



EAST GIPPSLAND SHIRE COUNCIL

GENERAL LOCAL LAW 2017

PART 1 – PRELIMINARY	6
1. TITLE.....	6
2. OBJECTIVES	6
3. THE POWER TO MAKE THIS LOCAL LAW	6
4. OPERATIONAL DATE OF THIS LOCAL LAW	6
5. DATE THIS LOCAL LAW CEASES OPERATION.....	6
6. REVOCATION OF OTHER LOCAL LAWS	6
7. SCOPE OF THIS LOCAL LAW	7
8. EXEMPTIONS FROM THIS LOCAL LAW	7
9. HOW TO READ THIS LOCAL LAW	7
10. WORDS USED IN THIS LOCAL LAW	8
PART 2 - ADMINISTRATION OF THIS LOCAL LAW	15
11. EXERCISE OF DISCRETIONS.....	15
12. POWER OF AUTHORISED OFFICERS TO DIRECT COMPLIANCE	15
13. POWER TO OBTAIN NECESSARY INFORMATION.....	15
14. TIME TO COMPLY	15
15. REASONABLE TIME TO COMPLY	15
16. FAILURE TO ADHERE TO A NOTICE TO COMPLY.....	16
17. POWER OF AUTHORISED OFFICERS TO ACT IN URGENT CIRCUMSTANCES	16
18. POWER OF AUTHORISED OFFICER TO IMPOUND	16
PART 3 – PERMITS	17
19. APPLICATION FOR PERMIT	17
20. APPEALS	17
21. PERMIT MAY BE CONDITIONAL AND CORRECTION RIGHTS	17
22. DURATION OF PERMITS	18
23. CANCELLATION OF PERMITS.....	18
24. EXEMPTION FROM PERMIT	19
25. OFFENCE TO FALSIFY APPLICATION FOR PERMIT OR EXEMPTION	19
PART 4 - ENFORCEMENT AND PENALTIES	19
26. OFFENCES	19
27. PENALTIES.....	20
PART 5 - ROADS MANAGEMENT	20
DIVISION 1 - OBSTRUCTIONS TO THE FREE PASSAGE OF PEOPLE AND GOODS..	20
28. TREES AND PLANTS NOT TO OBSTRUCT OR OBSCURE	20
29. PLACING OF SIGNS, POSTS AND OBJECTS	21
30. FENCES AT INTERSECTIONS.....	21
DIVISION 2 - ROAD NAMES AND PROPERTY NUMBERS.....	21
31. COUNCIL TO APPROVE ROAD NAMES.....	21
32. PROPERTY NUMBERS TO BE DISPLAYED.....	21
DIVISION 3 - VEHICLE CROSSINGS	21
33. A VEHICLE CROSSING IS REQUIRED	21
34. REDUNDANT VEHICLE CROSSINGS	22
DIVISION 4 - PROHIBITION OF VEHICLES LIKELY TO DAMAGE THE ROAD	22
35. RESTRICTION OF USE	22
36. PERMITS FOR USE OF RESTRICTED ROADS AND BRIDGES.....	22
DIVISION 5 ANIMALS ON ROADS AND CONTAINMENT OF ANIMALS	22
37. GRAZING OF LIVESTOCK ON ROAD	22
DIVISION 6 - SHOPPING TROLLEYS	23

38.	LEAVING SHOPPING TROLLEYS	23
	DIVISION 7 - CONTROL OF WHEELED RECREATIONAL DEVICES	23
39.	USE OF WHEELED RECREATIONAL DEVICES	23
40.	CONDUCT WHEN USING A WHEELED RECREATIONAL DEVICE.....	23
41.	IMPOUNDING WHEELED RECREATIONAL DEVICE IN DESIGNATED AREAS ..	23
	DIVISION 8 - STATIONARY HEAVY OR LONG VEHICLES	24
42.	PARKING OF HEAVY OR LONG VEHICLES ON PRIVATE PROPERTY IN RESIDENTIAL AREAS	24
	PART 6 - SECONDARY ACTIVITIES ON ROADS	24
	DIVISION 1 - ADVERTISING SIGNS PLACED ON ROADS	24
43.	ERECTING OR PLACING ADVERTISING SIGNS, TOURIST and SERVICE SIGNS	24
44.	IMPOUNDING SIGNS	24
	DIVISION 2 - TRADING FROM A ROAD OR TO A PERSON ON A ROAD.....	24
45.	ERECTING OR PLACING ROADSIDE TRADING FACILITY.....	24
46.	TRADING TO A PERSON ON A ROAD OR PUBLIC PLACE	24
47.	REQUIREMENTS FOR GRANTING PERMISSION.....	25
48.	IMPOUNDING OF GOODS AND EQUIPMENT	25
	DIVISION 3 - DISPLAY OF GOODS FOR SALE	25
49.	LOCATING GOODS FOR SALE.....	25
50.	GOODS LEFT ON ROADS.....	25
	DIVISION 4 - OUTDOOR EATING FACILITIES ON ROADS	25
51.	ESTABLISHING AN OUTDOOR EATING FACILITY	25
52.	REMOVING NON PERMITTED EQUIPMENT	25
53.	REMOVING THE FACILITY.....	26
	DIVISION 5 - BULK WASTE CONTAINERS, STOCKPILES AND OTHER OBSTRUCTIONS ON ROADS.....	26
54.	PLACING BULK WASTE CONTAINERS OR STOCKPILING	26
55.	CONTAINER LEFT OR STOCKPILE OF MATERIAL ON A ROAD OR ROAD RESERVE	26
56.	OTHER OBSTRUCTIONS	26
	DIVISION 6 - OCCUPATION OF THE ROAD FOR WORKS / VEGETATION ON COUNCIL LAND	26
57.	ROAD WORKS AND OBSTRUCTIONS	26
58.	VEGETATION ON COUNCIL LAND	27
59.	PERMITS FOR WORKS ON ROADS AND COUNCIL LAND	27
60.	REINSTATEMENT WORKS	27
61.	IMPOUNDING OF EQUIPMENT.....	27
62.	UTILITY WORKS.....	27
	DIVISION 7 – REPAIR OF VEHICLES AND DEPOSITED SUBSTANCES.....	28
63.	REPAIR OF VEHICLES.....	28
64.	SUBSTANCES FROM VEHICLES, ANIMALS AND LIVESTOCK	28
65.	REMOVAL OF SUBSTANCES	28
	DIVISION 8 - STREET PARTIES, STREET FESTIVALS, PROCESSIONS, EVENTS AND BUSKING.....	28
66.	STREET PARTIES, STREET FESTIVALS, PROCESSIONS AND EVENTS	28
67.	BUSKING AND STREET ENTERTAINMENT	29
	DIVISION 9 - COLLECTIONS ON ROADS	29
68.	COLLECTIONS	29

