
Northern Grampians Shire Council General Local Law 2022



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1. GENERAL LOCAL LAW 2022

The **General Local Law 2022** is a Local Law made under Division 3 of Part 3 of the *Local Government Act 2020* and section 42 of the *Domestic Animals Act 1994*.

2. OBJECTIVES

The Objectives of this Local Law are to provide for –

- (a) the peace, order, and good governance of the municipality;
- (b) a safe and healthy environment so that the community within the municipality can enjoy a quality of life that meets expectations;
- (c) the safe and fair use and enjoyment of municipal places;
- (d) the protection and enhancement of the amenity and environment of the municipality;
- (e) the fair and reasonable enjoyment of private land;
- (f) the protection of assets vested in Council; and
- (g) the uniform and fair administration of this General Local Law 2022.

3. COMMENCEMENT

This Local Law commences on 5 September 2022.

4. REVOCATION OF LOCAL LAWS

On the commencement of this Local Law, the following Local Law is revoked –

- Northern Grampians Shire Council – *General Local Law 2012*.

5. APPLICATION OF THIS LOCAL LAW

The Local Law –

- (a) applies throughout the municipality; and
- (b) is inoperative to the extent of any inconsistency with any Act, Regulation or Planning Scheme in force in the municipality; and
- (c) does not apply where any act or thing is authorised by any Act, Regulation or the Planning Scheme in force in the municipality.

6. DEFINITIONS

In this Local Law –

amenity of an area is the quality that the area has of being pleasant and agreeable;

Authorised Officer means a person appointed by Council under section 224 of the *Local Government Act 1989*;

collection day means the day of the week the contents of a waste bin or recycling bin are due to be collected, which –

- (a) in the case of a waste collection service provided by Council, is the day of the week specified by Council; or
- (b) in the case of a waste collection service provided by a privately engaged contractor, is the day of the week specified by the contractor;

commercial area means any land zoned within a Commercial Zone in the Planning Scheme;

contravention has the same meaning as it has in the *Interpretation of Legislation Act 1984*;

Council means the Northern Grampians Shire Council;

Council asset includes land, and infrastructure whether built or natural, vested in, owned or managed by Council;

direct/direction means an instruction given by an Authorised Officer either in writing or verbally;

e-cigarette has the same meaning as it has in the *Tobacco Act 1987*;

event includes but is not limited to a circus, carnival, festival, activity or procession which has exclusive use of a municipal place or part thereof for commercial, private, or fundraising purposes;

footpath means the roadside land between the property boundary and the nearest edge of the constructed road surface, whether the footpath is constructed, partially constructed or unconstructed;

heavy vehicle has the same meaning as defined in the *Road Safety Act 1986*;

incinerator means an external structure, which is used or capable of being used for the purpose of containing matter whilst it is burning, excluding a barbeque or properly constructed fireplace;

industrial area means any land zoned within an Industrial Zone in the Planning Scheme;

infringement notice has the same meaning as defined in the *Infringements Act 2006*;

land has the same meaning as it has in the *Interpretation of Legislation Act 1984*;

liquor has the same meaning as defined in the *Liquor Control Reform Act 1998*;

litter has the same meaning as defined in the *Environment Protection Act 2017*;

livestock has the same meaning as defined in the *Livestock Management Act 2010*;

Local Law means this local law, the *General Local Law 2022*;

Local Law Guidelines means the document titled “Local Law Guidelines” as formulated and published by Council from time to time which is an incorporated document under this Local Law pursuant to section 76 of the *Local Government Act 2020*;

municipal place means –

- (c) a place, which is owned or occupied by the Council; or
- (d) a place, including road, where the care and management has been vested in Council; or
- (e) any other land where the owner or manager has obtained approval from Council for the Local Law or part thereof to be applicable to that land, and the place is open to, or accessible to member of the public regardless of whether or not a fee is payable to enter;

Municipality mean the municipal district of the Northern Grampians Shire Council;

no smoking area means an area designated to be a no smoking area under clause 21(1);

notice to comply means a written direction served in person or by mail to a person, or owner or occupier of a property;

pedestrian has the same meaning as it has in the *Road Safety Road Rules 2017*;

penalty unit has the same meaning as it has in section 110(1) of the *Sentencing Act 1991*;

permit means a permit issued under this Local Law;

