



NORTHERN GRAMPIANS SHIRE COUNCIL
GENERAL LOCAL LAW 2012

Contents Northern Grampians Shire Council General Local Law 2012

1. GENERAL LOCAL LAW 2012	5
2. OBJECTIVES.....	5
3. COMMENCEMENT.....	5
4. REVOCATION OF LOCAL LAWS.....	5
5. APPLICATION OF THIS GENERAL LOCAL LAW 2012.....	6
6. DEFINITIONS	6
COMMUNITY SAFETY AND AMENITY	9
7. COMPLYING WITH COUNCIL SIGNS	9
8. AMPLIFIED NOISE	9
9. HEAVY VEHICLES	10
10. OPEN AIR BURNING OUTSIDE DECLARED FIRE DANGER PERIOD	10
11. DISCHARGE FROM CHIMNEY OR FLUE	11
12. BURN OFFENSIVE MATERIALS	11
13. UNSIGHTLY LAND	12
14. ENGLISH AND EUROPEAN WASPS.....	12
15. CAMPING	13
16. OBSTRUCTING VEGETATION.....	13
17. ALLOCATED NUMBERS OF PREMISES TO BE DISPLAYED.....	14
18. AERODROME & OBSTACLE LIMITATION SURFACES.....	14
WASTE & RECYCLING	15
19. COUNCIL SUPPLIED WASTE AND RECYCLING BINS.....	15
20. DEPOSITING OF MATERIALS AT COUNCIL TRANSFER STATION OR LANDFILL	16
21. REMOVING MATERIALS FROM MUNICIPAL TRANSFER STATION OR LANDFILL	17
22. PUBLIC LITTER OR RECYCLING BINS	17
23. ADDITIONAL COUNCIL COLLECTION SERVICE	17
24. WASTE AND RECYCLING BINS NOT SUPPLIED BY COUNCIL.....	18
25. SKIPS IN A MUNICIPAL PLACE	19
MUNICIPAL PLACES.....	20
26. USE OF MUNICIPAL PLACES	20
27. NO SMOKING IN MUNICIPAL PLACES.....	20
28. LIQUOR IN A MUNICIPAL PLACE	21

29. BEHAVIOUR	21
30. PROHIBITED ACTIVITIES IN MUNICIPAL PLACES	22
31. WORKING ON VEHICLES IN MUNICIPAL PLACES	22
32. DISPLAY OF VEHICLES FOR SALE	23
33. ABANDONED VEHICLES	23
34. VEHICLES FOR RECREATIONAL PURPOSES	23
35. EVENTS	24
36. FIREWORKS	24
37. FOOTPATH USE	24
ANIMALS	26
38. EXCESS ANIMALS IN RESIDENTIAL AREA	26
39. AGRICULTURAL ANIMALS IN RESIDENTIAL AREA	27
40. EXCESS ANIMALS IN RURAL AREA	27
41. CATS IN HALLS GAP AREA	28
42. GRAZING, MOVING OR DROVING LIVESTOCK	28
43. DOGS ON LEASH	29
44. ANIMAL EXCREMENT	29
ADMINISTRATION	30
45. DELEGATION	30
46. ENFORCEMENT	30
47. PENALTY UNIT	31
48. PERMITS	32
49. REVIEW PROCESSES	33
50. NOTICE OF GENERAL LOCAL LAW 2012	34
51. CERTIFICATION OF GENERAL LOCAL LAW 2012	34
SCHEDULE 1 – GUIDELINES AND PROCEDURES	35
8. AMPLIFIED NOISE	35
9. HEAVY VEHICLES	35
10. OPEN AIR BURNING OUTSIDE DECLARED FIRE DANGER PERIOD	36
11. DISCHARGE FROM CHIMNEY OR FLUE	36
17. ALLOCATED NUMBERS OF PREMISES TO BE DISPLAYED	37
19. COUNCIL SUPPLIED WASTE AND RECYCLING BINS	38
26. USE OF MUNICIPAL PLACES	40
28. LIQUOR IN A MUNICIPAL PLACE	40
34. VEHICLES FOR RECREATIONAL PURPOSES	41
35. EVENTS	42
36. FIREWORKS	42
37. FOOTPATH USE	43

38. EXCESS ANIMALS IN RESIDENTIAL AREA	48
39. AGRICULTURAL ANIMALS IN RESIDENTIAL AREA	49
40. EXCESS ANIMALS IN RURAL AREA	49
42. GRAZING, MOVING OR DROVING LIVESTOCK	49
SCHEDULE 2- PERMITS	51
STANDARD CONDITIONS FOR PERMITS	51
SCHEDULE 3 – CLAUSE 41 CATS IN HALLS GAP AREA	53
SCHEDULE 4 – INFORMATION & EXAMPLE FORMS	54
2012 / 13 LOCAL LAWS FOOTPATH USE PERMIT APPLICATION	55
NOTICE TO COMPLY	59
APPLICATION FOR INTERNAL REVIEW OF AN INFRINGEMENT NOTICE	61
APPLICATION FOR INTERNAL REVIEW OF A NOTICE TO COMPLY	63
APPLICATION FOR INTERNAL REVIEW OF A PERMIT	65
ACTIVITY TABLE FOR PERMITS AND PERMISSION	67
KEY CHANGES - GENERAL LOCAL LAW 2012	71

1. GENERAL LOCAL LAW 2012

The ***Northern Grampians Shire Council General Local Law 2012*** is a Local Law made under Part 5 and Schedule 8 of the *Local Government Act 1989* and Part 3 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 its 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 use and enjoyment of private land;
- (f) the protection of assets vested in Council; and
- (g) the uniform and fair administration of this *General Local Law 2012*.

3. COMMENCEMENT

This *General Local Law 2012* commences on 7 September 2012.

4. REVOCATION OF LOCAL LAWS

On the commencement of this *General Local Law 2012*, the following Local Law is revoked:

- Northern Grampians Shire Council – *General Law 2005*

5. APPLICATION OF THIS GENERAL LOCAL LAW 2012

This *General Local Law 2012*-

- (a) applies throughout the municipality; and
- (b) is inoperative in any Clause that is inconsistent with any Act, Regulation or Planning Scheme in force in the municipality.

6. DEFINITIONS

In this *General Local Law 2012*-

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 224-224A of the *Local Government Act 1989*;

built up area has the same meaning as it has in the *Road Safety Road Rules 2009*;

contravenes 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;

Delegated Officer means a staff member of Council delegated by the Council to perform a duty or function or exercise a power conferred by this *General Local Law 2012* whether by direct delegation or by delegation from the Chief Executive Officer;

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

event includes but is not limited to a circus, carnival, festival or procession where the request is for 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 fully constructed, partially constructed or unconstructed;

green waste means any organic material from a garden such as, but not limited to, leaves and branches, and specified by Council as accepted in an additional Council collection;

habitable room means any room in a dwelling, other than a kitchen, storage area, bathroom, laundry, toilet or pantry;

hard waste as specified by Council as accepted in an additional Council collection;

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;

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 means a beverage intended for human consumption with an alcoholic content greater than 0.5 per cent by volume at a temperature of 20 degrees Celsius (as in the *Liquor Control Reform Act 1998*);

litter means waste which is disposed of unlawfully;

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

municipal place means a place, which is owned or occupied by the Council, or a place, including roads, where the care and management has been vested in Council, or any other land where the owner or manager has obtained approval from Council for the General Local Law 2012 or part thereof to be applicable to that land, and the place is open to, or accessible to members of the public regardless of whether or not a fee is payable to enter;

municipality means the municipal district of the Northern Grampians Shire Council;

nature strip has the same meaning as footpath;

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

Obstacle Limitation Surfaces means the surfaces of, and areas around an aerodrome that are required to be surveyed for obstacles and impact on aircraft use of the runway. The obstacles may include trees, buildings, aeriels and towers;

owner relating to an animal has the same meaning as it has in the *Domestic Animals Act 1994* with the exception of Clauses 43(1), 43(2), and 43(3) of the *General Local Law 2012* where the definition of owner is as per Section 4 of the *Domestic Animals Act 1994*;

pedestrian has the same meaning as it has in the *Road Safety Road Rules 2009*;

penalty unit means a penalty unit under the *Sentencing Act 1991*, s. 110(2);

permit guidelines means guidelines referred to by an Authorised or Delegated Officer in determining whether permit applications will be approved or not, and are included in Schedule 1 of the *General Local Law 2012*;

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 litter and recycling bin means a Council provided bin, including a cigarette butt bin, in a municipal place;

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

road has the same meaning as road 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 land outside of residential or township areas;

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;

vehicle has the same meaning as in the *Road Safety Road Rules 2009*;

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

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

waste means rubbish, refuse, garbage, junk, and litter and includes any commercial, construction, demolition, or industrial, materials that are unwanted or useless.

COMMUNITY SAFETY AND AMENITY

7. COMPLYING WITH COUNCIL SIGNS

- (1) A person must comply with the instructions of any sign erected by Council in a municipal place.

Penalty: 2 penalty units

- (2) For the purposes of subclause (1) signs must be explanatory and placed to clearly indicate both the activity not permitted, and the area in which it is not permitted.