PART 7 – THE ENVIRONMENT	30
DIVISION 1 – SAFETY, HEALTH AND AMENITY	30
69. UNSIGHTLY LAND	30
70. INCINERATORS AND OPEN AIR BURNING	30
71. DISTRIBUTION OF NOTICES, ADVERTISING AND GOODS ON ROADS	31
72. BUILDING SITE MANAGEMENT	31
73. ASSET PROTECTION	32
74. CAMPING	32
75. CARAVANS	32
76. TEMPORARY ACCOMMODATION STRUCTURES	32
77. SHIPPING CONTAINERS (CONTAINERISED TRANSPORT UNITS)	33
78. AMENITIES FOR PUBLIC EVENTS	33
79. NOISE / SPRUICKING	33
80. POSSESSION OR CONTROL OF LIQUOR IN PUBLIC PLACES	33
81. CONTROL OF MOTORISED RECREATIONAL VEHICLES AND MOTOR BIKES	34
82. CONDUCT WHEN USING A RECREATIONAL VEHICLE OR TRAIL BIKE	34
83. RIDING HORSES ON PUBLIC RESERVES OR RECREATION GROUNDS	34
84. PARKING / DRIVING ON RESERVATIONS	34
85. COUNCIL SIGNS	34
86. COUNCIL LIBRARY SERVICE CENTRES AND RECREATION CENTRES	34
DIVISION 2 – ANIMAL CONTROL	35
87. RESTRICTION OF LIVESTOCK IN RESIDENTIAL AREAS	35
88. KEEPING OF ANIMALS	36
89. PERMITS FOR KEEPING ANIMALS	37
90. ANIMAL EXCREMENT	37
91. ANIMALS ON BEACHES AND FORESHORE AREAS	37
DIVISION 3 - DISPOSAL OF WASTE	37
92. DOMESTIC WASTE	37
93. TYPE OF DOMESTIC WASTE AND RECYCLING CONTAINERS	38
94. PLACEMENT OF DOMESTIC WASTE AND RECYCLING CONTAINERS	38
95. REMOVAL OF CONTAINERS AND ANY SPILLAGE	38
96. WASTE CONTAINERS IN EXCESS OF THREE MULTIPLE DWELLING	38
97. PROHIBITED WASTE	38
98. TRADE WASTE AND WASTE CONTAINERS	39
99. TRANSPORTATION OF WASTE	39
100. USE OF MUNICIPAL WASTE FACILITIES	40
101. DEPOSITING OF WASTE	40
102. DISPOSAL OF ICE CHESTS, TRUNKS OR SIMILAR CONTAINERS	40
103. SCAVENGING AT MUNICIPAL WASTE FACILITIES	40
DIVISION 4 - DRAINAGE AND WATER COURSES	40
104. DRAINAGE TAPPINGS	40
105. INTERFERENCE WITH WATER COURSE	41
106. STORMWATER DRAINS	41
PART 8 RAYMOND ISLAND FERRY	43
107. RAYMOND ISLAND FERRY	43
PART 9 EAST GIPPSLAND LIVESTOCK EXCHANGE	43
108. EAST GIPPSLAND LIVESTOCK EXCHANGE	43
PART 10 COUNCIL CONTROLLED MARINAS, FORESHORES AND WATERWAYS	43
109. MOORING	43
110. NO FISHING	44

111. MARINA PROVISIONS.....44
112. METUNG HARDSTAND AREA44
113. CONSTRUCTION OF PRIVATE JETTIES AND OTHER STRUCTURES45
114. TRADING AT PRIVATE JETTIES.....45
115. CUNNINGHAM ARM BRIDGE VEHICLE ACCESS45

PART 1 – PRELIMINARY

1. TITLE

This Local Law is the East Gippsland Shire Council's General Local Law 2011 and referred to below as this Local Law.

2. OBJECTIVES

The objectives of this Local Law are to provide for the:

- (1) peace, order and good government of the Municipal District;
- (2) safety and health of the Municipal District so that the community can enjoy a quality of life that meets its expectations;
- (3) safe and fair use and enjoyment of public places;
- (4) protection and enhancement of the amenity and environment of the Municipal District;
- (5) protection and management of Council and Community Assets and facilities;
- (6) fair and reasonable use and enjoyment of private land;
- (7) uniform and fair administration of this Local Law; and
- (8) revocation of redundant Local Laws.

3. THE POWER TO MAKE THIS LOCAL LAW

This Local Law is made under the provisions of Section 111 (1) of the *Local Government Act* 1989, Section 42 of the *Domestic Animals Act* 1994 and was prepared following due consideration of the *Charter of Human Rights and Responsibilities Act* 2006.

4. OPERATIONAL DATE OF THIS LOCAL LAW

This Local Law operates from the day following its making.

5. DATE THIS LOCAL LAW CEASES OPERATION

Unless this Local Law is revoked sooner, its operation will cease on the tenth anniversary of its making.

6. REVOCATION OF OTHER LOCAL LAWS

The following local law will be revoked upon the operation of this Local Law:

- General Local Law 2011

7. SCOPE OF THIS LOCAL LAW

This Local Law applies to the whole of the Municipal District, except where it is apparent from its wording that a clause or schedule applies to "a" specific area or areas. Its provisions apply to the extent that they are not inconsistent with any Act, Regulation or Planning Scheme applicable to the Council or to its Municipal District.

8. EXEMPTIONS FROM THIS LOCAL LAW

Nothing in this Local Law prevents a member, officer or employee of:

- (a) the Commonwealth or State Government;
- (b) the Victoria Police;
- (c) the Country Fire Authority;
- (d) the Ambulance Service – Victoria;
- (e) any first-aid or emergency service organisation;
- (f) any military or civil-defence force; or
- (g) a public body other than the Council,

from performing any of the duties he or she is lawfully entitled or required to perform while engaged in those duties.

9. HOW TO READ THIS LOCAL LAW

(1) MARGINAL NOTES

Marginal notes are located against the right hand margin and contain references to either the *Local Government Act 1989* (LGA), a Schedule (SCH) or a Local Law provision. The marginal notes operate as follows:

Any reference to LGA alerts the reader to the fact that regard should also be had to that reference in the *Local Government Act 1989*.

For example:

LGA 91 Refers to Local Government Act 1989, Section 91

SCH2 Refers to Schedule 2 of this Local Law

98 Refers to Clause 98 of this Local Law

(2) LOCAL LAW PROVISIONS

Specific requirements of this Local Law are contained in Parts 1 to 10 inclusive, which set out the provisions for meeting the objectives of this Local Law, .

(3) REFERENCED DOCUMENTS

- (i) Road Safety Road Rules 2009 - Victoria as amended from time to time;
- (ii) Urban Stormwater Best Management Practice Guideline (Building Sites, Industrial Premises, Commercial Premises);

- (iii) East Gippsland Shire Roadside Management Plan; and
- (iv) East Gippsland Planning Scheme.

10. WORDS USED IN THIS LOCAL LAW

Term Meaning or Extended Meaning

Act: The *Local Government Act* 1989.

Advertising Sign: Any placard, sign, pointer board, notice, mobile billboard, banner or other similar device (whether portable or affixed or attached to any land, building or Vehicle) which is used for the purposes of:

- (a) soliciting sales;
- (b) notifying the presence or location of a Property where goods or services may be obtained;
- (c) notifying an Event or competition, including community or recreational Event but does not include an advertising sign which has been permitted under the Footpath Trading Policy, or which requires and has been granted a permit under the Planning Scheme; or
- (d) advertising goods or services.

Animal: Includes every species of four-footed animal, every species of bird, every species of fish, every species of reptile and any species used in connection with primary production or for recreational purposes.

Appeal: A request to change a decision or order. Usually an appeal will seek review of the decision by a different decision-maker.

Applicant: A person who applies for a Permit under this Local Law.

Appropriate Fee: The fee determined by the Council in accordance with Section 113 of the Act.

Arterial Road: Has the same meaning as in the *Road Management Act* 2004.

Asset Protection Permit: A Permit issued under this Local Law for the protection of Council and Community Assets.

Authorised Officer: An Authorised Officer appointed under Section 224 or 224A of the Act and includes a member of the Victoria Police who has been authorised by the Council.

Boat Ramp: A ramp or other device or structure used or capable of use or designed or intended for use for the purpose of launching and retrieving Trailable Vessels where the boat ramp is situated within the area under the control and management of the Council.

Building: Includes a structure, part of a building or a structure, Fence, wall, outbuilding, service installation and other appurtenances of a building.

Building Site: Includes any land on which Building Works are being or are to be undertaken.

Building Works: Includes work for, or in connection with, the construction, renovation, alteration, demolition, relocation, or removal of a Building or excavation works.

