9. EXCESS ANIMAL IN RESIDENTIAL AREA – CLAUSE 31 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 31 of the Local Law, an Authorised Officer must consider –

- (a) whether a Planning Scheme Permit Application is required, such as boarding or breeding of animals;
- (b) whether the animals are capable of breeding, and are impacted by any code of practice for the operation of breeding and rearing establishments that is in force;
- (c) the land-use and size of the applicant’s land and that of adjoining allotments;
- (d) the proximity to adjoining premises;
- (e) the impact on the amenity of the area;
- (f) the type and numbers of animals to be kept;
- (g) the potential impact on adjoining owners;
- (h) whether there has been any consultation with neighbours and any consideration given to any submissions or comments received;
- (i) the adequacy of animal accommodation and the level of maintenance and management of waste currently undertaken and proposed if permit application is successful;
- (j) whether the animals will attract other animals or birds, including feral cats, and the impact this has on the area; and
- (k) any other matter the Authorised Officer reasonably believes is relevant.

10. AGRICULTURAL ANIMALS IN RESIDENTIAL AREA – CLAUSE 32 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 32 of the Local Law, an Authorised Officer must consider the guidelines that apply to Excess Animals in a Residential Area – clause 31 of the Local Law.

11. ANIMALS IN RURAL AREA – CLAUSE 33 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 33 of the Local Law, an Authorised Officer must consider the guidelines that apply to Excess Animals in a Residential Area – clause 31 of the Local Law.

12. GRAZING, MOVING OR DROVING LIVESTOCK – CLAUSE 35 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 35 of the Local Law, an Authorised Officer must consider –

- (a) whether the droving or moving of livestock is through any areas identified with conservation values, as droving and moving of livestock in these areas may require approval from State or Commonwealth departments and as such is not encouraged;
- (b) whether the area can be grazed or trampled without impacting on the conservation values of the road as part of moving and droving livestock;
- (c) whether the livestock will be adequately supervised and under effective control by a person who is competent in the management of livestock at all times they are on the road;
- (d) whether the applicant can adequately feed and water the livestock on the roads proposed;
- (e) any seasonal conditions such as drought or flood, either locally or within the State, and the State's response to these conditions and roadside droving or moving of livestock;
- (f) whether there will be any impacts on Council property, infrastructure, or assets;
- (g) actions proposed to mitigate any damage to Council property, infrastructure, or assets;
- (h) the hours and duration which livestock are on the road, as permits are only valid for daylight hours;
- (i) the number of livestock that are to be on the road;
- (j) whether the person has current public liability insurance that covers moving or droving;
- (k) whether an inspector of livestock administering the *Livestock Disease Control Act 1994* has been notified of any notifiable diseases under that act either in the proposed area of the moving or droving of livestock or within the herd to be moved or droved; and
- (l) any other matter the Authorised Officer reasonably believes is relevant to the application.

PERMIT REQUIREMENTS

The following Guidelines apply to all permit applications, permits issued or corrections made to permits issued by Council. They override any contradictory conditions applied to a permit –

- (a) an application for a Permit must be accompanied by the specified fee;
- (b) an application for a Permit will not be processed until the specified fee is paid in full to Council;
- (c) if the application for a permit is approved and issuing of the Permit involves an additional fee or fees, the permit is not valid until the appropriate fee or fees are in full to the Council;
- (d) the applicant may be required to give public notice, or written notice to adjoining landowners and other specified parties inviting submissions on lodged application for a Permit;
- (e) all permits expire on the expiry date specified in the permit;
- (f) Council may reject an application, modify the conditions of an existing Permit, or withdraw or suspend a permit if –
 - (i) any conditions contained in these guidelines are not met; or
 - (ii) the sight and access of drivers, cyclists or pedestrians is interfered with so as to create a hazardous situation; or
 - (iii) permit conditions have not been met or there is a second instance of failure to comply with permit conditions; or
 - (iv) the permit holder fails to maintain public liability insurance; or
 - (v) the permit is, under any circumstances likely to cause detriment to the amenity of the area, including the ambiance of areas; or
 - (vi) Council officers believe a misrepresentation or concealment of fact has been made in the application for the permit; or
 - (vii) a material changes of circumstances impacting on the permit, has occurred since the permit was granted;
- (g) permits are not interchangeable, e.g., a permit for a movable advertising sign does not permit the display of goods if the advertising sign is not used;
- (h) permits are not transferable. A new permit must be obtained by the new proprietor if the proprietorship of a business changes. Likewise, if a business changes location;
- (i) Council may correct a permit if the permit contains an error;
- (j) a permit may be suspended by giving three working days' notice in writing of the decision to propose cancellation or withdrawal of the permit; and
- (k) any permit applicant or holder who is aggrieved by any matter in the refusal, granting, reviewing, modification, suspension, cancellation, or renewal of a permit, and/or in relation to any written notice, notice to comply in relation to breaches of conditions of a permit, may, by written request within 20 working days of the date of the incident, notice or matter concerned,

seek a review by Council of the matter. However, the making of any such request will not in any way remove that person's obligation to act in accordance with any directions or notices which are applicable under the permit or any notices issued pursuant to matters related to the permit.