8. AMPLIFIED NOISE

- (1) Without a Permit, a person must not use any sound amplification equipment to amplify any type of noise including music, singing or speaking, or sound or play any musical instrument that is-

- (a) in a municipal place; or
- (b) on land adjacent to a municipal place if the noise resulting from the use is capable of being heard in the municipal place; or
- (c) in a vehicle, if the noise resulting from the use is able to be heard in a municipal place 20 metres or more from the vehicle.

Penalty: 2 penalty units

- (2) An Authorised Officer may direct a person responsible for the noise in subclause (1) to stop the noise, and that person must do so.

Penalty: 2 penalty units

Permit guidelines as determined by the Council from time to time are incorporated in Schedule 1 of this General Local Law 2012.

- (3) Subclauses (1) and (2) are not intended to apply to noise that is generally associated with that municipal place, for example sirens and loud speakers at football grounds, music and speaking associated with use of a Town Hall.

9. HEAVY VEHICLES

- (1) 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: 2 penalty units

Permit guidelines as determined by the Council from time to time are incorporated in Schedule 1 of this General Local Law 2012.

10. OPEN AIR BURNING OUTSIDE DECLARED FIRE DANGER PERIOD

- (1) Without a Permit, a person must not outside a declared fire danger period, light a fire in the open, or in an incinerator, unless the fire is lit-
- (a) in a properly constructed fireplace for the purpose of cooking food for human consumption; or
 - (b) for personal warmth; or
 - (c) on rural land; or
 - (d) by an owner or occupier of land within the municipality during a period declared by the Council Municipal Fire Prevention Officer to be a period where fuel reduction burns may be conducted without permit in nominated areas of the municipality; or
 - (e) by an owner or occupier of land within the municipality as part of implementing a fuel reduction strategy approved by the Council Municipal Fire Prevention Officer.

Penalty: 2 penalty units

- (2) An Authorised Officer may direct a person responsible for the fire in subclause (1) to extinguish the fire where no permit for the fire has been issued or the Permit conditions issued are not being adhered to, and that person must do so.

Penalty: 2 penalty units

Permit guidelines as determined by the Council from time to time are incorporated in Schedule 1 of this General Local Law 2012.

11. DISCHARGE FROM CHIMNEY OR FLUE

- (1) An owner or occupier of land must not cause or allow any chimney or flue on the land to discharge any smoke, substance or odour that-
- (a) is observed by an Authorised Officer to enter a habitable room within any other residence; or
 - (b) in the opinion of an Authorised Officer is unreasonable.

Penalty: 2 penalty units

Guidelines as determined by the Council from time to time are incorporated in Schedule 1 of this General Local Law 2012.

- (2) An Authorised Officer may direct a person responsible for causing the discharge contrary to subclause (1) to extinguish the fire if the Authorised Officer has formed the opinion that the chimney or flue is discharging unreasonably and that person must do so.

Penalty: 2 penalty units

12. BURN OFFENSIVE MATERIALS

- (1) A person must not burn or cause to burn any offensive materials including any matter which contains any, or consists of-
- (a) manufactured chemical; or
 - (b) rubber or plastic; or
 - (c) petroleum or oil, other than in a properly constructed and operating heating appliance; or
 - (e) paint or receptacle which contains or which contained paint; or
 - (f) food waste; or
 - (g) other offensive or noxious matter; or
 - (h) leaves, vegetation or other material which emits dense or noxious smoke.

Penalty: 4 penalty units

- (2) An Authorised Officer may direct a person burning material contrary to subclause (1) to extinguish the fire and that person must do so.

Penalty: 4 penalty units

13. 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-
 - (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) unconstrained rubbish.
 - (b) is kept free of any graffiti;
 - (c) is not used in any manner that may cause a nuisance or become detrimental to the amenity of the neighbourhood; and
 - (d) does not become a haven for vermin to establish on the land.

Penalty: 3 penalty units

14. ENGLISH AND EUROPEAN WASPS

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

Penalty: 1 penalty unit

15. CAMPING

- (1) 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 motor home-campervan; or
 - (e) a temporary, or makeshift structure.

Penalty: 2 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: 2 penalty units

16. OBSTRUCTING VEGETATION

- (1) 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) obstruct the view between vehicles and trains at a railway level crossing which does not have gates, booms or flashing lights; or
- (vi) otherwise constitute a danger to vehicles or pedestrians or compromises the safe and convenient use of the road.

Penalty: 1 penalty unit

17. 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 number to 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.
 - (a) The owner of the premises must ensure that the number as described in subclause (2) 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: 2 penalty units

18. AERODROME & OBSTACLE LIMITATION SURFACES

- (1) An owner or occupier of any property must ensure that any obstacle that is identified as an intrusion or potential intrusion through the aerodrome Obstacle Limitation Surfaces (OLS) survey is removed.

Penalty: 5 penalty units

- (2) An Authorised Officer may direct the owner or occupier of the land to remove or alter the intrusion or potential intrusion identified in the OLS survey and that person must do so.

Penalty: 5 penalty units

WASTE & RECYCLING

19. COUNCIL SUPPLIED WASTE AND RECYCLING BINS

- (1) A person must not place, or cause to be placed, in a Council supplied waste bin any-
- (a) concrete, masonry or bricks; or
 - (b) motor oil, oil filter, solvents, flammable liquids or liquid paint; or
 - (c) sewerage or liquid waste; or
 - (d) needle, syringe or medical waste; or
 - (e) hazardous chemicals; or
 - (f) volatile, explosive or flammable substance; or
 - (g) waste of a shape, size or weight that cannot be contained in the provided bin; or
 - (h) broken glass or other sharp objects unless they are properly contained or wrapped in such a way as to render them harmless; or
 - (i) hot ash or burning materials; or
 - (j) dirt, dust, or other matter from any vacuum cleaner, hair or other similar matter unless it has been securely wrapped.

Penalty: 2 penalty units

- (2) A person must not place, or cause to be placed, in a Council supplied recycling bin, any materials other than-
- (a) paper;
 - (b) cardboard;
 - (c) aluminium cans, trays and foil;
 - (d) steel cans (excluding paint and oil cans);
 - (e) aerosol cans;
 - (f) glass bottles and jars, (excluding broken glass and crockery); and
 - (g) rigid plastic containers including but not limited to soft drink bottles, milk, juice, yoghurt or food containers.

Penalty: 2 penalty units

- (3) An Authorised or Delegated Officer may direct the owner or occupier of premises to remove materials that are not accepted from a Council supplied waste or recycling bin and that person must do so.

Penalty: 2 penalty units

- (4) An Authorised or Delegated Officer may direct the owner or occupier of premises to dispose of all contents of the Council supplied waste or recycling bin to an approved location and that person must do so.

Penalty 2 penalty units

- (5) The owner or occupier of premises must not place the Council supplied waste or recycling bins on a road or any other municipal place more than 24 hours prior to the scheduled collection waste or recycling day specified by Council.

Penalty 1 penalty unit

- (6) The owner or occupier of premises must remove the Council supplied waste or recycling bins from a road or any other municipal place within 24 hours of the scheduled collection day.

Penalty 1 penalty unit

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

Penalty 1 penalty unit

- (8) An Authorised or Delegated Officer may direct the owner or occupier of premises, to remove any spilled waste or recycling materials as described in subclause (7) and that person must do so.

Penalty 1 penalty unit

20. DEPOSITING OF MATERIALS AT COUNCIL TRANSFER STATION OR LANDFILL

- (1) A person who uses a Council transfer station or landfill must deposit all materials in accordance with the directions of the facility attendant or any signs erected at the facility.

Penalty: 2 penalty units

- (2) A person who uses a Council transfer station or landfill must not deposit any item or material prohibited by signs or contrary to any direction given by the facility attendant.

Penalty: 2 penalty units

21. REMOVING MATERIALS FROM MUNICIPAL TRANSFER STATION OR LANDFILL

- (1) Without permission of a Delegated Officer, a person must not remove material of any kind which has been deposited at a transfer station or landfill other than materials that are available through a Council approved reuse facility.

Penalty 2 penalty units

22. PUBLIC LITTER OR RECYCLING BINS

- (1) A person must not deposit in a public litter or recycling bin any-
- (a) household waste; or
 - (b) commercial waste, including food, cigarette ash, cigarette butts or recycling materials from commercial premises; or
 - (c) a lit cigarette; or
 - (d) burning materials.

Penalty: 2 penalty units

23. ADDITIONAL COUNCIL COLLECTION SERVICE

- (1) Council may, from time to time, conduct an additional Council collection service of green waste, or hard waste where owners or occupiers of a property may place the Council specified type of material on a road or designated collection area for collection and removal by Council or Council contractor.
- (2) A person must not place any specified materials on a road or designated collection area more than 24 hours before the scheduled additional Council collection service collection day.

Penalty: 2 penalty units

- (3) A person must not place any materials other than those materials that are specified by Council as being part of the additional Council collection service on a road, designated collection area or any other municipal place.