Bulk Waste Container: A bin, container or other structure designed or used for holding Waste or refuse and which is unlikely to be lifted without mechanical assistance. It does not include containers used in connection with the Council's regular kerbside Waste collections.

Busk: Playing a musical instrument and/or singing, conjuring, juggling, miming, mimicry, dancing, puppetry, performance art, recitation or other theatrical and visual forms which attract or attempt to attract a donation of money.

Camp or Camping: Includes the occupation or use of a tent, Vehicle (including under the vehicle), caravan or makeshift structure for sleeping, resting or as temporary accommodation and "camping" has a meaning accordingly.

Caravan: Includes any moveable Dwelling whether or not the wheels or axles thereof have been removed and whether it is resting directly on the ground or is placed on blocks or other supports, and any structure annexed to the caravan.

Chief Executive Officer: The Chief Executive Officer appointed by the Council from time to time and includes a person for the time being acting in that position.

Collector Road: A Road which provides a principal route of access into a local Traffic area or, in an area where the spacing of Arterial Roads is too great to cater for all major Traffic movements, a Road which performs a significant Traffic carrying function.

Colour Coded Berthing Zones: As defined in Schedule 8 for Set Aside Areas as adopted by Gippsland Ports.

Council: East Gippsland Shire Council.

Council and Community Assets: Includes furniture, fittings, assets, equipment, or other structures of any kind, tree reserves, gardens, garden plots, lawns, plantations, trees, shrubs, statues, monuments, fountains, seats, posts, fences and paths in or upon any Public Place or Council Land.

Council Land: All land owned, leased, managed or occupied by the Council or in respect of which the Council has a duty of maintenance and includes a street, Road and Footpath and any improvements, Buildings and other structures permanently affixed to the land and any estate, interest, easement, servitude or right in or upon land.

Crane: Has the same meaning as in the *Occupational Health and Safety Regulations 2007*.

Delegate: Any member of the Council's staff to whom a delegation has been made pursuant to Section 98 of the Act or a Special Committee to which a delegation has been made under Section 86 of the Act for the purposes of this Local Law.

Domestic Waste: Normal household garbage and Waste generated from a residence but does not include sewage, trade Waste, hard garbage, building Waste or recyclable material.

Drain: A system for the collection, storage and removal of stormwater drainage and maintained by the Council.

Dwelling: Any Property, Building or portion of a Building or tent or Vehicle which is used or intended, adapted or designed for living purposes by any person.

Emergency Service: The Police, Ambulance Service, State Emergency Service or Country Fire Authority when carrying out emergency duties.

Event: An organised public gathering on Council Land, a Road Reserve or other public land.

Excrement: Manure.

Exemption: An exemption issued by or under the authority of the Council under this Local Law.

Farming Area: Rural land that as defined by the East Gippsland Planning Scheme that is used for agricultural purposes.

Fence: Includes a barrier, boundary, railing or other upright structure separating the lands of different occupiers or enclosing an area of land to prevent any Animal from straying from such land and includes gates, crossing grids and temporary electric fencing.

Food Premises: Any premises registered as food premises or any premises liable to be registered under the *Food Act 1984*.

Footpath: Means a footpath, bicycle path or other area constructed or developed by a responsible road authority for use by members of the public other than with a Motor Vehicle.

Foreshore: Crown Land in respect of which the Council is the appointed Committee of Management which immediately abuts a lake or the ocean.

Grazing of Livestock: Excludes the droving or movement of Livestock.

Heavy Vehicle: Has the same meaning as in the *Road Safety Road Rules 2009*.

Impound: Means the seizing or taking possession of:

- (a) any thing; or
- (b) trespassing Livestock and includes the holding of that Livestock (whether or not held at a pound established by the Council) until the livestock is released or disposed of in accordance with the *Impounding of Livestock Act 1994*.

Incinerator: Includes a structure or device (not enclosed in a Building) which is used or capable of being used for the purpose of burning any matter, material or substance and is not licensed but excludes a barbeque.

Jetty: Wharf, pier, jetty or landing place of a like nature, which is the property of, or under the control of, the Council.

Kerbside Waste Collection: Includes domestic Waste collected at kerbside (garbage, recyclables and green Waste).

Legislation: Includes subordinate legislation as defined in the *Interpretation of Legislation Act 1984*.

Liquor: A beverage or other substance prescribed under the *Liquor Control Reform Act 1998*, intended for human consumption with an alcoholic content greater than 0.5% by volume at a temperature of 20 degrees Celsius.

Litter: Has the same meaning as in the *Environment Protection Act 1970*.

Livestock: Has the same meaning as in the *Impounding of Livestock Act 1994*.

Long Vehicle: Has the same meaning as in the *Road Safety Road Rules 2009*.

Motor Vehicle: Has the same meaning as in the *Road Safety Act 1986*.

Marina: Any marina or regulated berthing area that is situated within an area under the control and management of the Council and includes the dry boat storage (hardstand) at Metung.

Materials for Recycling: Newspaper, magazines, promotional flyers, office paper, envelopes, unwaxed cardboard, unbroken glass bottles and jars, Code 1 (PET), Code 2 (HDP), Code 3 (PVC), Code 4 (LDPE) or Code 5 (PP) plastic bottles and containers, aluminium cans, foil and trays, steel cans and tins, and paperboard containers such as milk and juice cartons, or other material approved for collection.

Minor Building Works: Means Building Works for which a building permit is not required under the *Building Act 1993*.

Mooring Times: The period indicated by information (Colour Coded Berthing Zones as adopted by Gippsland Ports) on the structure or with any sign associated with the mooring area.

Municipal District: The municipal district of the Council.

Municipal Road: Has the same meaning as in the *Road Management Act 2004*.

Municipal Waste Facility: Land set aside to manage and control Waste and recycling materials (includes recycling facilities, transfer stations, transfer trailers and landfill sites).

Notice to Comply: A notice generally in the form of Schedule 1.

Nuisance: Is behaviour which unreasonably and substantially interferes with the health, safety, peace, comfort or convenience of the general community.

Offensive: Unpleasant to the senses, or demonstrating aggression.

Organic Waste: Garden waste having the ability to be naturally composted.

Outdoor Eating Facility: Includes any tables and/or chairs located outdoor on Council controlled land at which food or drink is served and/or consumed.

Parking Area: Has the same meaning as in the *Road Safety Road Rules 2009*.

Penalty Unit: Has the same meaning as in the *Sentencing Act 1991*, the value of which is \$100 per Penalty Unit. The Penalty Offences listed within this Local Law are the maximum penalty which may be imposed by a Court of Law; these may differ from Schedule 7 'Infringement Notice Penalties'.

Permit: A permit or licence issued by the Council.

Permit holder: A person to whom a Permit has been issued by Council.

Planning Scheme: The East Gippsland Planning Scheme.

Poultry: Includes fowls, bantams, pheasants, ducks and geese.

Private Jetty: Means a jetty that is licensed from Council and is situated on a waterway owned or controlled by Council or where Council is the appointed Committee of Management under the *Crown land (Reserves) Act 1978*.

Procession: An organised group of people proceeding along a Road, or gathering for a ceremony or function, and includes fun runs and bicycle events.

Property: Includes any ground, soil or earth whatsoever, whether dry or underwater, including all Buildings on the land and everything attached to the land whether above or under the surface.

Public Body: Has the same meaning as in Section 5 of the *Public Administration Act 2004*.

Public Place: Includes any:

- (a) public road, Road, car park, bridge, Footpath, court, alley, passage or thoroughfare notwithstanding that it may be formed on private Property;
- (b) park, garden, reserve or other place of public recreation or resort;
- (c) racecourse, cricket ground, football ground or other such place while members of the public are present or are permitted to have access thereto whether with or without payment for admission;
- (d) place of public resort;
- (e) open place to which the public, whether upon or without payment for admittance, have or are permitted to have access;
- (f) Wharf, pier or Jetty under the control of the Council.