Planning Scheme means the Northern Grampians Planning Scheme;

procession means an organised group of people proceeding along a road, or a gathering for a ceremony or function and includes but is not limited to a fun run and bicycle event. It does not include a procession of cars associated with a funeral service or an ANZAC Day March;

property has the same meaning as land;

public waste bin means a Council provided bin located in a municipal place, including a litter bin and cigarette butt bin;

recyclables refer to materials that are able to be treated or processed to make suitable for re-use;

residential area means any land zoned within a Residential Zone in the Planning Scheme;

road has the same meaning as defined in the *Local Government Act 1989*;

roadway means the formed section of a road, whether sealed or unsealed, that is generally associated with the passage of vehicles;

rural land means any land zoned within a Rural Zone in the Planning Scheme;

skip means a container that has a storage capacity of greater than 240 litres used for the depositing and or storage of waste and or recyclables;

smoke in the context of a tobacco product or an e-cigarette has the same meaning as in the *Tobacco Act 1987*;

tobacco product has the same meaning as defined in the *Tobacco Act 1987*;

vehicle has the same meaning as defined in the *Road Safety Road Rules 2017*;

vehicle crossing means a driveway connecting property to the street or road, in the area between property boundary and the road surface;

vermin include such pest species as rats, mice, foxes, rabbits, feral cats, or other non-native animals;

waste means any discarded item, including rubbish, refuse, garbage, junk, and litter and includes any commercial, construction, demolition, or industrial, materials that are unwanted or discarded;

Waste Services Guidelines means the document titled “Waste Services Guidelines” as formulated and published by Council from time to time which is an incorporated document under this local law pursuant to section 76 of the *Local Government Act 2020*.

COMMUNITY SAFETY AND AMENITY

7. HEAVY VEHICLES

Without a Permit, a person must not keep or store any heavy vehicle –

- (a) upon any road for which Council is the relevant Road Authority; or
- (b) on any land in a residential area; or
- (c) on Council land.

Penalty: 10 penalty units

8. OPEN AIR BURNING AND BURNING OF OFFENSIVE MATERIALS

(1) Subclauses (2) and (3) do not apply to a fire –

- (a) in a barbeque while being used for the purpose of cooking food; or
- (b) in a chiminea, potbelly stove, or small open fire in a suitable container for heating, cooking, cultural or social purposes, which is not offensive; or
- (c) generated by a tool of trade while being used for the purpose for which it was designed.

(2) Within a residential area, a commercial area or an industrial area a person must not, without a permit, burn in the open air any material, substance or thing in a heap that exceeds the size of 1 cubic metre.

Penalty: 20 penalty units

(3) A person who lights a fire in the open air or uses an incinerator must ensure that –

- (a) the fire is lit more than 3 metres from the allotment boundary; and
- (b) the fire is supervised at all times by a person over the age of 16 years; and

- (c) there are adequate means readily available for extinguishing the fire; and
- (d) the fire is not within 3 metres of any flammable material except for growing vegetation not exceeding 10cm in height; and
- (e) the fire is not offensive and does not cause a nuisance to any other person; and
- (f) the fire does not create a hazard; and
- (g) the fire does not have an adverse impact on visibility beyond the property boundary, including reducing the visibility of motorists and other users of a road

Penalty 20 penalty units

- (4) Where an authorised officer considers that a person is causing a condition which is unsafe, dangerous to health, offensive or non-compliant with this local law because of the way that person is using an incinerator or is burning in the open air, the authorised officer may direct that the fire be extinguished.
- (5) A person who lights or allows a fire to remain alight contrary to the provisions contained within this Local Law, must extinguish the fire immediately on being directed to do so by an Authorised Officer.

Penalty 20 penalty units

- (6) A person must not burn or cause to burn any offensive materials including any matter which contains any, or consists of –
 - (a) manufactured chemicals; or
 - (b) rubber or plastic; or
 - (c) petroleum or oil, other than in a properly constructed and operating heating appliance or in an internal combustion engine; or
 - (d) paint or receptacle which contains, or which contained paint; or
 - (e) household waste; or
 - (f) other offensive or noxious matter; or
 - (g) non timber based building materials; or
 - (h) treated or painted timber; or
 - (i) green or wet vegetation.