Penalty: 2 penalty units

- (4) A person must not leave any materials on a road or designated collection area for more than 24 hours after the scheduled additional Council collection service collection day.

Penalty: 2 penalty units

- (5) A person must not interfere with any materials placed on a road or designated collection area that have been placed there as part of the additional Council collection service.

Penalty 2: penalty units

- (6) An Authorised or Delegated Officer may direct the owner or occupier of property to remove any materials that are inappropriately placed, placed after the collection date or are not specified as part of the additional Council collection service that have been placed on a road or designated collection area and the person must do so.

Penalty 2: penalty units

- (7) Subclause (5) does not apply to a person authorised by Council to remove such materials during the additional Council collection service.

24. WASTE AND RECYCLING BINS NOT SUPPLIED BY COUNCIL

- (1) Waste or recycling bins awaiting collection must not be placed on a road, or any other municipal place, more than 24 hours prior to the collection day specified by the contractor.

Penalty: 1 penalty unit

- (2) Waste and recycling bins must be removed from a road or any other municipal place within 24 hours of the collection day specified by the contractor.

Penalty: 1 penalty unit

- (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: 1 penalty unit

- (4) An Authorised or Delegated Officer may direct the owner or occupier of premises to remove any materials that have spilt onto a road or any other municipal place and that person must do so.

Penalty: 1 penalty unit

25. SKIPS IN A MUNICIPAL PLACE

- (1) Except for Council supplied waste and recycling bins, a Permit must be obtained from an Authorised Officer 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: 2 penalty units

- (2) An Authorised Officer may direct the person responsible for the placement of the skip 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: 2 penalty units

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

Penalty: 2 penalty units

Enforcement guidelines applicable to WASTE & RECYCLING clauses 19-25 as determined by the Council from time to time are incorporated in Schedule 1 of this General Local Law 2012.

MUNICIPAL PLACES

26. USE OF MUNICIPAL PLACES

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

Penalty: 2 penalty units

Permit guidelines as determined by the Council from time to time are incorporated in Schedule 1 of this General Local Law 2012.

- (2) 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: 2 penalty units

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

Penalty: 2 penalty units

27. NO SMOKING IN MUNICIPAL PLACES

- (1) Council may declare a municipal place or part of a municipal place to be a no smoking area.
- (2) Council must display signs visible from all entrances to the municipal place, or part of a municipal place advising that it is a no smoking area.
- (3) A person must not smoke in or on any municipal place that Council has declared to be a no smoking area.

Penalty: 2 penalty units

- (4) An Authorised Officer may direct a person who is smoking in a no smoking area to extinguish the item they are smoking or leave the no smoking area and that person must do so.

Penalty: 2 penalty units

28. 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: 2 penalty units

- (2) Subclause (1) does not apply between the hours of 11am and sunset, to persons partaking of a meal at a public barbecue or public picnic facilities with built infrastructure to facilitate eating.
- (3) An Authorised Officer may direct a person who is consuming liquor, or in possession of any liquor in an unsealed container, in a municipal place without a Permit or outside the permitted times or areas to dispose of the liquor and that person must do so.

Penalty: 2 penalty units

Permit guidelines as determined by the Council from time to time are incorporated in Schedule 1 of this General Local Law 2012.

- (4) Any Permit for consumption of liquor in a municipal place may be cancelled by a member of the Police Force of the rank of Sergeant or above, during the permitted period, for reasons of public safety or amenity.

29. 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: 2 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: 2 penalty units

30. 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 permitted by a sign; 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.
 - (f) ride, lead or allow to wander any horse, pony, or other like animal other than in an area and at a time designated by Council; or
 - (g) drive, ride in or on or otherwise use any vehicle other than in an area designated by Council.

Penalty: 2 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: 2 penalty units

31. WORKING ON VEHICLES IN MUNICIPAL PLACES

- (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: 2 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: 2 penalty units

32. DISPLAY OF VEHICLES FOR SALE

- (1) A person must not in a municipal place display a vehicle for sale.

Penalty: 2 penalty units

- (2) An Authorised Officer may direct the person 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: 2 penalty units

- (3) Subclause (1) does not apply to a vehicle being driven 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.

33. ABANDONED VEHICLES

- (1) A person must not abandon or leave standing in a municipal place a vehicle-
 - (a) that is unregistered; or
 - (b) which, in the opinion of an Authorised Officer, has been abandoned.

Penalty: 2 penalty units

34. VEHICLES FOR RECREATIONAL PURPOSES

- (1) Without a Permit, a person must not use a vehicle for recreational purposes on any municipal place, unless the municipal place has been designated by a Council sign for that purpose.

Penalty: 2 penalty units

Permit guidelines as determined by the Council from time to time are incorporated in Schedule 1 of this General Local Law 2012.

- (2) A person must not use a vehicle for recreational purposes-
- (a) in any municipal place so as to interfere with the amenity, reasonable use or enjoyment of the municipal place by another person; or
 - (b) in any municipal place and damage any vegetation, council assets or land in a municipal place.

Penalty: 2 penalty units

- (3) 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: 2 penalty units

35. EVENTS

- (1) Without a Permit, a person must not conduct an event in a municipal place.

Penalty: 2 penalty units

Permit guidelines as determined by the Council from time to time are incorporated in Schedule 1 of this General Local Law 2012.

36. FIREWORKS

- (1) Without a Permit, a person must not conduct a fireworks display or ignite fireworks in a municipal place.

Penalty: 2 penalty units

Permit guidelines as determined by the Council from time to time are incorporated in Schedule 1 of this General Local Law 2012.

37. FOOTPATH USE

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

Penalty: 2 penalty units.

- (2) For the purposes of subclause (1) footpath activity includes, but is not limited to-

- a) signs; or

- b) street furniture; or
 - c) bins; or
 - d) trading; or
 - e) shade structures, umbrellas, blinds and awnings; or
 - f) banners, flags and bunting; or
 - g) displays of goods; or
 - h) raffles; or
 - i) busking, spruiking; or
 - j) organised group or public gatherings; or
 - k) soliciting or collecting gifts of money or subscriptions; or
 - l) display of vehicles or goods for sale; or
 - m) collection of waste materials; or
 - n) chairs, tables and items ancillary to outdoor eating; or
 - o) barriers, fences, dividers; or
 - p) outdoor heating devices.
- (3) An Authorised Officer may direct the person responsible for the footpath activity contrary to subclause (1) to immediately stop and that person must do so.

Penalty: 2 penalty units

- (4) An Authorised Officer may direct the person responsible for the placement of any item contrary to subclause (1), or not placed in accordance with the Permit conditions, to remove the offending item and that person must do so.

Penalty: 2 penalty units

Permit guidelines as determined by the Council from time to time are incorporated in Schedule 1 of this General Local Law 2012.

ANIMALS

38. 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 specified below-
- (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; and
 - (j) 4 ferrets.

Penalty: 2 penalty units

Permit guidelines as determined by the Council from time to time are incorporated in Schedule 1 of this General Local Law 2012.

- (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: 2 penalty units

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

39. AGRICULTURAL 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 agricultural animal including-
- (a) large birds including emus, ostriches, turkeys or geese; or
 - (b) horses or donkeys or like animals; or
 - (c) cattle or like animals; or
 - (d) sheep; or
 - (e) goats; or
 - (f) roosters; or
 - (g) pigs; or
 - (h) camels; or
 - (i) other agricultural animals.

Penalty: 2 penalty units

Permit guidelines as determined by the Council from time to time are incorporated in Schedule 1 of this General Local Law 2012.

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

40. EXCESS 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; and
 - (b) 4 dogs.

Penalty: 2 penalty units

Permit guidelines as determined by the Council from time to time are incorporated in Schedule 1 of this General Local Law 2012.

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

41. CATS IN HALLS GAP AREA

- (1) A person in the Halls Gap area (Maps 35, 36 and 37 of the Northern Grampians Planning Scheme as identified in Schedule 3) must not keep a cat which was not in their possession and being kept in the Halls Gap area before 21 October 1993.

Penalty: 2 penalty units

- (2) The owner of a cat which is exempted under section 41(1) must ensure-
- (a) that the cat is confined totally indoors or in an escape proof enclosure on the owners premises; and
 - (b) when outside the owner's premises the cat must be confined to an enclosed vehicle.

Penalty: 2 penalty units

42. GRAZING, MOVING OR DROVING LIVESTOCK

- (1) Grazing of livestock on a road is prohibited regardless of whether the area is fenced.

Penalty: 2 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 practice, Act of Parliament or Regulation applicable to the activity.

Penalty: 2 penalty units

Permit guidelines as determined by the Council from time to time are incorporated in Schedule 1 of this General Local Law 2012.

43. DOGS ON LEASH

- (1) The owner or person in charge of a dog in a municipal place must at all times keep the dog under control by a leash, chain or cord connecting the dog to the owner or person in charge of it.

Penalty: 2 penalty units

- (2) The owner of the dog must ensure that the person in control of the dog in a municipal place has the physical capabilities of controlling the dog in all circumstances.