Raymond Island Ferry: The Vehicle and service operated by the Council to transport persons and Vehicles across McMillan Strait between Paynesville and Raymond Island, or any other destinations as the Council may determine.

Motor Bike or other Motorised Recreational Vehicle: Means a motor vehicle, whether registered or unregistered, used for recreational purposes on any land (excluding a road) and includes, but is not limited to, the following motor vehicles:

- a) A motor vehicle with two wheels, with or without a sidecar attached that is supported by a third wheel
- b) A motor vehicle with three wheels that is ridden in the same way as a motor vehicle with two wheels, and
- c) Any other motorised, recreational vehicle including, but not limited to, mini-bikes, trail bikes, monkey bike, motorised scooters, motorised go-carts and quad bikes

But excludes

- (a) A motorised wheelchair, or other aid used by a person with a disability or limited mobility
- (b) A motorised farm vehicle that is being used for farming purposes, and
- (c) A motorised bicycle with a maximum capacity of 22 watt aggregate power

Recreation ground: Open public space set aside or used for recreation

Regional Livestock Exchange: means the area of land and facilities owned or managed by the Council for the selling of Livestock.

Residential Area: Land zoned as General Residential Low Density Residential, Township, or mixed use in the East Gippsland Planning Scheme.

Reserve: A tract of public land set apart for a public purpose.

Reservation: A physical provision on a Road which divides it longitudinally (other than a longitudinal line or a series of lines marked on a carriageway) and includes a nature strip adjoining a footway or property line.

Responsible Road Authority: Has the same meaning as in the *Road Management Act 2004*.

Road: Has the same meaning as in the Act.

Road Authority: Has the same meaning as in the *Road Management Act 2004*.

Road Rules: The *Road Safety Road Rules 2009* made under section 95D of the *Road Safety Act 1986*.

Road Reserve: Has the same meaning as in the *Road Management Act 2004*.

Rural Residential Area: Land zoned Low Density Residential in the Planning Scheme.

Sell: Includes:

- (a) sell (whether by wholesale or retail or by means of any machine or mechanical device);
- (b) barter or exchange; agreeing to sell;
- (c) offer or expose goods or services for sale;
- (d) keep or possess for sale;
- (e) send, forward, deliver or receive for sale; or
- (f) attempt, direct, cause, suffer, or admit any such act or thing.

Senior Officer: Has the same meaning as in Section 3 of the Act.

Service Authority: A State or Federal Government service authority or any other authority providing service which is incapable of being bound by this Local Law.

Shipping Container: A containerised transport unit or container that is used in conjunction with commercial shipping.

Spruik: Making or giving a speech and haranguing or addressing members of the public (whether directly or by use of pre recorded speech or messages) or the emission of music or other noise calculated to encourage members of the public to enter premises, purchase goods or both.

Street Festival: An organised recreational, cultural, commercial or social gathering of people which is held on a Road.

Street Party: An organised social gathering of people resident in one or several adjacent Roads that is held on a Road.

Temporary Dwelling: A building, Caravan, tent or like thing used for residential purposes prior to and during construction of a Dwelling.

Toilet: A commercial-type sanitary convenience and washing facilities approved by an Authorised Officer.

Trade Waste: Includes Waste generated from commercial, industrial or trade activities, including waste from factories, officers, schools, state and government operations and commercial construction and demolition works.

Trading: Voluntary exchange of goods and/or services.

Trailable Vessel: Any Vessel capable of being transported overland by trailer and launched or recovered on or by the use of a ramp or sloping surface leading into a waterway.

Traffic: The movement of people by foot or in or on Vehicles, along, across or within a Road, road-related area or Footpath.

Traffic Control Item: Has the same meaning as “traffic control device” in the Road Rules.

Utility: Has the same meaning as in the *Road Management Act 2004*.

Vehicle: Has the same meaning as in the Road Rules.

Waste: Has the same meaning as in the *Environment Protection Act 1970*.

Waste charge: Means a service charge for refuse collection and disposal, declared and levied under section 162 of the Act.

Weed: A plant which is:

- (a) a State prohibited weed within the meaning of the *Catchment and Land Protection Act 1994*;
- (b) a restricted weed, regionally prohibited or regionally controlled weed (within the meaning of the *Catchment and Land Protection Act 1994*) in any part of the Municipal District; or
- (c) referred to in the 'Common Weeds in Gippsland East Gippsland Shire Council' booklet.

Wheeled Recreational Device: A wheeled device, built to transport a person propelled by human power or gravity, and ordinarily used for recreation or play and:

- (a) includes rollerblades, roller skates, skateboards and similar wheeled devices; but
- (b) excludes a golf buggy, pram, stroller or trolley, bicycle, wheelchair, wheeled toy or a Scooter that is a Motor Vehicle.

Scooter: Has the same meaning as in the Road Rules.

Wheeled Toy: Has the same meaning as in the Road Rules.

Wheeled Recreational Device: Has the same meaning as in the Road Rules.

PART 2 - ADMINISTRATION OF THIS LOCAL LAW

11. EXERCISE OF DISCRETIONS

- (1) In exercising any discretion contained in this Local Law the Council must have regard to:
 - (a) the objectives of this Local Law;
 - (b) and
 - (c) any guidelines prepared by the Council from time to time.
- (2)
 - (a) The Council may from time to time prepare guidelines for use by the Council, Authorised Officers and other persons for the purposes of this Local Law.
 - (b) Guidelines prepared by the Council must not be inconsistent with the objectives this Local Law

12. POWER OF AUTHORISED OFFICERS TO DIRECT COMPLIANCE

- (1) An Authorised Officer may either orally or by serving a written notice in the form of Schedule 2 direct any owner, occupier or other relevant person to remedy any situation which constitutes a breach under this Local Law. **LGA224, SCH2**
- (2) A person to whom a direction is given under sub-Clause (1) must comply with that direction.

13. POWER TO OBTAIN NECESSARY INFORMATION

Council or an Authorised Officer may require additional information for the purposes of administering and enforcing the provisions of this Local Law. **LGA224**

14. TIME TO COMPLY

A Notice to Comply must state the time within by which the situation must be remedied.

15. REASONABLE TIME TO COMPLY

The time fixed by a Notice to Comply served under this Local Law must be reasonable in the circumstances, and what will be reasonable will vary depending on the matters to be remedied but should take into account, if applicable:

- (a) the amount of work involved;
- (b) the degree of difficulty;
- (c) the availability of necessary materials or other necessary items;
- (d) climatic conditions;
- (e) the degree of risk or potential risk; and
- (f) any other relevant factor.

16. FAILURE TO ADHERE TO A NOTICE TO COMPLY

- (1) Any person who fails to remedy a situation in accordance with a Notice to Comply served under this Local Law is guilty of an offence.

Penalty: 5 Penalty Units.

- (2) If a person fails to carry out any work or action which he or she is required to do by a Notice to Comply issued under this Local Law within the time stated in the Notice to Comply, the Council in its discretion may carry out the work or action or cause the work or action to be carried out and may recover the cost from that person. **LGA225**

17. POWER OF AUTHORISED OFFICERS TO ACT IN URGENT CIRCUMSTANCES

- (1) An Authorised Officer may, where a person has failed to comply with this Local Law, take action to remove, remedy or rectify a situation without serving a Notice to Comply provided:
- (a) he or she considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a Notice may place a person, animal, property or thing at risk or in danger;
 - (b) wherever practicable, a Senior Officer is given prior notice of the proposed action;
 - (c) details of the circumstances and remedying action are forwarded as soon as practicable to the person to whom a Notice to Comply would have otherwise been served; and
 - (d) as soon as practicable a report is submitted to a Senior Officer.
- (2) The action taken by an Authorised Officer under sub-Clause (1) must not extend beyond what is necessary to minimise or cause the immediate abatement of the risk or danger involved.