Penalty: 20 penalty units

- (7) An Authorised Officer may direct a person burning material contrary to subclause (6) to extinguish the fire and that person must do so.

Penalty: 20 penalty units

9. UNSIGHTLY LAND

- (1) An owner or occupier of land, or a person authorised by the owner or occupier of the land to undertake works on the land, must ensure that the land –
- (a) is not detrimental to the general amenity of the neighbourhood in which it is located by the appearance of any of the following –
 - (i) any stored unregistered motor vehicles or machinery or any parts thereof; or
 - (ii) the storing of scrap metal; or
 - (iii) the storing of second hand building materials; or
 - (iv) the storing of recyclables; or
 - (v) waste; or
 - (vi) disused excavation material; or
 - (vii) overgrown vegetation; or
 - (viii) unconstrained rubbish;
 - (b) is kept free of any graffiti; and
 - (c) does not become a haven for vermin to establish on the land.

Penalty: 20 penalty units

- (2) If an Authorised Officer considers that an owner or occupier of land is failing to comply with the requirements of this clause he or she may require the person to take remedial action to limit the impact of the condition or appearance of the land on the general character or amenity or safety of the neighbourhood, including the screening of the land by a fence or other means.

10. ENGLISH AND EUROPEAN WASPS

An owner or occupier of land must destroy any English or European wasp nest on that land.

Penalty: 5 penalty units

11. CAMPING

- (1) Without a permit, a person must not camp, or allow any other person to camp, on any road or municipal place other than a caravan park or an area designated for camping in –
- (a) a tent; or
 - (b) a motor vehicle; or
 - (c) a caravan; or
 - (d) a motorhome-campervan; or
 - (e) a temporary, or makeshift structure.

Penalty: 10 penalty units

- (2) An Authorised Officer may direct a person who is responsible for camping contrary to subclause (1) to move the camp from the road or municipal place and that person must do so.

Penalty: 20 penalty units

12. CAMPING ON PRIVATELY OWNED LAND

The owner or occupier of land must not, without a permit, camp, or allow any other person to camp, on that land –

- (a) in a manner that causes a nuisance; or
- (b) for any more than 4 consecutive weeks; or
- (c) for any more than a total of 3 months in any calendar year.

Penalty: 20 penalty units

13. OBSTRUCTING VEGETATION

A person must not allow any vegetation growing on land owned or occupied by that person to –

- (a) overhang any footpath or other part of the road used by pedestrians so that it impedes pedestrian access or is likely to cause injury or damage; or
- (b) overhang a road at a height less than 2.4m from the surface of the road; or
- (c) drop leaves, fruit, seeds or other vegetation on the road causing a hazard for road users; or
- (d) be of a height or width to –
 - (i) obstruct the view between vehicles at an intersection; or

- (ii) obstruct the view between vehicles and pedestrians where they come close to each other; or
- (iii) obscure a traffic control item from an approaching vehicle or pedestrian; or
- (iv) obscure street lighting; or
- (v) otherwise constitute a danger to vehicles or pedestrians or compromises the safe and convenient use of the road or footpath.

Penalty: 20 penalty units

14. ALLOCATED NUMBERS OF PREMISES TO BE DISPLAYED

- (1) The Council may allocate premises numbers if it believes this is necessary to identify premises in the municipality, and from time to time, may make changes to those numbers.
- (2) If the Council has allocated a street number to a premises, the owner of the premises must identify the premises with that number and must renew or replace the number as often as may be necessary.

Penalty: 5 penalty units

- (3) The owner of the premises must ensure that the number as described in subclause (1) is of characters at least 95mm high and 50mm wide and placed in such a position as to be clearly readable from the roadway to which the address relates.

Penalty: 5 penalty units

15. WASTE COLLECTION

A person must comply with any requirement imposed on that person in the Waste Services Guidelines.

Penalty: 20 penalty units

16. MUNICIPAL WASTE FACILITIES

- (1) A person who uses a municipal transfer station or waste facility must –
 - (a) comply with any conditions of use of the station or facility as determined by Council from time to time;
 - (b) comply with any directions given by Council staff or contractors in charge of the station or facility; and
 - (c) pay any applicable fees and charges as determined by Council from time to time.