COMPLIANCE GUIDELINES

13. ALLOCATED NUMBERS OF PREMISES TO BE DISPLAYED – CLAUSE 13 OF THE LOCAL LAW

In relation to clause 13(3) of the Local Law, the following requirements apply for the purposes of the owner of the premises ensuring that the premises number is clearly readable from the roadway to which the address relates –

- (a) in residential areas, the identifying numbers must be placed beside the most obvious entrance to the property from the roadway to which the premises address relates;
- (b) in rural areas the identifying numbers must be placed in a conspicuous position at the driveway entrance to the premises;
- (c) properties with multiple residences facing the roadway must also display the road number with the unit/flat number to the same standards;
- (d) where there is no entranceway to the property from the roadway that the address relates to, the number must still be displayed on the property boundary facing the roadway that the address relates to;
- (e) the display of a number on a road that is different to the road that the number relates to shall be accompanied by its road name; and
- (f) the numbers must not be attached to a tree.

SCHEDULE 1 - ACTIVITY TABLE FOR PERMITS AND PERMISSIONS

This table provides a ready reckoner for use by the public and Council staff in determining the appropriate Council Department with responsibility to manage an activity. It is a general guide only and may from time to time be amended by Council.

ACTIVITY	PERMISSION
Erect structure in or on road reserve.	Written request to Infrastructure Dept. for consideration.
Removing or interfering with structure on road reserve.	Written request to Infrastructure Dept. for consideration.
Planting or removing tree or vegetation.	Written request to Infrastructure Dept. for consideration.
Tunnelling under road reserve.	Written request to Infrastructure Dept. for consideration.
Connecting road to road.	Written request to Infrastructure Dept. for consideration.
Installing drains, pipes, cables on road reserve.	Written request to Infrastructure Dept. for consideration.
Erecting an obstruction on the road reserve (i.e., scaffolding).	Written request to Infrastructure Dept. for consideration.
Installing a driveway crossing.	Written request to Infrastructure Dept. for consideration.
Constructing a footpath.	Written request to Infrastructure Dept. for consideration.
Any traffic impact work (including pedestrian).	Written request to Infrastructure Dept. for consideration.
Permanent structure on road reserve.	Written request to Infrastructure Dept. for consideration.
Fixed barrier, fence, divider.	Written request to Infrastructure Dept. for consideration.
Signage on blind.	Written request to Planning Dept. for consideration.
Consume or possess alcohol in unsealed container in a public place.	Permit required – Local Laws.
Skips or non-council refuse containers on Council land.	Permit to be obtained within 2 business days of the placement. Local Laws.
Use sound amplification equipment in a public place, or able to be heard from a public place.	Permit required – Local Laws.
Conduct a street party, street festival or procession on a road.	Permit required – Local Laws. Road closure – permit Infrastructure Dept.

ACTIVITY	PERMISSION
Fire in the open air or in an incinerator. Not permitted to burn domestic waste. Fuel reduction burning in fire danger period must comply with CFA Act. Fuel reduction burning outside the Fire Danger Period must comply with Summary Offences Act.	Permit required- Local Laws. Unless <ul style="list-style-type: none"> ● In a properly constructed fireplace for cooking food or for warmth. ● Farming or rural area. ● Halls Gap Last 14 Days in October and first 14 days in May.
Use a vehicle on Council land, road, or reserve unless area designated for that purpose.	Permit required – Local Laws.
Keep a heavy vehicle on land in a residential area, Council land or road.	Permit required – Local Laws.
Keep more than 2 dogs, 2 cats, 10 pigeons, 10 poultry, 10 domestic rats, 10 domestic mice, 4 guinea pigs, 4 domestic rabbits, 6 reptiles and 4 ferrets in a residential area.	Permit required – Local Laws.
Owner or occupier of land in residential area- to keep any agricultural birds or animals.	Permit required – Local Laws.
Keep more than 4 cats and 4 dogs on rural land.	Permit required – Local Laws.
Move or Drove Livestock on a road or municipal place.	Permit required – Local Laws. UNLESS <ul style="list-style-type: none"> ● Being moved a reasonable distance between properties. ● Being relocated by an authorised officer. ● Relocated in an emergency. ● Moved in accordance with any code of practice, Act or parliament or Regulation applicable to the activity.
Scavenging at Municipal transfer Station or landfill.	Permission required - Waste Management Officer
FOOTPATH USE	
Movable signage including A frames.	Permit required – Local Laws.
Street furniture including bins.	Permit required – Local Laws.
Trading on a road reserve or footpath.	Permit required – Local Laws.
Shade structures, umbrellas.	Permit required – Local Laws.
Banners Flags and bunting.	Permit required – Local Laws.

ACTIVITY	PERMISSION
Displays of goods.	Permit required – Local Laws.
Raffles.	Permit required – Local Laws.
Live entertainment, busking or spruiking.	Permit required – Local Laws.
Organised groups or public gatherings.	Permit required – Local Laws.
Umbrella.	Permit required – Local Laws – may only be used in outdoor eating facility.
Barrier screens.	Permit required – Local Laws – may only be used in outdoor eating facility.
Planter boxes, pot plants.	Permit required – Local Laws.
Chairs, Tables, ancillary items associated with outdoor eating.	Permit required – Local Laws.
Displays of goods.	Permit required – Local Laws.
Place any structure for the purpose of offering for sale any goods or services.	Permit required – Local Laws.
Solicit business or gifts of money.	Permit required – Local Laws
Sell or offer for sale any goods or services, carried about or placed on the person or any other movable thing.	Permit required – Local Laws.
Use Municipal place for other than intended use.	Permit required – Local Laws.
Fireworks display on a municipal place.	Permit required – Local Laws.
Install locking devices to secure displays/furniture on footpath.	Permit required – Local Laws.