Penalty: 2 penalty units

- (3) Subclause (1) does not apply to a person in charge of a dog that is under their effective control while working with livestock.
- (4) For the purposes of Subclauses (1) and (2) if the owner of the dog is under 17 years of age, the parent or guardian of that person is deemed to be the owner.
- (5) Subclause (1) does not apply in a municipal place which is designated by Council signs to be an area where dogs are permitted off-leash.

44. ANIMAL EXCREMENT

- (1) A person in charge of an animal in a municipal place must-
- (a) carry a device suitable for the collection of any excrement from that animal, and produce the device on demand by an Authorised Officer.

Penalty: 2 penalty units

- (b) immediately collect and dispose of any excrement from that animal into a waste receptacle.

Penalty: 2 penalty units

- (2) An Authorised Officer may direct the person in charge of an animal to collect and dispose of any excrement from the animal deposited contrary to subclause (1)(b) in an approved manner and that person must do so.

Penalty: 2 penalty units

ADMINISTRATION

45. DELEGATION

- (1) Council delegates to-
 - (a) Council's Chief Executive Officer, all the powers, discretions, authorities and considerations of Council under this *General Local Law 2012*;
 - (b) Council Authorised Officers, the powers to implement this *General Local Law 2012*; and
 - (c) Council's Waste Management Officer, the powers as a Delegated Officer to implement Waste and Recycling Clauses 19 to 25 inclusive.

46. ENFORCEMENT

- (1) An Authorised Officer may, by written notice called a Notice to Comply, make any reasonable direction to a person-
 - (a) in respect of any matter under this *General Local Law 2012*; or
 - (b) in respect to their use of a municipal place.
- (2) An Authorised Officer may act to remedy any circumstance which threatens a person's life, health or property, or an animal, without serving a notice under this clause, provided that-
 - (a) the circumstance arises out of a person's use of a municipal place or failure to comply with a provision of this *General Local Law 2012*; or
 - (b) the action taken is no more than the minimum reasonably necessary to remedy the urgent circumstance; or
 - (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 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 *General Local Law 2012*, 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 *General Local Law 2012* 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 a provision of this *General Local Law 2012*; or
 - (b) engages in activity without a current Permit where a provision of this *General Local Law 2012* requires that the person obtain a permit beforehand; or
 - (c) contravenes a condition of a permit issued under this *General Local Law 2012*.

47. PENALTY UNIT

- (1) This *General Local Law 2012* provides for an Infringement Notice to be issued as an alternative to prosecution. The penalty listed at the bottom of each clause or subclause refers to the penalty able to be applied under an Infringement Notice.
- (2) Maximum penalties may be imposed by a Court when-
 - (a) Council elects to prosecute an offence, rather than issue an Infringement Notice; or
 - (b) A person receiving an Infringement Notice elects to have the matter heard in Court.
- (3) The maximum penalty that is able to be applied by a Court under the *General Local Law 2012* for subclauses 12(1), 12(2), and 18(1) and 18(2) is 20 penalty units.

48. PERMITS

- (1) An application for a Permit under this *General Local Law 2012* must be-
 - (a) in a form approved by Council; and
 - (b) accompanied by the fee set by Council.
- (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 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) All annual Permits expire on the 31st of August, and there is no provision for pro rata adjustments to the fee.
- (6) The Chief Executive Officer may exempt, in writing, a person from the requirement to obtain a Permit under this *General Local Law 2012*.
- (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 the 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.

49. REVIEW PROCESSES

Infringement Notices

- (1) Requests to review an Infringement Notice are in line with the process specified under the *Infringements Act 2006*

Notices to Comply and Permits

- (1) Requests to review a Notice to Comply, Permit or Permit application must be in writing and within 20 working days of the date of the incident, notice or matter concerned, seeking a review by Council of the matter. The application for review must-
- (i) provide the applicants name and address; and
 - (ii) state the grounds on which the decision should be reviewed.
- (2) Council's review panel must consist of two Council officers who were not involved in the decision which triggered the request for a review. At least one of these Council officers must be senior in position to the officer who made the decision which triggered the request for review.
- (3) The review panel may request, in writing, any additional information which it requires to conduct a review of a Notice to Comply, Permit or Permit application.
- (4) Where the review panel has requested additional information, the additional information must be provided to the review panel in writing within 10 working days of the request.
- (5) A written request for an extension of time to provide the additional information beyond the required 10 working days may be considered by the review panel.
- (5) The review panel may, if the request for an extension of time is reasonable, grant the extension for the additional information to be provided and in doing so must advise the applicant in writing of the extension of the granting or refusal of the request for extension.
- (7) The review panel must review the original decision within 20 working days of the original request for review or within 20 working days of the end of any time extensions granted.
- (8) The review panel must respond in writing, advising the applicant of the decision made in the review within 20 working days of the review.

- (9) The review panel's decision is final. Requests to review a Notice to Comply, permit or permit application can only be made once.

50. NOTICE OF GENERAL LOCAL LAW 2012

Notice of the proposal to make and confirmation for the making of this *General Local Law 2012* was included in the Victorian Government Gazette dated 2 August 2012 and 13 September 2012.

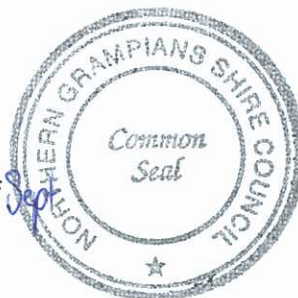
Public Notice of the proposal to make and confirmation for the making of this *General Local Law 2012* was inserted in the Stawell Times News on 31 July 2012 and 11 September 2012 and the North Central News on 1 August 2012 and 12 September 2012.

A copy of this *General Local Law 2012* was sent to the Minister for Local Government on 17 September 2012.

51. CERTIFICATION OF GENERAL LOCAL LAW 2012

This is to certify that this is a true copy of the *General Local Law 2012* of the Northern Grampians Shire Council and that we have informed ourselves of the legislative requirements necessary to give validity to such Local Law and as our observance and belief that such requirements have been fulfilled. And we further certify that such *General Local Law 2012* came into force on the 7 September 2012.

THE COMMON SEAL of the
Northern Grampians Shire Council
was hereunto affixed this 17 day of Sept
2012 in the presence of :



.....
.....
.....

Mayor/Councillor

Chief Executive Officer/Senior Officer

SCHEDULE 1 – GUIDELINES AND PROCEDURES

Note that the guidelines and procedures in Schedule 1 have the same numbers (and titles) as their equivalent clauses in the *General Local Law 2012*. As a result, these guidelines and procedures are numbered in ascending order, but have gaps in their sequential numbering.

8. AMPLIFIED NOISE

These guidelines, as determined by Council from time to time, are incorporated into the Northern Grampians Shire Council General Local Law 2012 for determining whether to grant a Permit for amplified noise.

An Authorised Officer must consider-

- (a) the intended volume, intensity and duration of the sound generated;
- (b) the likely interference caused to pedestrian or vehicular traffic and its impact on public safety;
- (c) the content of the noise generated and its potential to offend public sensitivities;
- (d) the times involved, and the potential impact on neighbourhood amenity;
- (e) conflict with any existing commercial or recreational interest; and
- (f) any other matter an Authorised Officer reasonably believes is relevant to the application.

9. HEAVY VEHICLES

These guidelines, as determined by Council from time to time, are incorporated into the Northern Grampians Shire Council General Local Law 2012 for determining whether to grant a Permit for heavy vehicle storing on a road, land in a residential area, or on Council land.

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.

10. OPEN AIR BURNING OUTSIDE DECLARED FIRE DANGER PERIOD

These guidelines, as determined by Council from time to time, are incorporated into the Northern Grampians Shire Council General Local Law 2012 for determining whether to grant a Permit for open air burning outside fire danger period.

An Authorised Officer must consider-

- (a) climatic and environmental conditions anticipated;
- (b) fire fighting resources available;
- (c) material 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 the Authorised Officer reasonably believes is relevant to the application.

11. DISCHARGE FROM CHIMNEY OR FLUE

For the purpose of Clause 11(1) in forming an opinion that smoke substance or odour is unreasonable, an Authorised Officer must consider all of the following-

- (a) observations of the Authorised Officer;
- (b) whether the flue or chimney complies with AS 2918 - Domestic solid fuel burning appliances - Installation;

- (c) the type and nature of the material being burnt;
- (d) atmospheric and weather conditions;
- (e) any other external influences;
- (f) whether a 20 minute period has elapsed since lighting, shutting down, or opening up of the heater as this may create extra smoke;
- (g) nature of any complaint or other information received including frequency of the occurrence;
- (h) reasonable steps taken by complainant to exclude smoke substance or odour from habitable rooms of the premises; and
- (i) any other matter an Authorised Officer reasonably believes is relevant.

17. ALLOCATED NUMBERS OF PREMISES TO BE DISPLAYED

For the purpose of Clause 17(2)(a), in determining whether a property number is clearly visible from the roadway, an Authorised Officer must consider all of the following-

- (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 flat/unit number to the same standards;
- (d) where there is no entranceway to the property from the roadway that the address relates to, the numbers 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.