18. POWER OF AUTHORISED OFFICER TO IMPOUND

- (1) An Authorised Officer may Impound an Animal or other thing located on Council land in contravention of this local law, and the Council may refuse to release it until the Appropriate Fee or charge for its release has been paid to the Council.
- (2) Within a reasonable time of impounding the Authorised Officer will, if practicable, serve a Notice of Impounding in the form of Schedule 3 to this Local Law on the owner or person responsible for the item which has been impounded setting out the fees and charges payable and time by which the item must be retrieved. **SCH3**
- (3) If after the time required in the Notice of Impounding an impounded item is not retrieved, an Authorised Officer may take action to dispose of the impounded item in accordance with any guidelines determined by the Council from time to time.
- (4) When the identity or whereabouts of the owner or person responsible for the impounded item is unknown, the Authorised Officer must take reasonable steps to ascertain the identify or whereabouts of that person and may proceed to dispose of the impounded item in accordance with sub-Clause (3) once he or she is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded item.

- (5) Any proceeds from the disposal of impounded items under this Part must be paid to the owner or the person who, in the opinion of the Council, appears to be authorised to receive the money except for the reasonable costs incurred by the Council in the administration of this Part.
- (6) In the event that the person described in sub-Clause (5) cannot be identified or located within six (6) months of the date of the Notice of Impounding, any proceeds as described in sub-Clause (5) cease to be payable to that person and may be retained by the Council and expended in accordance with the Act.

PART 3 – PERMITS

19. APPLICATION FOR PERMIT

- (1) The Council or an Authorised Officer may issue a Permit under this Local Law with or without conditions, including payment of the Appropriate Fee as prescribed by the Council. The Council may waive, reduce or alter any fee or charge with or without conditions. **LGA113**
- (2) An application for a Permit under this Local Law must be lodged with the Appropriate Fee as determined by the Council.
- (3) The Council reserves the right to reject an application or require additional information refer the application to an internal review.
- (4) The Council or an Authorised Officer may require a person to give Public Notice of an application, which may entitle people to make submissions. **LGA223**
- (5) It is an offence for a person to fail to obtain a permit where required by this Local Law.

Penalty: 5 Penalty Units.

20. APPEALS

If a person who has applied for a Permit and had that application refused, that person may Appeal to the Chief Executive Officer in writing within 7 days of being given notice of the refusal of the application. The Chief Executive Officer or his or her delegate shall consider the Appeal as soon as practicable and advise the appellant in writing of the decision but is not obliged to give reasons.

21. PERMIT MAY BE CONDITIONAL AND CORRECTION RIGHTS

- (1) A Permit under this Local Law may be issued subject to conditions, which may include:
 - (a) the application of any Policy of the Council or Code of Practice;
 - (b) a time limit to be applied either specifying the duration, commencement or completion date;
 - (c) the Permit being subject to the happening of an event;
 - (d) the rectification, remedying or restoration of a situation or circumstance;

- (e) where the applicant is not the owner of the subject Property, the consent of the owner;
 - (f) the granting of some other Permit which may be required by the Council whether under this Local Law or otherwise.
- (2) The Council reserves the right to correct any Permit in relation to:
- (a) a clerical mistake or other error arising unintentionally or an omission; or
 - (b) an evident material miscalculation of figures or an evident material mistake in the description of any person, thing or property referred to in the Permit.
- (3) The Council must give notice of any correction of a Permit to the Permit holder.

22. DURATION OF PERMITS

Except where expressly stated in this Local Law or in the Permit, the Permit will operate from the date it is issued until 30 June next following that date except for Permits issued under Clause 88(1), which expire on 10 April next following that date.

23. CANCELLATION OF PERMITS

- (1) A Permit may be cancelled or suspended by a Delegate at any time if there has been:
- (a) any material misstatement or concealment in relation to the application for the Permit;
 - (b) any material mistake in relation to the issue of the Permit;
 - (c) any material change of circumstances which has occurred since the issue of the Permit; or
 - (d) a failure to comply with any condition or conditions under which the Permit was issued.
- (2) Where paragraph (a), (b) or (c) of sub-Clause (1) applies, the Permit may be suspended upon 7 days notice of the decision to propose cancellation and advice that an Appeal may be lodged with the Chief Executive Officer or his or her delegate provided that the delegate is a different person from any delegate under sub-Clause (1) hereof.
- (3) Where paragraph (d) of sub-Clause (1) applies, any cancellation must not take place unless:
- (a) a Notice to Comply in accordance with Part 2 of this Local Law has been served upon the Permit holder; and **SCH2**
 - (b) there has been a failure to comply with the Notice to Comply within the time required.
- (4) Where the Permit holder is not the owner of the Property referred to in the Notice to Comply and the owner's consent was required to be given to the application for the Permit, the owner must be notified of the Notice to Comply.

24. EXEMPTION FROM PERMIT

- (1) The Council may exempt any person or class of person or any Service Authority from the need for any Permit or may exempt all or any persons from the need for any Permit at any specified time or times.
- (2) Despite any provision in this Local Law requiring a Permit to undertake any particular activity, no offence will arise where the Chief Executive Officer or his or her delegate has granted an exemption from the requirement to hold any such Permit and there is compliance with the conditions (if any) of that exemption.
- (3) Any person, to whom an exemption is granted or is granted subject to compliance with specified conditions commits an offence if the action in respect of which the exemption was granted is performed in a manner which fails to comply with any condition subject to which the exemption was granted.

Penalty: 5 Penalty Units.

25. OFFENCE TO FALSIFY APPLICATION FOR PERMIT OR EXEMPTION

Any person who makes any false representation, statement or declaration (whether oral or in writing) or who omits any relevant information from the application for a Permit or exemption is guilty of an offence.

Penalty: 10 Penalty Units.

PART 4 - ENFORCEMENT AND PENALTIES

26. OFFENCES

- (1) Where any provision in this Local Law requires that something may not be done at all, any person who does that act is guilty of an offence.
- (2) Where any provision in this Local Law requires that something may not be done between specified hours of the day or night during specified months of the year, on days falling within specified categories (eg acute fire danger days) or in or at specified locations or specified parts of those locations, any person who does that act between the hours, during the months, on the days, or at the location or a specified part is guilty of an offence.
- (3) Where any provision in this Local Law requires that a person obtain a Permit from the Council before engaging in any particular activity, that person is guilty of an offence if that person engages in that activity without a current Permit issued by the Council (unless the Council, in its discretion, has waived the requirement for a permit).
- (4) Where any Permit issued under this Local Law contains conditions, any person who contravenes or fails to comply with a condition of a Permit is guilty of an offence.
- (5) Where any provision in this Local Law requires that something must be done, any person who fails to do that act is guilty of an offence.

- (6) Where a person fails to comply with a direction of an Authorised Officer under Clause 12 of this Local Law, that person is guilty of an offence.
- (7) Where any offence arises under this Local Law in respect of which a specific penalty has not been indicated, the penalty for that offence is 5 Penalty Units.

27. PENALTIES

- (1) As an alternative to prosecution, an Authorised Officer may serve an infringement notice on any person who has committed an offence against this local law

- (2) Schedule 7 to this Local Law sets out fixed penalties for Infringement Notice purposes which may be issued as an alternative to prosecution in respect of offences against this Local Law where an Authorised Officer determines to proceed by Infringement Notice.