Penalty: 20 penalty units

- (2) Without permission given by an Authorised Officer, a person must not remove material of any kind which has been deposited at a Council transfer station other than materials that are available through a Council approved reuse facility.

Penalty: 20 penalty unit

17. PUBLIC WASTE BINS

A person must not deposit in a public waste bin any –

- (a) household waste; or
- (b) commercial or industrial waste, including food, cigarette ash, cigarette butts or recycling materials from commercial or industrial premises; or
- (c) a lit cigarette; or burning materials; or
- (d) waste of a shape, size or weight that cannot be contained in the public waste bin.

Penalty: 20 penalty units

18. WASTE AND RECYCLING BINS

- (1) A waste or recycling bin awaiting collection of its contents must not be placed on a road, or on any other municipal place, more than 24 hours prior to the collection day.

Penalty: 20 penalty units

- (2) A waste or recycling bin must be removed from a road or any other municipal place within 24 hours of the collection day.

Penalty: 20 penalty units

- (3) The owner or occupier of premises must remove any materials which have spilled from the property's waste or recycling bin onto a road, or any other municipal place.

Penalty: 20 penalty units

- (4) An Authorised Officer may direct the owner or occupier of premises to remove any materials which have spilled from the property's waste or recycling bin onto a road or any other municipal place and that person must do so.

Penalty: 20 penalty units

- (5) If an item has been placed in a Council supplied kerbside waste bin and is an item that must not be placed in that bin in accordance with the Waste Services Guidelines, an Authorised Officer may direct the owner or occupier of the premises to remove the item and that person must do so.

Penalty: 20 penalty units

19. SKIPS IN A MUNICIPAL PLACE

- (1) Except for Council supplied waste and recycling bins, a permit under this local law must be obtained at least two business days prior to the placement of any skip used for the storage of waste and/or recyclables in a municipal place.

Penalty: 20 penalty units

- (2) An Authorised Officer may direct the person responsible for the placement of the skip referred to in subclause (1) to remove the skip if it is placed without a permit or is not placed in accordance with the permit conditions and that person must do so.

Penalty: 20 penalty units

- (3) An Authorised Officer may direct the person responsible for the placement of the skip referred to in subclause (1) to remove any spilt waste or recycling materials and that person must do so.

Penalty: 20 penalty units

MUNICIPAL PLACES

20. USE OF MUNICIPAL PLACES

- (1) Without a Permit, a person must not use a municipal place other than for its intended purpose.

Penalty: 10 penalty units

- (2) Except where authorised by Council or an Authorised Officer, a person must not, on a road or municipal place –

- (a) prune, remove or damage any Council tree, shrub, or vegetation; or
- (b) plant a tree, shrub, or vegetation; or
- (c) landscape an area; or
- (d) damage any Council garden beds or related infrastructure including tree guards, irrigation, retainer walls or watering systems; or
- (e) remove, or install landscaping related infrastructure including tree guards, irrigation, or watering systems.

Penalty: 10 penalty units

- (3) An owner or occupier of premises must maintain and keep in good condition any vehicle crossing attached to the premises.

Penalty: 20 penalty units

21. NO SMOKING IN MUNICIPAL PLACES

- (1) Council may by resolution designate a municipal place or part of a municipal place to be a no smoking area.
- (2) Council must display signs at the municipal place, or part of a municipal place advising that it is a no smoking area.
- (3) A person must not smoke a tobacco product or an e-cigarette in a no smoking area.

Penalty: 5 penalty units

- (4) An Authorised Officer may direct a person who is contravening or has contravened subclause (3) to –
 - (a) leave the no smoking area; or
 - (b) in the case of a tobacco product, extinguish and then dispose of the tobacco product; or
 - (c) in the case of an e-cigarette, cease using the device.
- (5) A person to whom a direction is given under subclause (4) must comply with that direction.

Penalty: 20 penalty units

- (6) This clause does not apply to any smoking that is prohibited by the *Tobacco Act 1987*.