19. COUNCIL SUPPLIED WASTE AND RECYCLING BINS

Council supplied bins

For the purposes of Clause 19(1) to 19(8) inclusive, the following applies to the Council supplied bins-

- (a) must remain at the premises for which it was provided unless withdrawn by Council upon the request of the owner/occupier or by Council;
- (b) remain the property of Council;
- (c) must be kept in a clean and presentable manner by the owner or occupier of the premises where the bin is supplied;
- (d) must only be used for Council collection purposes;
- (e) are placed to not cause obstruction to the passageway of people or vehicles;
- (f) are placed at least 50cm from any vertical obstructions including but not limited to other bins, vehicles, sign posts, power poles;
- (g) are placed away from overhead obstructions that could impact on collection including but not limited to trees;
- (h) the owner or occupier must ensure that the lid of the bin remains closed when placed out for collection;
- (i) the owner or occupier is responsible for covering the cost for any loss or damage to Council supplied bins; and
- (j) the owner or occupier must ensure all items placed in bins are contained in the bin and that they do not overfill or jam the waste into the bin so that it cannot be freely moved.

Non-accepted items in recycling bins

For the purposes of Clause 19(1) to 19(8) inclusive, the following process will be followed for enforcement by an Authorised or Delegated Officer of non-accepted items in Council supplied recycling bins-

- (a) If a non-accepted item is identified in a Council supplied recycling bin, a sticker will be placed on the recycling bin by a Council officer or Council contractor. The sticker will indicate the type of non-accepted item that was placed in the recycling bin;
- (b) The relevant Council officer is notified a sticker has been placed on the recycling bin;

- (c) If the same type of non-accepted item is placed in the recycling bin within the following eight week period, a second sticker will be placed on the recycling bin;
- (d) The relevant Council officer is notified a subsequent sticker has been placed on the recycling bin;
- (e) The recycling bin will be inspected by an Authorised or Delegated Officer at the next scheduled collection and if same type of non-accepted item is in the recycling bin, the owner/occupier will receive a Notice to Comply. The contractor will be notified not to empty the bin; and
- (f) An Authorised or Delegated Officer will inspect the recycling bin at the subsequent collection and if the-
 - (i) same type of non-accepted material is in the bin, the owner/occupier will be issued with an Infringement Notice and the bin will be emptied, unless the bin contains hazardous materials; or
 - (ii) non-accepted material has been removed, the contractor will be advised to empty the bin.

Non-accepted items in waste bins

For the purposes of Clause 19(1) to 19(8) inclusive, the following process will be followed for enforcement by an Authorised or Delegated Officer of non-accepted items in Council supplied waste bins-

- (a) If an item that is not accepted is identified in a Council supplied waste bin, a sticker has been placed on the bin. The sticker will indicate the type of non-accepted item that was placed in the waste bin;
- (b) The relevant Council officer is notified a sticker was placed on the waste bin;
- (c) The waste bin will be inspected by an Authorised or Delegated Officer at the next scheduled collection and if the same type of non-accepted item is in the waste bin, the owner/occupier will receive a Notice to Comply. The contractor will be notified not to empty the bin;
- (d) An Authorised or Delegated Officer will inspect the waste bin at the subsequent scheduled collection and if the-
 - (i) same type of non-accepted material is in the bin, the owner/occupier will be issued with an Infringement Notice and Council will co-ordinate the emptying of the waste bin, at the cost to the owner/occupier; or
 - (ii) non-accepted material has been removed, the contractor will be advised to empty the bin.

26. USE OF MUNICIPAL PLACES

These guidelines, as determined by Council from time to time, are incorporated into the Northern Grampians Shire Council General Local Law 2012 for determining whether to grant a Permit for use of a municipal place for other than its intended use.

An Authorised Officer must consider-

- (a) 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) 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) whether the activity has the appropriate Public Liability Insurance;
- (j) whether this is the appropriate permit (refer to Activity Table for appropriate department permit or permission in Schedule 4) and whether the application needs to be referred to, or discussed with, another department of Council; and
- (k) any other matter an Authorised Officer reasonably believes is relevant.

28. LIQUOR IN A MUNICIPAL PLACE

These guidelines, as determined by Council from time to time, are incorporated into the Northern Grampians Shire Council General Local Law 2012 for determining whether to grant a Permit for consumption of liquor in a municipal place.

An Authorised Officer must consider-

- (a) the nature, duration and location of the proposed activity;
- (b) whether the permit should include 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-behavioural 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 and 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 Activity Table for appropriate department permit or permission) 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.

34. VEHICLES FOR RECREATIONAL PURPOSES

These guidelines, as determined by Council from time to time, are incorporated into the Northern Grampians Shire Council General Local Law 2012 for determining whether to grant a Permit for use of a vehicle for recreational purposes on Council land or reserve.

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 for recreation purposes;
- (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 to the application.

35. EVENTS

These guidelines, as determined by Council from time to time, are incorporated into the Northern Grampians Shire Council General Local Law 2012 for determining whether to grant a Permit for an event in a municipal place.

An Authorised Officer must consider-

Refer to Guideline 26 USE OF MUNICIPAL PLACES

36. FIREWORKS

These guidelines, as determined by Council from time to time, are incorporated into the Northern Grampians Shire Council General Local Law 2012 for determining whether to grant a Permit for a fireworks display or igniting fireworks in a municipal place.

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 to the application.

37. FOOTPATH USE

These guidelines, as determined by Council from time to time, are incorporated into the Northern Grampians Shire Council General Local Law 2012 for determining whether to grant a permit for footpath use.

An Authorised Officer must consider-

- (a) 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;
- (b) whether the footpath activity will have a positive contribution to the character, business operation and amenity of the business precinct; and
- (c) whether the use will impact positively or negatively on the surrounding residential area.

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 three zones.

Pedestrian Zone

- (1) 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 meters.

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.

Permit Zone

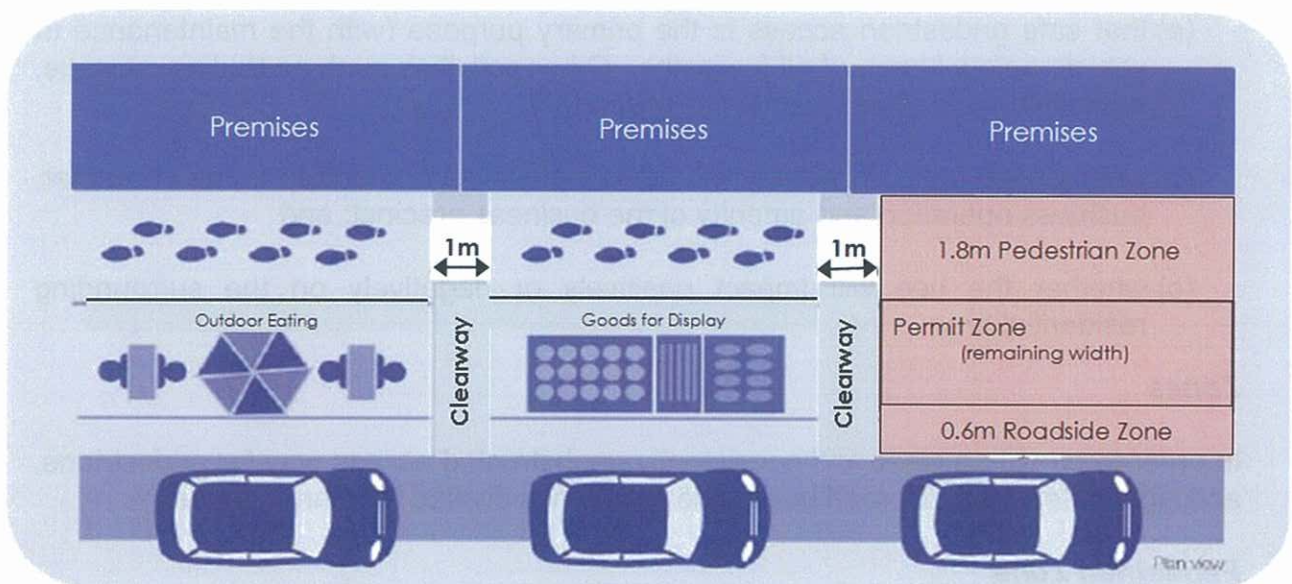
- (2) The Permit Zone is the only area of the footpath where goods, outdoor eating furniture and ancillary items, and advertising signs, may be placed, subject to the provisions of these guidelines.