SCH7

PART 5 - ROADS MANAGEMENT

DIVISION 1 - OBSTRUCTIONS TO THE FREE PASSAGE OF PEOPLE AND GOODS

28. TREES AND PLANTS NOT TO OBSTRUCT OR OBSCURE

- (1) A person must not allow any tree or plant in or growing on a Property owned or occupied by him or her to obstruct or interfere with the passage of Traffic by:
 - (a) overhanging any Footpath, Road Reserve or Road used by pedestrians so that it interferes with pedestrians or is likely to cause injury or damage;
 - (b) extending over any part of the Road or Road Reserve or located on private Property in such a way that it:
 - (i) obstructs the view between Vehicles at an intersection;
 - (ii) obstructs the view between Vehicles and pedestrians where they come close to each other;
 - (iii) obscures a Traffic Control Item from an approaching Vehicle or pedestrian; or
 - (iv) obscures street lighting; or
 - (c) otherwise constituting a danger to Vehicles or pedestrians or compromising the safe and convenient use of a Road.

Penalty: 10 Penalty Units.

- (2) The Council must, in administering sub-Clause (1), have regard to any guidelines determined by the Council from time to time.

29. PLACING OF SIGNS, POSTS AND OBJECTS

A person must not place a sign, post or other similar object on any Property in such a way that it causes an obstruction of a type referred to in paragraph (1) (a), (b) or (c) of Clause 28(1)(b).

29

Penalty: 5 Penalty Units.

30. FENCES AT INTERSECTIONS

An owner or occupier of Property must not, without the approval of the Council, construct or allow to remain in place on that Property a boundary or other Fence at or near an intersection of Roads which interferes with or obstructs the clear visibility of Vehicles or pedestrians at that intersection.

Penalty: 10 Penalty Units.

DIVISION 2 - ROAD NAMES AND PROPERTY NUMBERS

31. COUNCIL TO APPROVE ROAD NAMES

- (1) A person must not give, approve or allot a name to any Road without the approval of the Council.
- (2) Sub-Clause (1) does not apply to any freeway or to any supplementary name applied to the entire length of an Arterial Road.

Penalty: 5 Penalty Units.

- (3) In considering the allocation of any name to a Road, the Council is to have regard to any guidelines in force under the *Geographic Place Names Act 1998*.

32. PROPERTY NUMBERS TO BE DISPLAYED

An owner of a Property must display on the Property the number allocated to that Property, such that the number is clearly visible from the Road frontage.

Penalty: 2 Penalty Units.

DIVISION 3 - VEHICLE CROSSINGS

33. A VEHICLE CROSSING IS REQUIRED

- (1) An owner of a Property must ensure that each point of vehicular access from a carriageway on a Road to the Property has a properly constructed vehicle crossing which is maintained in a satisfactory condition and is appropriately located.

Penalty: 10 Penalty Units.

- (2) For the purposes of this Clause a vehicle crossing is properly constructed if:

- (a) it was constructed by or in accordance with the terms of an approval given by the Council; or
- (b) the Council has approved in writing the method of construction and the location of the particular vehicle crossing.

34. REDUNDANT VEHICLE CROSSINGS

- (1) Where a vehicular crossing becomes redundant or no longer serves as an access to the Property, the owner or occupier of the Property must ensure that any redundant part of a vehicle crossing is removed, and the kerb, Drain, Footpath, nature strip or other part of the Road is reinstated to the satisfaction of the Council.
- (2) The Council may require the owner or occupier of a Property to remove any part or all of a vehicle crossing for which there is no effective point of vehicle access and to reinstate the Road.
- (3) An owner or occupier of a Property who has been required to remove any part or all of a vehicle crossing and to reinstate the Road under sub-Clause (2) must comply with that requirement.

DIVISION 4 - PROHIBITION OF VEHICLES LIKELY TO DAMAGE THE ROAD

35. RESTRICTION OF USE

The Council may prohibit a particular class of Vehicle using a Road or part of a Road for as long as it considers necessary to prevent damage if the Council considers the Road is likely to be damaged by that particular class of Vehicle.

36. PERMITS FOR USE OF RESTRICTED ROADS AND BRIDGES

- (1) A person must not, without a Permit, use a Road contrary to any sign erected on it.
Penalty: 5 Penalty Units.
- (2) In determining whether to grant a Permit under this Clause, the Council must have regard to any guidelines determined by the Council from time to time.

DIVISION 5 ANIMALS ON ROADS AND CONTAINMENT OF ANIMALS

37. GRAZING OF LIVESTOCK ON ROAD

- (1) An owner or person having charge of Livestock must not, without a Permit, allow or cause any Livestock to graze on any Road.
Penalty: 10 Penalty Units.
- (2) In determining whether to grant a Permit under this Clause, the Council must have regard to any guidelines determined by the Council from time to time.

DIVISION 6 - SHOPPING TROLLEYS

38. LEAVING SHOPPING TROLLEYS

- (1) A person must not leave a shopping trolley on any Road, Road Reserve, bicycle path, Council Land or vacant land or cause or authorise another person to do so.
- (2) Where any shopping trolley is left on a Road, Road Reserve, bicycle path, Council Land or vacant land contrary to sub-Clause (1) the owner of the shopping trolley is also guilty of an offence.
- (3) Where any trolley is left in any place contrary to this Division or in contravention of any Permit conditions, it may be removed by an Authorised Officer and impounded without a Notice to Comply being first issued.

Penalty: 5 Penalty Units.

DIVISION 7 - CONTROL OF WHEELED RECREATIONAL DEVICES

39. USE OF WHEELED RECREATIONAL DEVICES

- (1) The Council may resolve to designate areas as areas in which Wheeled Recreational Devices must not be used.
- (2) If the Council designates areas as areas in which Wheeled Recreational Devices must not be used, it must erect signs in or on the areas designated by it, indicating that Wheeled Recreational Devices must not be used.
- (3) A person must not use a Wheeled Recreational Device in any area designated by the Council or in any area identified in Schedule 4 to this Local Law. **SCH4**

Penalty: 10 Penalty Units.

40. CONDUCT WHEN USING A WHEELED RECREATIONAL DEVICE

Any person who uses a Wheeled Recreational Device or allows or permits a person in his or her care or control to use a Wheeled Recreational Device on a Road must ensure that the use does not inconvenience, obstruct, hinder, endanger, alarm or prevent the free passage of any pedestrian or other user of the Road, whether in or on another Vehicle or not.

Penalty: 10 Penalty Units.

41. IMPOUNDING WHEELED RECREATIONAL DEVICE IN DESIGNATED AREAS

An Authorised Officer may remove and Impound a Wheeled Recreational Device where any person continues to use a Wheeled Recreational Device in contravention of this Division after an Authorised Officer has issued a warning to that person.

DIVISION 8 - STATIONARY HEAVY OR LONG VEHICLES

42. PARKING OF HEAVY OR LONG VEHICLES ON PRIVATE PROPERTY IN RESIDENTIAL AREAS

A person must not allow a Heavy Vehicle or Long Vehicle to be parked, kept, stored or repaired on any Property in a Residential Area unless permitted under the Planning Scheme.

PART 6 - SECONDARY ACTIVITIES ON ROADS

DIVISION 1 - ADVERTISING SIGNS PLACED ON ROADS

43. ERECTING OR PLACING ADVERTISING SIGNS, TOURIST and SERVICE SIGNS

- (1) A person must not, without a Permit, erect or place an Advertising Sign, tourist and service sign or directional sign on any part of a Road, Road Reserve or Council Land or cause or authorise another person to do so. **S9**

Penalty: 10 Penalty Units.

- (3) In determining whether to grant a Permit under this Clause, the Council must have regard to any guidelines determined by the Council from time to time and the Planning Scheme.

44. IMPOUNDING SIGNS

Where any Advertising Sign or tourist and service sign is erected or placed in any place contrary to this Division or in contravention of any Permit conditions, it may be removed by an Authorised Officer and impounded without a Notice to Comply being first issued.