22. LIQUOR IN A MUNICIPAL PLACE

- (1) Without a Permit, a person must not consume or be in possession of any liquor in an unsealed container in a municipal place.

Penalty: 20 penalty units

- (2) Subclause (1) does not apply –
 - (a) between the hours of 11am and sunset, to persons partaking of a meal at a public barbeque or public picnic facilities with built infrastructure to facilitate eating; or
 - (b) to a person who consumes or possesses liquor in any licensed premises or authorised premises as defined in the *Liquor Control Reform Act 1998*.
- (3) An Authorised Officer may direct a person who is contravening or has contravened subclause (1) to dispose of the liquor and that person must do so.

Penalty: 20 penalty units

23. BEHAVIOUR

- (1) A person must not behave in a municipal place in a manner which is –
- (a) boisterous, harmful or which is likely to interfere with the reasonable use or enjoyment of the municipal place by any other person; or
 - (b) considered by an Authorised Officer to be damaging or harmful to the municipal place.

Penalty: 10 penalty units

- (2) An Authorised Officer may direct a person who is acting contrary to subclause (1)(a) or subclause (1)(b) to cease that behaviour and that person must do so.

Penalty: 20 penalty units

24. PROHIBITED ACTIVITIES IN MUNICIPAL PLACES

- (1) A person must not whilst in municipal place –
- (a) enter upon or remain on an area set aside as a playing ground during the course of an organised sporting event while matches are in play unless that person is a player, official or competitor; or
 - (b) use any playground equipment other than for the purpose for which it is provided; or
 - (c) fish in or swim, paddle, dive or jump into or enter any wetland, lake, pond, or fountain unless designated by Council as being permitted; or
 - (d) throw, place, or allow to be thrown or placed any object or substance into any wetland, lake, pond, or fountain; or
 - (e) play, engage in, or practise any game, sport or activity in a manner that is –
 - (i) dangerous to any other person in the municipal place; or
 - (ii) likely to interfere with the reasonable use or enjoyment of the municipal place by any other person; or
 - (f) ride, lead or allow to wander any horse, pony, or other like animal other than in the area and at a time designated by Council; or
 - (g) drive, ride in or on or otherwise use any vehicle other than in the area designated by Council.

Penalty: 10 penalty units

- (2) An Authorised Officer may direct a person who is acting contrary to subclause (1) to immediately cease the activity and that person must do so.

Penalty: 20 penalty units

25. WORKING ON VEHICLES IN A MUNICIPAL PLACE

- (1) A person must not in a municipal place –
 - (a) paint a vehicle; or
 - (b) service a vehicle; or
 - (c) carry out maintenance on a vehicle; or
 - (d) repair or dismantle a vehicle except in an emergency breakdown to enable it to be removed.

Penalty: 5 penalty units

- (2) An Authorised Officer may direct a person who is working on a vehicle contrary to subclause (1) to immediately cease the activity and that person must do so.

Penalty: 20 penalty units

26. DISPLAY VEHICLES FOR SALE

- (1) Without a permit, a person must not in a municipal place display a vehicle for sale.

Penalty: 5 penalty units

- (2) An Authorised Officer may direct a person who is in charge of a vehicle displayed for sale contrary to subclause (1) to remove the advertising or the vehicle from the municipal place and that person must do so.

Penalty: 20 penalty units

- (3) Subclause (1) does not apply to a vehicle being driven out on a road, or a vehicle that is lawfully parked in front of the owner's residential address and the advertising is within the vehicle.

27. VEHICLES ON MUNICIPAL PLACES

- (1) Without a permit, a person must not use a vehicle on any municipal place, unless the municipal place has been designated by Council for the use of that vehicle.

Penalty: 10 penalty units

- (2) Subclause (1) does not apply to a municipal place that is a road.

- (3) A person must not use a vehicle on any municipal place –

- (a) so as to interfere with the amenity, reasonable use, or enjoyment of the municipal place by another person; or

(b) in a manner that damages any vegetation, Council assets or land.

Penalty: 10 penalty units

- (4) An Authorised Officer may direct the person in charge of the vehicle being used contrary to subclause (1) or subclause (2) to leave the municipal place or cease the activity and that person must do so.

Penalty: 20 penalty units

28. EVENTS

Without a permit, a person must not conduct an event in a municipal place.