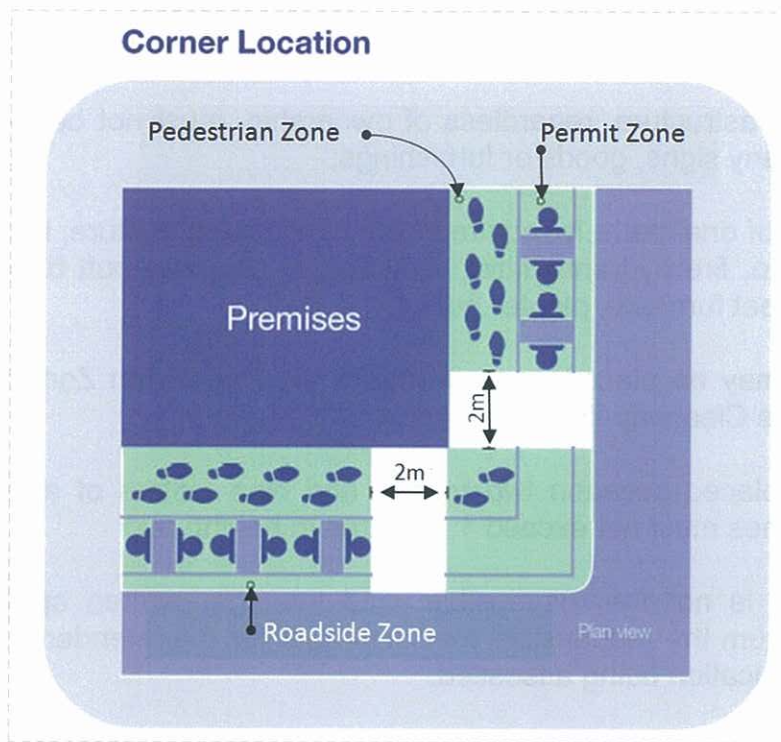
Roadside Zone

- (1) The Roadside Zone is a buffer from the road to allow for road safety and access to and from parked vehicles.
- (2) The Roadside Zone is a minimum of 0.6 metre buffer, as measured from the edge of 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.

Clearway Zone

- (1) The Clearway Zone is a 1 metre wide area on the footpath comprising 0.5 metres wide from the property boundary through to the road from the side boundary of each premises.
- (2) The Clearway Zone at a corner location is a 2 metre wide area on the footpath from the property side boundary through to the road.





Core Provisions

The following core provisions must not be varied. Where these requirements cannot be met, footpath use is prohibited-

- (a) the minimum footpath width required before footpath use can be considered is 2.7 metres;
- (b) the minimum width of the Pedestrian Zone must be 1.8 metres and the minimum width of the Roadside Zone must be 0.6 metres;
- (c) where a constructed footpath is greater than 1.8 metres in width and there is an associated unconstructed area, any permitted use must be in the unconstructed area and not breach the Roadside or Pedestrian Zone;
- (d) activities for which a Permit exists where the whole Permit area is not being used, must be placed on the road side of the Permit Zone. Any unutilised space within the Permit Zone must be left clear for pedestrian access;
- (e) all goods and furnishings within the Permit Zone must not be brought into the Pedestrian Zone or the roadside zone regardless of weather conditions;
- (f) 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 per cent of the total area of each screen or barrier;
- (g) planter boxes must not display advertising material;
- (h) the permit issued must be displayed prominently at the front of the business to which the Permit applies;

- (i) existing infrastructure, regardless of ownership, must not be used to support or secure any signs, goods or furnishings;
- (j) 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;
- (k) no items may be placed in or overhang the Pedestrian Zone, the Roadside Zone or the Clearway Zone;
- (l) any item placed between two metres and nine metres of an intersection of property lines must not exceed 1.2 metres in height; and
- (m) 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.

Outdoor eating

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

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

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-

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

Umbrellas

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

- (a) be associated with the use of the footpath for an outdoor eating facility;
- (b) only be placed in the Permit Zone;
- (c) be no less than 2.2 metres high at the lowest point, other than the pole, and must not protrude over the Pedestrian Zone or the Roadside Zone;
- (d) be weighted and/or secured so as not to pose a safety hazard;
- (e) be removed during heavy wind or storm activity if not fixed or closed up if fixed; and
- (f) not discharge any water into the Pedestrian Zone.

Goods for display

All items displayed must-

- (a) only be placed in the Permit Zone regardless of weather conditions;
- (b) only be placed on the footpath during the normal trading hours of the business to 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 impeded 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 Roadside Zone, Clearway Zone or Pedestrian Zone.

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 the Authorised Officers 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.

Movable signs (including A frames)

- (a) use of this advertising medium at the front of premises, apart from food and retail shops, is not encouraged;
- (b) where a business is undertaking any other Permit Zone use on the footpath, the display of moveable signs is not encouraged; and
- (c) any advertising on the sign is restricted to the name of the business name or logo or the key product (e.g. the brand name of the product available at the business) sold by the business.

Lock-in devices in footpath

- (a) display and furniture items may be secured to the footpath by a lock-in device;
- (b) lock-in devices will only be approved when the device lies flat with the footpath when not in use; and
- (c) approval must be sought from the Infrastructure department before any lock-in devices are installed.

38. EXCESS ANIMALS IN RESIDENTIAL AREA

These guidelines, as determined by Council from time to time, are incorporated into the Northern Grampians Shire Council General Local Law 2012 for determining whether to grant a Permit for excess animals in a residential area.

An Authorised Officer must consider-

- (a) whether a Planning Scheme Permit Application is required, such as for boarding or breeding of animals;
- (b) whether the animals are capable of breeding, and are impacted by the Code of Practice for the operation of breeding and rearing establishments;
- (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 to the application.

39. AGRICULTURAL ANIMALS IN RESIDENTIAL AREA

These guidelines, as determined by Council from time to time, are incorporated into the Northern Grampians Shire Council General Local Law 2012 for determining whether to grant a Permit for agricultural animals in a residential area.

An Authorised Officer must consider-

The guidelines for 38. EXCESS ANIMALS IN RESIDENTIAL AREA

40. EXCESS ANIMALS IN RURAL AREA

These guidelines, as determined by Council from time to time, are incorporated into the Northern Grampians Shire Council General Local Law 2012 for determining whether to grant a Permit for excess animals in a rural area

An Authorised Officer must consider-

The guidelines for 38. EXCESS ANIMALS IN RESIDENTIAL AREA

42. GRAZING, MOVING OR DROVING LIVESTOCK

These guidelines, as determined by Council from time to time, are incorporated into the Northern Grampians Shire Council General Local Law 2012 for determining whether to grant a Permit for moving or droving livestock.

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 or droving the 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 disease 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.

SCHEDULE 2- PERMITS

STANDARD CONDITIONS FOR PERMITS

The following standard Permit conditions, as determined by Council and amended from time to time, are incorporated in the *General Local Law 2012* and apply to all 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 paid 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 the lodged application for a Permit;
- (e) all annual Permits expire on 31 August, and there is no provision for pro rata adjustments to the fee;
- (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 ambience 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 change of circumstances impacting on the Permit, has occurred since the Permit was granted.

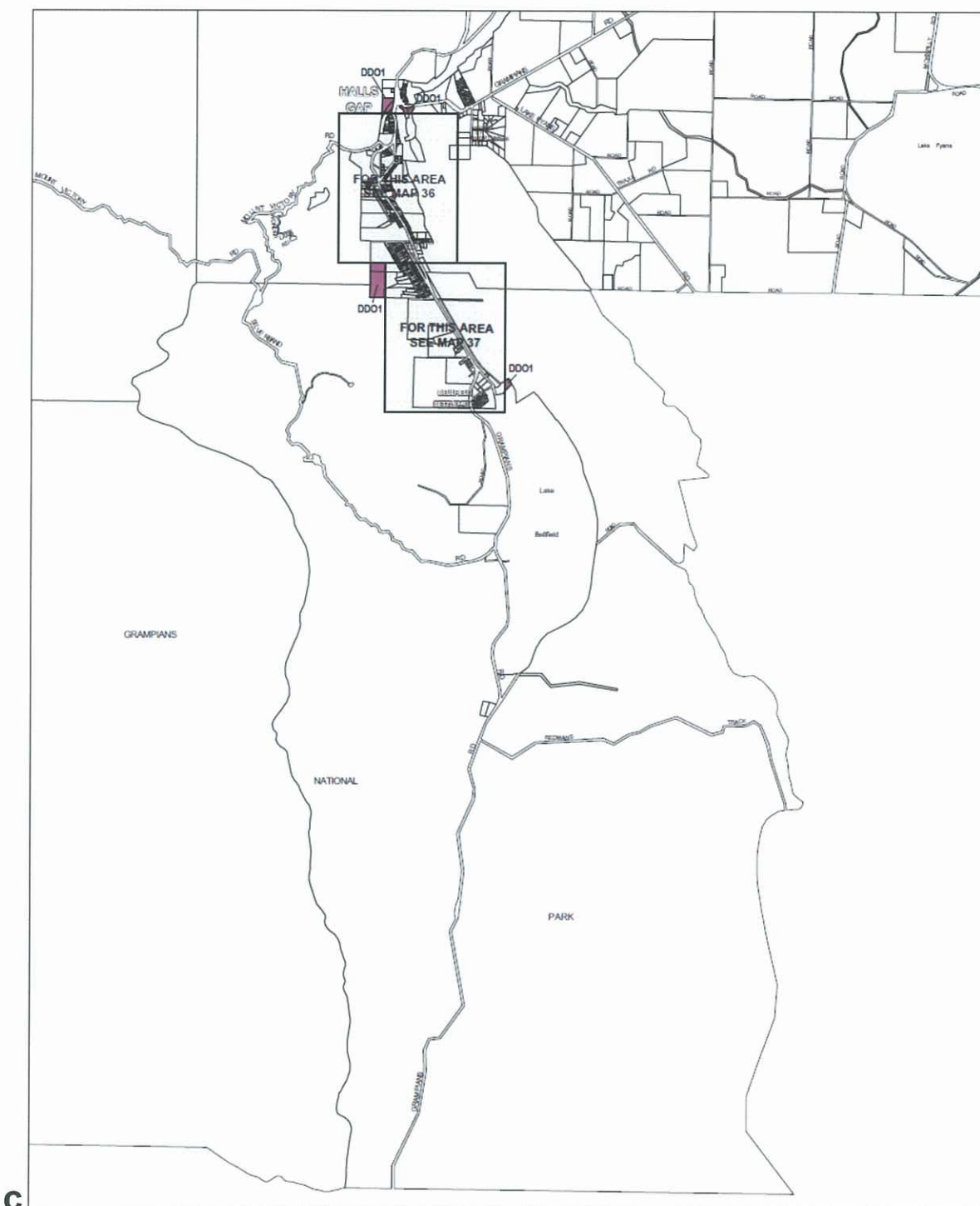
- (g) Permits are not interchangeable, e.g. a Permit for a movable advertising sign does not permit the display of goods if the advertising sign is not used;
- (h) Permits are not transferable. A new Permit must be obtained by the new proprietor if the proprietorship of a business changes. Likewise, 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;
- (k) any Permit applicant or holder who is aggrieved by any matter in the refusal, granting, reviewing, modification, suspension, cancellation or renewal of this Permit, and/or in relation to any written notice or Notice to Comply in relation to breaches of conditions of this 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 this Permit; and
- (l) as Council is the final review authority in matters relating to this Permit, Council's review decision is final.