DIVISION 2 - TRADING FROM A ROAD OR TO A PERSON ON A ROAD

45. ERECTING OR PLACING ROADSIDE TRADING FACILITY

A person must not, without a Permit, erect or place on any Road or Road Reserve a Vehicle, Caravan, trailer, table, stall or other similar structure for the purpose of Selling or offering for sale any goods or services.

Penalty: 10 Penalty Units.

46. TRADING TO A PERSON ON A ROAD OR PUBLIC PLACE

A person must not, without a Permit, Sell or offer for sale any goods or services or solicit or try to attract trade or business on any land.

Penalty: 10 Penalty Units.

47. REQUIREMENTS FOR GRANTING PERMISSION

In determining whether to grant a Permit under Clause 45 or Clause 46, the Council must have regard to any guidelines determined by the Council from time to time.

48. IMPOUNDING OF GOODS AND EQUIPMENT

Where the use of a site without a Permit or the contravention of any condition of a Permit continues after a Notice to Comply has been served, any goods and associated equipment may be removed by an Authorised Officer and impounded.

DIVISION 3 - DISPLAY OF GOODS FOR SALE

49. LOCATING GOODS FOR SALE

- (1) A person must not, without a Permit, place or display any goods for sale or cause or permit another person under his or her control to do so on:
- any Footpath;
 - any part of a Road designed for the use of passing Vehicles;
 - within 75 cm of an area where Vehicles may stand; or
 - a Road Reserve.

Penalty: 10 Penalty Units

- (2) In determining whether to grant a Permit under this Clause, the Council must have regard to any guidelines determined by the Council from time to time.

50. GOODS LEFT ON ROADS

Any goods left or displayed on any part of a Road contrary to this Division or displayed in contravention of any condition of a Permit may be removed by an Authorised Officer and impounded.

DIVISION 4 - OUTDOOR EATING FACILITIES ON ROADS

51. ESTABLISHING AN OUTDOOR EATING FACILITY

- (1) A person must not, without a Permit, establish an Outdoor Eating Facility on any Footpath or other part of a Road or Road Reserve

Penalty: 10 Penalty Units

- (2) In determining whether to grant a Permit under this Clause, the Council must have regard to any guidelines determined by the Council from time to time.

52. REMOVING NON PERMITTED EQUIPMENT

Any tables, chairs, umbrellas or other equipment forming part of an Outdoor Eating Facility placed on a Footpath or other part of a Road or Road Reserve in contravention of this Division

or of any Permit conditions may be removed by an Authorised Officer and impounded without first issuing a Notice to Comply.

53. REMOVING THE FACILITY

The Permit holder must move or remove an Outdoor Eating Facility to which the Permit pertains when requested to do so for purposes of public safety by an Authorised Officer or a member of the Police Force or officer or employee of an Emergency Service.

DIVISION 5 - BULK WASTE CONTAINERS, STOCKPILES AND OTHER OBSTRUCTIONS ON ROADS

54. PLACING BULK WASTE CONTAINERS OR STOCKPILING

- (1) A person must not, without a Permit, place or cause or allow another person to place a Bulk Waste Container (skip bin), or stockpile soil or materials, on a Road or Road Reserve.

Penalty: 10 Penalty Units.

- (2) In determining whether to grant a Permit under this Clause, the Council must have regard to any guidelines determined by the Council from time to time.

55. CONTAINER LEFT OR STOCKPILE OF MATERIAL ON A ROAD OR ROAD RESERVE

Any Bulk Waste Container (skip bin) or stockpile of materials placed on any part of a Road or Road Reserve contrary to this Division or in contravention of any Permit conditions may be removed by an Authorised Officer and impounded.

56. OTHER OBSTRUCTIONS

Where, in the opinion of an Authorised Officer, a rubbish container, movable structure, device, material or other object is:

- (a) causing an unlawful obstruction;
- (b) a danger to road users; or
- (c) getting in the way of or likely to get in the way of Traffic,

the obstruction may be removed by the Authorised Officer and impounded without first issuing a Notice to Comply.

DIVISION 6 - OCCUPATION OF THE ROAD FOR WORKS / VEGETATION ON COUNCIL LAND

57. ROAD WORKS AND OBSTRUCTIONS

- (1) A person on a Road for which the Council is the Responsible Road Authority must not, without a Permit:
 - (a) occupy or fence off part of the Road;

- (b) erect a hoarding or overhead protective awning on the Road;
- (c) carry out any Building Works on the Road;
- (d) use a mobile Crane or travel tower for any Building Works on the Road;
- (e) occupy the Road for the purpose of carrying out Building Works;
- (f) plant any vegetation:
 - (i) on a nature strip (other than grass); or
 - (ii) on Council Land, a Public Place or Foreshore area; or
- (g) carry out any activity on the Road that compromises the safety of pedestrians or Vehicles.

Penalty: 20 Penalty Units.

- (2) Sub-Clause (1) does not apply to a person who has written consent for the works from the coordinating road authority within the meaning of section 63 of the *Road Management Act 2004*.

58. VEGETATION ON COUNCIL LAND

A person must not, without a Permit:

- (a) take, remove, damage, deface, log, destroy or interfere with any timber, tree, shrub, plant, wildflower, seed or other vegetation; or
- (b) plant or knowingly introduce any seed, tree, fern, or other vegetation or any part of any tree, shrub or other vegetation on Council Land.

Penalty: 20 Penalty Units.

59. PERMITS FOR WORKS ON ROADS AND COUNCIL LAND

In determining whether to grant a Permit under Clause 57 or 58, the Council must have regard to any guidelines determined by the Council from time to time and the Planning Scheme.

60. REINSTATEMENT WORKS

The reinstatement of any part of the Road or other Council Asset damaged or affected by works of a type listed in Clause 57 must be carried out in accordance with any conditions contained in the Permit. **59**

Penalty: 20 Penalty Units.

61. IMPOUNDING OF EQUIPMENT

Where any equipment or other items are being used for works in contravention of this Division, an Authorised Officer may remove the equipment or other items and Impound them.

62. UTILITY WORKS

This Division does not apply to the works of a Utility.

DIVISION 7 – REPAIR OF VEHICLES AND DEPOSITED SUBSTANCES

63. REPAIR OF VEHICLES

A person must not dismantle, paint, carry out maintenance or other work or repair on a Vehicle on a Road except for the purpose of removing it, and a person must not allow or authorise another person to do so.

Penalty: 10 Penalty Units.

64. SUBSTANCES FROM VEHICLES, ANIMALS AND LIVESTOCK

A person must not allow or cause any grease, oil, mud, clay or offensive material or other substance to fall or run off a Vehicle or Livestock onto a Road or into any Drain on or under the Road or allow or authorise another person to do so.

Penalty: 20 Penalty Units

65. REMOVAL OF SUBSTANCES

A person in charge of a Vehicle or Livestock from which any substance has fallen or run off onto a Road:

- (a) must take all reasonable steps to promptly remove the substance, make good any damage and remove any consequent hazard; and
- (b) where any damage or hazard remains, must promptly notify the Council or member of the Police Force of the damage or hazard.

Penalty: 20 Penalty Units.

DIVISION 8 - STREET PARTIES, STREET FESTIVALS, PROCESSIONS, EVENTS AND BUSKING

66. STREET PARTIES, STREET FESTIVALS, PROCESSIONS AND EVENTS

- (1) A person must not, without a Permit, hold a Street Party, Street Festival, Procession or Event on a Road or Council land.

Penalty: 20 Penalty Units

- (2) In determining whether to grant a Permit for a Street Party, Street Festival, Procession or Event, the Council must have regard to any guidelines determined by the Council from time to time.
- (3) Subject to this Local Law a Street Party may be held on a Municipal Road but must not be held on an Arterial Road.
- (4) Subject to this Local Law, a Street Festival, Procession or Event may be held on any type of Road but must not be held on an Arterial Road unless the written consent of both the Victoria Police and the Roads Authority has been obtained.