Penalty: 20 penalty units

29. FIREWORKS

Without a permit, a person must not conduct a firework display or ignite fireworks in a municipal place.

Penalty: 20 penalty units

30. FOOTPATH USE

- (1) Without a Permit, a person must not conduct any footpath activity, excluding pedestrian use.

Penalty: 10 penalty units

- (2) A person conducting a footpath activity must comply with any requirement imposed on that person in the Local Law Guidelines.

Penalty: 10 penalty units

- (3) For the purposes of this clause footpath activity includes, but is not limited to any of the following occurring on the footpath –

(a) the placement of signs; or

(b) the placement of street furniture; or

(c) the placement of bins, except for bins placed out for collection in accordance with this Local Law and any requirement set out in the Waste Services Guidelines; or

(d) trading; or

(e) the placement of street structures, umbrellas, blinds, and awnings; or

(f) the placement of banners, flags, and bunting; or

(g) the display of goods; or

(h) conducting raffles; or

- (i) busking, spruiking; or
 - (j) any organised group or public gatherings; or soliciting or collecting gifts of money or subscriptions; or
 - (k) the display of vehicles or goods for sale; or
 - (l) the collection of waste materials, except in accordance with this Local Law and any requirement set out in the Waste Services Guidelines; or the placement of chairs, tables, and items ancillary to outdoor eating; or the placement of barriers, fences, dividers; or
 - (m) the placement of outdoor heating devices.
- (4) An Authorised Officer may direct the person responsible for a footpath activity that contravenes subclauses (1) or (2) to immediately stop and that person must do so.

Penalty: 20 penalty units

- (5) An Authorised Officer may direct the person responsible for the placement of any item contrary to subclauses (1) or (2), or not placed in accordance with the conditions of a permit issued under this Local Law, to remove the offending item and that person must do so.

Penalty: 20 penalty units

ANIMALS

31. EXCESS ANIMALS IN RESIDENTIAL AREA

- (1) Without a permit, an owner or occupier of premises in a residential area must not keep, or allow to be kept, any animals in excess of the number of specified below for each animal –
- (a) 2 cats;
 - (b) 2 dogs;
 - (c) 10 pigeons;
 - (d) 10 poultry;
 - (e) 10 domestic rats;
 - (f) 10 domestic mice;
 - (g) 4 guinea pigs;
 - (h) 4 domestic rabbits;
 - (i) 6 reptiles; or

- (j) 4 ferrets.

Penalty: 10 penalty units

- (2) Without a permit, an owner or occupier of premises in a residential area must not keep, or allow to be kept, more than four different types of animals at the premises.

Penalty: 20 penalty units

- (3) Progeny of animals kept will not be considered for the purpose of subclause (1) or subclause (2) until they are 12 weeks of age.

32. AGRICULTURAL ANIMALS IN A RESIDENTIAL AREA

- (1) Without a permit, an owner or occupier of premises in a residential area must not keep, or allow to be kept, any agricultural animals including –

- (a) large birds including emus, ostriches, turkeys, or geese; or

- (b) horses or donkeys or like animals; or

- (c) sheep; or

- (d) goats; or

- (e) roosters; or

- (f) pigs; or

- (g) camels; or

- (h) other agricultural animals.

Penalty: 10 penalty units

- (2) Progeny of animals kept will not be considered for the purpose of subclause (1) until they are 12 weeks of age.

33. ANIMALS IN RURAL AREA

- (1) Without a permit, an occupier of rural land must not keep, or allow to be kept, more than –

- (a) 4 cats; or

- (b) 4 dogs.

Penalty: 10 penalty units

- (2) Progeny of animals kept will not be considered for the purpose of subclause (1) until they are 12 weeks of age.

34. CATS IN HALLS GAP AREA

- (1) A person in the Halls Gap area (Maps 35, 36 and 37 of the Planning Scheme as identified in Schedule 2) must not keep a cat which was not in their possession and being kept in the Halls Gap area before 21 October 1993.

Penalty: 20 penalty units

- (2) The owner of a cat which is exempt under subclause (1) must ensure –
- (a) that the cat is confined totally indoors or in an escape proof enclosure on the owner's premises; and
 - (b) when outside the owner's premises the cat must be confined to an enclosed vehicle.