SCHEDULE 3 – CLAUSE 41 CATS IN HALLS GAP AREA

<http://planningschemes.dpcd.vic.gov.au/northerngrampians/maps/northerngrampians35zn.pdf>

Map numbers 35, 36 and 37

NORTHERN GRAMPIANS PLANNING SCHEME - LOCAL PROVISION



SCHEDULE 4 – INFORMATION & EXAMPLE FORMS

The following information and example forms are included, but not incorporated into, the *General Local Law 2012*. Council may, from time to time, amend the information or forms.

Northern Grampians Shire Council
P.O. Box 580, Stawell Vic 3380
Town Hall, Stawell (03) 53588700
St Arnaud (03) 5495 1500



2012 / 13 LOCAL LAWS FOOTPATH USE PERMIT APPLICATION

Applicant / Organisation name:

Address: Town:

P/Code:

Ph:

1. Proposed activity:

2. Proposed location/s:

3. Public liability insurance: Yes / No Amount Held: \$5 \$10 Million dollars.

Policy Number:

Insurance Company:

Attach a copy of your current insurance to this application prior to submitting.

STANDARD CONDITIONS

The following standard Permit conditions, as determined by Council and amended from time to time, are incorporated in the *General Local Law 2012* and apply to all permits issued or corrections made to permits issued by Council. They override any contradictory conditions applied to a Permit.

- (1) An application for a Permit must be accompanied by the specified fee.
- (2) An application for a Permit will not be processed until the specified fee is paid in full to Council.
- (3) 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 paid in full to the Council.
- (4) The applicant may be required to give public notice, or written notice to adjoining landowners and other specified parties inviting submissions on the lodged application for a Permit.

- (5) All annual Permits expire on the 31st of August, and there is no provision for pro rata adjustments to the fee.
- (6) 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 ambience 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 change of circumstances impacting on the Permit, has occurred since the Permit was granted
- (7) 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.
- (8) 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.
- (9) Council may correct a Permit if the Permit contains an error
- (10) A Permit may be suspended by giving three (3) working days' notice in writing of the decision to propose cancellation or withdrawal of the Permit.
- (11) Any Permit applicant or holder who is aggrieved by any matter in the refusal, granting, reviewing, modification, suspension, cancellation or renewal of this Permit, and/or in relation to any written notice or Notice to Comply in relation to breaches of conditions of this Permit, may by written request within twenty (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 this Permit.
- (12) As Council is the final review authority in matters relating to this Permit, Council's review decision is final.

FOOTPATH USE GUIDELINES AND PROCEDURES

These guidelines as determined by Council from time to time are incorporated into Schedule 1 of the *Northern Grampians Shire Council General Local Law 2012* for determining whether to grant a permit for footpath usage. Applicants should read these guidelines before submitting their application for a Permit

I have read and agree to comply with the Standard Permit conditions and the Guidelines and procedures listed in the *General Local Law 2012* Schedule 1 (37) Footpath Use

Signed

Date

4. Specify **sequential dates**: Start Date:/ / End Date:/ /

5. Proposed hours of operation:

6. Trestles or Displays: Yes / No No. Trestles: No. Displays:

7. Tables and Chairs: Yes / No No. Tables: No. Chairs:

8. Bin or waste receptacle/s: Yes / No Type: Number:

9. Signage: Yes / No If yes Type:

10. Other items:

Applicant's Name:

Applicant to sign:

OFFICE USE ONLY
Permit Fee (if any) \$ _____ Received ☐ YES ☐ NO Date
 received...../...../.....

Receipt Number: **Annual permit: Yes No**

AUTHORISED OFFICER: **DATE APPROVED..... / / 20.....**

Permit Number

PLEASE RETURN FORM TO:

Stawell Customer Service Centre
 Town Hall, Main Street

St Arnaud Customer Service Centre
 Municipal Offices,

STAWELL VIC 3380
 Phone: 5358 8700

ST ARNAUD VIC 3478
 Phone: 5495 1500

Post to: Northern Grampians Shire Council, P O Box 580, STAWELL VIC 3380

Permit Fees:

Erect/Place Advertising Sign (including A-Frame)	\$55.00
Display Goods for Sale, First Table/Display	\$55.00
Display Goods for Sale, Subsequent Table/Display each	\$55.00
Place planter box/container on footpath, each	\$55.00
Outdoor Eating Facilities on road, First Table Per Unit 1 x table, 4 chairs & 1 umbrella	\$110.00
Outdoor Eating Facilities on road, subsequent unit or part of unit each	\$110.00
Busking / Public Gathering and Food Stalls	\$55.00

Privacy Statement: Personal information requested on this form will only be used by Council for administration purposes and will not be disclosed without your consent except where authorised by law. You have the right to seek access and correction of your personal information.



NOTICE TO COMPLY

Notice to Comply Number
Assessment (property number)

TO: (Name)
(Address)

Non-compliance with the *General Local Law 2012*. Clause number

has been identified at _____ at _____
(Address) (Time and Date)

This non-compliance relates to (attach additional pages as required)

To comply with the requirements of the *General Local Law 2012* you must carry out the following work, within.....days from the date of this Notice to Comply.

Work to be done

Enquiries should be directed to the issuing officer.

If you fail to comply with this Notice to Comply you will be guilty of an offence and liable for payment of the penalty of \$..... (penalty) for the offence.

Additionally, an Authorised Officer may proceed to have any required work carried out, in which case, you will be liable for the cost of such works (in addition to the above penalty)

If Council arranges for the works to be conducted a management fee of \$130 will also be charged.

If this notice relates to a contravention of a Permit and there is no compliance with the Notice to Comply, the Permit may be cancelled. If you do not wish to have the Permit cancelled you should comply with the directions in this Notice to Comply or show cause to the Council in writing why the Permit should not be cancelled.

Date Issued: Local Laws Officer Name: Local Laws Officer Signature: Telephone:

Privacy Statement: Personal information requested on this form will only be used by Council for administration purposes and will not be disclosed without your consent except where authorised by law. You have the right to seek access and correction of your personal information.

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APPLICATION FOR INTERNAL REVIEW OF AN INFRINGEMENT NOTICE

Please read and complete this form, before signing and lodging with Council.

NAME OF PERSON REQUESTING REVIEW
ADDRESS

POSTAL ADDRESS (IF DIFFERENT FROM ABOVE)

PHONE (Business hours)

(After hours)

EMAIL

Infringement Notice Number that this review relates to

Date of Infringement

Due Date (as specified on the Infringement Notice)

Grounds for Review (Please tick one box)

The ability to apply for an internal review is described in Section 22 of the Infringements Act 2006. Please read and then mark in the box the reason for your application. An application may only be made once per Infringement Notice. If your request is made on other grounds it will not be considered.

Contrary to Law

☐ Issued under wrong law

Mistaken Identity

☐ Not the person who committed offence. **NB: A vehicle owner is deemed to be offender unless they provide a statutory declaration naming the person who was in charge of the vehicle.**

Special Circumstances

☐ Persons with a mental or intellectual disability, disorder, disease or illness; a serious addiction to drugs, alcohol or a volatile substance; or are homeless and could not control or understand their offending conduct because of their situation. **Note: Requires documented proof to substantiate claim.**

Exceptional Circumstances
review.

☐ Any other circumstances applicants believes justifies an internal review.

EXPLANATION (Please give reasons and attach any supporting evidence. If necessary attach additional pages:

Signed:

Date: ____/____/____

Privacy Statement: Personal information requested on this form will only be used by Council for administration purposes and will not be disclosed without your consent except where authorised by law. You have the right to seek access and correction of your personal information.