Penalty: 20 penalty units

35. GRAZING, MOVING OR DROVING LIVESTOCK

- (1) Without a permit, grazing of livestock on a road is prohibited (regardless of whether the area is fenced).

Penalty: 20 penalty units

- (2) Without a permit, a person must not move or drove any livestock in a municipal place unless the livestock are being –
- (a) moved in order to travel a reasonable distance within the municipality from one property to another and the properties are under the same ownership or management; or
 - (b) relocated by an Authorised Officer; or
 - (c) relocated in an emergency to avoid or minimise danger; or
 - (d) moved in accordance with any appropriate code of practise, Act of Parliament or Regulation applicable to the activity.

Penalty: 20 penalty units

ADMINISTRATION

36. DELEGATION

- (1) Council delegates to its Chief Executive Officer, all the powers, discretions, authorities, and considerations of Council under this Local Law.
- (2) The Chief Executive Officer may delegate to the holder of an office or position as a member of Council staff any power delegated to the Chief Executive Officer under subclause (1).

37. ENFORCEMENT

- (1) If an Authorised Officer believes that a person has contravened or failed to comply with this Local Law or the person has contravened or failed to comply with a permit issued under this Local Law, the Authorised Officer may, by written notice called a notice to comply served on that person, make any reasonable direction to that person to remedy the contravention or failure to comply with this Local Law or a permit.
- (2) An Authorised Officer may act to remedy any circumstances which threatens a person's life, health or property, or an animal, without serving a notice to comply under this clause, provided that –
 - (a) the circumstances arise out of a person's use of a municipal place or failure to comply with a provision of this Local Law; or
 - (b) the action taken is no more than the minimum reasonably necessary to remedy the urgent circumstance; and
 - (c) the person to whom a notice would have otherwise been served is as soon as possible notified of the urgent circumstance and the action taken to remedy it.
- (3) An Authorised Officer may –
 - (a) impound any item that encroaches or obstructs the free use of a municipal place;
 - (b) release the impounded item to its owner on payment of a fee previously determined by Council, which it is not to exceed an amount that reasonably represents the cost to Council of impounding, keeping, and releasing the item; and
 - (c) sell, destroy, dispose of, or give away the impounded item if the owner of the impounded item has not paid the required fees.
- (4) If an Authorised Officer impounds an item under this Local Law, they must serve on the owner of the impounded item a notice of seizure as soon as possible after the impounding.
- (5) If the identity or whereabouts of the owner of an item impounded under this Local Law is unknown, Council must take reasonable steps to ascertain the owner's identity and/or whereabouts prior to exercising its powers under subclause (3)(c).

- (6) Council is entitled to retain out of the proceeds of sale of any impounded item its reasonable costs incurred in impounding, keeping, and selling the item.
- (7) A person is guilty of an offence if the person –
 - (a) contravenes or fails to comply with a provision of this Local Law, including any document incorporated under this Local Law; or
 - (b) engages in any activity without a current permit where a provision of this Local Law requires that the person obtain a permit beforehand; or
 - (c) contravenes a condition of a permit issued under this Local Law; or
 - (d) contravenes or fails to comply with a notice to comply issued under subclause (1).
- (8) The maximum penalty for a contravention or failure to comply with this Local Law is the penalty stated under the provision or where no penalty is stated under the provision, the maximum penalty is 20 penalty units.

38. INFRINGEMENT NOTICE

- (1) If an Authorised Officer believes that a person has committed an offence against this Local Law, the Authorised Officer may issue to that person an infringement notice.
- (2) An offence for which an infringement notice may be served is an infringement offence within the meaning of the *Infringements Act 2006*.
- (3) The penalty set in respect of an infringement notice for an infringement offence under this Local Law is the penalty set out in Schedule 1.

39. PERMITS

- (1) An application for a permit under this Local Law must –
 - (a) be in a form approved by Council;
 - (b) be accompanied by the fee determined by Council; and
 - (c) comply with any requirements contained in the Local Law Guidelines.
- (2) An Authorised Officer may require an applicant to –
 - (a) supply more information; or
 - (b) give public notice of the application.

- (3) An Authorised Officer may decide to –
 - (a) grant a permit with or without conditions; or
 - (b) refuse to grant a permit on any ground they believe appropriate; or
 - (c) apply any conditions relevant to such permits; or
 - (d) give consideration to any guidelines applicable to such permit.
- (4) An Authorised Officer may revoke a permit.
- (5) A permit expires on the expiry date specified in the permit.
- (6) The Chief Executive Officer may exempt, in writing, a person from the requirement to obtain a permit under this Local Law.
- (7) In deciding to grant a permit, an Authorised Officer may require the applicant to lodge with Council a bond for such amount and in such a manner as the officer deems reasonable in the circumstances.
- (8) If Council is required to remedy a breach of a permit or repair any damage caused by any work carried out under a permit, it may, for that purpose, use part or all of any bond associated with that permit and must afterwards release any remainder of that bond.
- (9) Council may seek additional costs from the permit holder if the costs to remedy a breach of a permit are greater than the bond being held for the Permit.
- (10) On satisfactory completion of any works under a permit, or when the permit expires Council must release any applicable bond.
- (11) If after 12 months Council cannot locate a person entitled to the release of any bond, Council may retain the bond and pay the money into its general revenue.
- (12) The Local Law Guidelines apply to all applications for a permit made under this Local Law and to all permits issued under this Local Law.

40. FEES

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

41. INCORPORATED DOCUMENTS

Pursuant to section 76(1) of the *Local Government Act 2020*, the following documents are incorporated documents under this Local Law –

- (a) the document titled “Waste Services Guidelines” as formulated and published by Council from time to time; and the document titled “Local Law Guidelines” as formulated and published by Council from time to time.

42. CERTIFICATION

The General Local Law 2022 was made by resolution of Northern Grampians Shire Council on [date].

.....

Mayor/Councillor

.....

Chief Executive Officer/Senior Officer

SCHEDULE 1: INFRINGEMENT PENALTY SCHEDULE

Clause 38(3)

The penalty set in respect of an infringement notice for an infringement offence under this Local Law is the penalty set out in the table below.

| Clause | Infringement penalty (penalty units) |
|---------------|---|
| 7 | 1 |
| 8(2) | 2 |
| 8(3) | 2 |
| 8(5) | 2 |
| 8(6) | 2 |
| 8(7) | 2 |
| 9(1) | 1 |
| 10 | 0.5 |
| 11(1) | 1 |
| 11(2) | 1 |
| 12 | 1 |
| 13 | 1 |
| 14(2) | 0.5 |
| 14(3) | 0.5 |
| 15 | 1 |
| 16(1) | 1 |
| 16(2) | 1 |
| 17 | 1 |
| 18(1) | 1 |
| 18(2) | 1 |
| 18(3) | 1 |
| 18(4) | 1 |
| 18(5) | 1 |
| 19(1) | 1 |
| 19(2) | 1 |
| 19(3) | 1 |

| Clause | Infringement penalty (penalty units) |
|---------------|---|
| 20(1) | 1 |
| 20(2) | 1 |
| 20(3) | 1 |
| 21(3) | 0.5 |
| 21(5) | 1 |
| 22(1) | 1 |
| 22(3) | 1 |
| 23(1) | 1 |
| 23(2) | 1 |
| 24(1) | 1 |
| 24(2) | 1 |
| 25(1) | 0.5 |
| 25(2) | 1 |
| 26(1) | 0.5 |
| 26(2) | 1 |
| 27(1) | 1 |
| 27(3) | 1 |
| 27(4) | 1 |
| 28 | 1 |
| 29 | 1 |
| 30(1) | 1 |
| 30(2) | 1 |
| 30(4) | 1 |
| 30(5) | 1 |
| 31(1) | 1 |
| 31(2) | 1 |
| 32(1) | 1 |
| 33(1) | 1 |
| 34(1) | 1 |
| 34(2) | 1 |

| Clause | Infringement penalty (penalty units) |
|---------------|---|
| 35(1) | 1 |
| 35(2) | 1 |
| 37(7)(c) | 1 |
| 37(7)(d) | 1 |

SCHEDULE 2: CATS IN HALLS GAP AREA

Clause 34