OFFICE USE ONLY

DATE RECEIVED:
REVIEWED BY:
RESULT:
RESPONSE SENT:

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APPLICATION FOR INTERNAL REVIEW OF A NOTICE TO COMPLY

Please read and complete this form, before signing and lodging with Council.

NAME OF PERSON REQUESTING REVIEW

ADDRESS

POSTAL ADDRESS (IF DIFFERENT FROM ABOVE)

PHONE (Business hours)

(After hours)

EMAIL

Notice to Comply Number

Date of Notice to Comply

Due Date (as specified on the Notice to Comply)

Grounds for requesting the review of the Notice to Comply

Mistaken Identity

☐ Not the person who committed offence. **NB: A vehicle owner is deemed to be offender unless they provide a statutory declaration naming the person who was in charge of the vehicle.**

Special Circumstances

☐ Persons with a mental or intellectual disability, disorder, disease or illness; a serious addiction to drugs, alcohol or a volatile substance; or are homeless and could not control or understand their offending conduct because of their situation. **Note: Requires documented proof to substantiate claim.**

Exceptional Circumstances review.

☐ Any other circumstances applicants believes justifies an internal review.

EXPLANATION Please give reasons and attach any supporting evidence. If necessary attach additional pages:

Signed:

Date:___/___/___

Privacy Statement: Personal information requested on this form will only be used by Council for administration purposes and will not be disclosed without your consent except where authorised by law. You have the right to seek access and correction of your personal information.

OFFICE USE ONLY

DATE RECEIVED:
REVIEWED BY:
RESULT:
RESPONSE SENT:

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APPLICATION FOR INTERNAL REVIEW OF A PERMIT

Please read and complete this form, before signing and lodging with Council.

NAME OF PERSON REQUESTING REVIEW

ADDRESS

POSTAL ADDRESS (IF DIFFERENT FROM ABOVE)

PHONE (Business hours)

(After hours)

EMAIL

Permit number

Grounds for requesting the review of the Permit

EXPLANATION Please give reasons and attach any supporting evidence. If necessary attach additional pages:

Signed:

Date: ____/____/____

Privacy Statement: Personal information requested on this form will only be used by Council for administration purposes and will not be disclosed without your consent except where authorised by law. You have the right to seek access and correction of your personal information.

OFFICE USE ONLY

DATE RECEIVED:
REVIEWED BY:
RESULT:
RESPONSE SENT:

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ACTIVITY TABLE FOR PERMITS AND PERMISSION

This table provides a ready reckoner for use by 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 around road surface	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 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
Close road for event or other activity	Written request to Infrastructure Dept. for consideration
Signs on blind	Written request to Infrastructure Dept. for consideration
Consume or possess alcohol in unsealed container in a public place	Permit required- Local Laws unless in accordance with clause 28(1) in the <i>General Local Law 2012</i>
Skips or non-council refuse containers on Council land	Permit required Local Laws 2 business days prior to the placement of the skip
Use sound amplification equipment in a public place, or able to be heard from a public place	Permit required- Local Laws
Conduct an event. This includes circus, street festival or procession in a municipal place	Permit required- Local Laws
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 <i>Country Fire Authority Act 1958</i> . Fuel reduction burning outside the Fire Danger Period must comply with <i>Summary Offences Act 1966</i> .	Permit required- Local Laws Unless- <ul style="list-style-type: none"> • In properly constructed fireplace for cooking food or for warmth • Farming or rural area • Agree plan or program with Municipal fire

ACTIVITY	PERMISSION
	Prevention Officer
Use recreational vehicle on Council land, road or reserve unless area designated for that purpose	Permit required- Local Laws
Use recreational vehicle on private land	Refer to Planning Department to check whether permit is required
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 or mice, 4 guinea pigs, 4 domestic rabbits, 6 reptiles, 4 ferrets.	Permit required- Local Laws
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 in farming area	Permit required- Local Laws
Move or Drove Livestock in public place	Permit required- Local Laws Unless- <ul style="list-style-type: none"> • Being moved a reasonable distance between properties as listed in clause 42(2) (a) in the <i>General Local Law 2012</i> • Being relocated by authorised officer • Moved in accordance with any code of practice, Acts or regulations 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
Displays of goods	Permit required- Local Laws
Raffles	Permit required- Local Laws
Busking or spruiking	Permit required- Local Laws
Organised groups or public gatherings	Permit required- Local Laws
Live entertainment, busking or spruiking	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

ACTIVITY	PERMISSION
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 other movable thing	Permit required- Local Laws
Use municipal place for other than intended use	Permit required- Local Laws
Fireworks display	Permit required- Local Laws
Install locking devices to secure displays/furniture on footpath	Written request to Infrastructure Dept. for consideration

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KEY CHANGES - GENERAL LOCAL LAW 2012

The following information is provided as a guide only and is not intended to list all changes between the *Northern Grampians Shire Council General Law 2005* and the *General Local Law 2012*.

Clause in General Local Law 2012	Clause in General Law 2005	Key changes	Primary reason for change
8. Amplified noise	2.8	Inclusion of noise heard from vehicles	Community expectations
9. Storing heavy vehicles	3.5	Change to types and weights and inclusion of on road in residential area	Legislative requirement and community expectations
10. Open air burning	3.2	Remove specified time for no permits in Halls Gap and increase capacity for MFPO to work with community and individuals to address fuel reduction	Community expectations and legislative requirements
11. Discharge from chimney or flue		New section	Provide direction on what is reasonably discharge to address community expectations and shortfalls in the <i>Public Health and Wellbeing Act 2008</i>
12. Burn offensive material		New section – provides direction on what materials cannot be burnt	Community expectations and legislative requirements
13. Unsightly land	3.1	Definitions expanded to include scrap and second hand materials, vehicles, machinery and parts	Community expectations
15. Camping	3.6	Some clauses removed and Authorised Officers given power to move campers from municipal places	Duplicates or contrary to Planning Scheme
17. Premises numbering		Requires all properties to clearly display property number	Address community safety issues around property

Clause in General Local Law 2012	Clause in General Law 2005	Key changes	Primary reason for change
			identification especially for emergency services
18. Aerodrome management		New Section to address obstacles identified through Obstacle Limitation Surfaces survey	Identified community safety issue that is not adequately addressed in other legislation
19. to 25. Waste and recycling	3.7	Defines what can be deposited in bins, prohibits scavenging at waste facilities, provides details for any additional Council service such as hard and green waste collection	address issues associated with contamination and management of waste facilities
26. Use of municipal place		New section – to address damage or misuse of municipal places such planting or damaging vegetation, landscaping nature strips	Address risks associated with use of municipal places
27. Smoking in municipal places		New section – Give Council the ability to declare no smoking areas with signs	In line with community expectations and addresses issues associated with smoking bans in buildings
28. Liquor in municipal places	2.2	Extended to include all municipal places require a permit with the exception of areas where BBQ and picnic facilities exist where liquor consumption and possession from 11am to sunset associated with meals is allowed	Community expectations especially those expressed through the Liquor Accord program
34. Recreational vehicles	3.3	Some clauses removed	Duplicates other legislation
35. Events	2.12	Includes additional activities	In line with neighboring

Clause in General Local Law 2012	Clause in General Law 2005	Key changes	Primary reason for change
			Council's
36. Fireworks		New section	Address community safety issues
37. Footpath Use	2.3 Footpath trading	New section developed and identified as footpath use rather than footpath trading as the use is not only related to trading goods. Identifies areas to encourage and support use of footpath and provides details on the placement of items	Reduce risks to Council, meet legislative requirements associated with access, address community expectations
38. Number of animals in residential area	6.1	Reference to the size of land removed	Duplicates or contrary to Planning Scheme
41. Cats in Halls Gap	6.4	Expanded requirement to include containment of cat on owners premises or in vehicle	Community expectations
42. Grazing, moving or droving livestock	7.1	Expanded to include grazing as prohibited on roadsides. Permit still required to move or drove	Address risks associated with grazing on roadsides
43. Dogs on Leash		New Section – dogs to be on leash in municipal places, exemptions for working dogs, clarifies ownership dependent upon persons age	Address issues associated with wandering dogs and dog attacks. Addresses community expectations
	2.9 Toy vehicles	Removed scooters and skate boards	Duplicates state legislation
	3.4 Damage to assets	Removed relevant sections addressed under municipal places	Duplicates other legislation
	3.8 Shopping Trolleys	Removed	Duplicates other legislation
	4.1 Vehicle crossings	Removed	Duplicates other legislation
	4.2 Road works	Removed	Duplicates other legislation
	4.3	Removed	Duplicates other

Clause in General Local Law 2012	Clause in General Law 2005	Key changes	Primary reason for change
	Vegetation		legislation
	5.1 to 5.5 Building sites	Some clauses removed and the remainder moved to waste and recycling area	Duplicates other legislation
	6.6 Fencing for animals	Removed	Duplicates state legislation
	6.5 Animal housing	Removed	Duplicates state legislation