- (5) Nothing in this clause restricts the Council from organising and holding any civic event or ceremony on a Road or Council Land

Penalty: 20 Penalty Units.

67. BUSKING AND STREET ENTERTAINMENT

- (1) A person must not, without a Permit, Busk in or on a Public Place.

Penalty: 10 Penalty Units.

- (2) In determining whether to grant a Permit under this Clause, the Council must have regard to any guidelines determined by the Council from time to time.

DIVISION 9 - COLLECTIONS ON ROADS

68. COLLECTIONS

- (1) A person must not, without a Permit, solicit or collect any Waste materials, gifts of money or subscriptions from any person on a Road Reserve or cause or authorise another person to do so.

Penalty: 10 Penalty Units.

- (2) In determining whether to grant a Permit under this Clause, the Council must have regard to any guidelines determined by the Council from time to time.

PART 7 – THE ENVIRONMENT

DIVISION 1 – SAFETY, HEALTH AND AMENITY

69. UNSIGHTLY LAND

An owner or occupier of any Property must not keep or allow his or her Property to be kept in a manner which:

- (a) harbours unconstrained rubbish; or
- (b) contains disused excavation or waste material; or
- (c) has grass exceeding 30cm in length in a Residential Area; or
- (d) harbours environmental or agricultural weeds; or
- (e) is unsightly or detrimental for any reason; or
- (f) a haven for vermin, weeds, insects or excessive vegetation growth.

Penalty: 5 Penalty Units.

70. INCINERATORS AND OPEN AIR BURNING

- (1) A person in a Residential Area must not light an Incinerator or allow an Incinerator to remain alight.

Penalty: 10 Penalty Units.

Clean air is a part of the amenity of our neighbourhoods and all Persons need to avoid creating Offensive emissions of smoke and odour that may invade neighbouring properties from burning materials in the open.

- (2) A Person must not burn, or cause, or allow to be burnt, in the open in any part of the Municipal District any materials that may cause offensive emissions of smoke and odour to enter any neighbouring property.

Penalty: 15 Penalty Units

- (3) A Person who has lit or allowed a fire to be lit or remain alight, or has burned or caused or permitted to be burned any materials, contrary to this Clause, must extinguish the fire or burning materials immediately on being directed to do so by an Authorised Officer .

Penalty: 20 Penalty Units

- (4) The following exemptions apply in respect of this Clause:
 - (a) A permanent or portable Barbeque for the purpose of cooking food.
 - (b) Council staff and any Person contracted or authorised by the Council for the purpose may, without a Permit, undertake controlled burning-off as a part of normal reserve maintenance on any Council Land or Road;

- (5) A person must not burn any material that would result in the emission of fumes or odours, or discharge of dust, grit, ashes or smoke that is offensive or dangerous to health, unless the burning is for the purpose of clearing vegetation for fire hazard clearance purposes by an owner or occupier of Property. Which has been authorised by the Municipal Fire Prevention Officer (MFPO) or Assistant MFPO

Penalty: 10 Penalty Units.

71. DISTRIBUTION OF NOTICES, ADVERTISING AND GOODS ON ROADS

- (1) A person must not, without a Permit, distribute any unsolicited notices, pamphlets, advertisements, goods or gifts on any Road or Council Land to any other person.

Penalty: 2 Penalty Units.

- (2) In determining whether to grant a Permit under this Clause, the Council must have regard to any guidelines determined by the Council from time to time.

72. BUILDING SITE MANAGEMENT

- (1) A person in charge of a building site must not undertake Building Works on that building site unless the Building Site is:

- (a) provided with adequate fencing
- (b) provided with a Bulk Waste Container (skip) with a lid for the disposal of builder's refuse; and
- (c) provided with a builders' Toilet.

- (2) A person in charge of a building site undertaking Building Works on the building site must ensure that:

- (a) no litter or rubbish escapes from the Building Site;
- (b) the Building Works are contained entirely within the Building Site;
- (c) soil that is stripped from the Building Site and is to be reused on the site is stockpiled on the Building Site for reuse and stored in a manner to prevent it from escaping the Building Site movement of sediment from the Building Site into drainage lines, onto Roads and into the stormwater system is prevented through appropriate sediment control measures);
- (d) soil and other loose material from the building site dropped, washed or blown onto Roads is removed immediately and that no hosing of litter or sediment into any drain occurs and
- (e) Toilets and Bulk Waste Containers are removed upon the completion of the Building Works.

Penalty: 20 Penalty Units

73. ASSET PROTECTION

- (1) A person in charge of a Building Site (other than a site where only Minor Building Works will be undertaken) must not, without an Asset Protection Permit, commence or allow to commence any earthworks or Building Works on that Building Site.

Penalty: 2 Penalty Units.

- (2) In determining whether to grant a Permit under this Clause, the Council must have regard to any guidelines determined by the Council from time to time.

74. CAMPING

- (1) A person must not Camp on Council Land (including in or under a Vehicle, tent, Caravan, mobile home or any other type of temporary or provisional form of accommodation).

Penalty: 20 Penalty Units.

- (2) Sub-Clause (1) does not apply to Camping in a registered caravan park or an area determined by the Council to be available for Camping.

75. CARAVANS

- (1) A person must not store or occupy a Caravan on any Property.

Penalty: 20 Penalty Units.

- (2) Sub-Clause (1) does not apply to Camping in a registered caravan park or an area determined by the Council to be available for Camping or storage of Caravans, nor does sub-Clause (1) prevent one caravan being stored on any property where a dwelling exists or used by a member of his/her household or a temporary visitor to sleep in for a total period not exceeding 28 days in any one year provided that such Caravan occupant is provided with proper sanitation, bathing and drainage facilities to the satisfaction of the Council.

76. TEMPORARY ACCOMMODATION STRUCTURES

- (1) A person must not occupy Temporary accommodation in a residential area.
- (2) A person or an owner or occupier of Property must not, without a Permit, occupy a temporary structure on the Property for the purpose of residential occupation during construction of a permanent residential Building on that Property.

Penalty: 20 Penalty Units.

- (3) An owner of a property must ensure that all temporary accommodation structures must be removed from the Property with 30 days of an occupancy permit being issued for the permanent residential Building or expiration of the Permit issued under sub-Clause (1), whichever occurs first.

Penalty: 20 Penalty Units.

- (4) In determining whether to grant a Permit under this Clause, the Council must have regard to any guidelines determined by the Council from time to time.

77. SHIPPING CONTAINERS (CONTAINERISED TRANSPORT UNITS)

- (1) A person must not place or retain a Shipping Container on any Property.

Penalty: 20 Penalty Units.

- (2) Sub-Clause (1) shall not apply to a person using the Shipping Container to store building materials for use on the Property if such use is authorised by:
- (a) a planning permit; or
 - (b) a building permit and Building Works have commenced on the Property.
- (3) A Shipping Container stored in accordance with sub-Clause (2) must be removed within 30 days of an occupancy permit being issued with respect to the building permitted to be built by the building permit.
- (4) A Shipping Container for loading and unloading goods must not be on a Property for more than 21 days.

78. AMENITIES FOR PUBLIC EVENTS

A person must not conduct any festival, public entertainment, sporting event or gathering or similar function unless suitable Toilet facilities, whether of a permanent or temporary nature, are provided for public use to the satisfaction of the Council or an Authorised Officer.

Penalty: 10 Penalty Units.

79. NOISE / SPRUIKING

- (1) A person in any Public Place must not sound, play, control, operate or use any loudspeaker, amplifier, microphone, wireless receiving set, broadcasting set or any other like device capable of being used for making or amplifying sounds or noise so as to cause unreasonable interference with the quiet enjoyment of that Public Place or other Property by any other person.
- (2) A person must not without a permit Spruik in or on a public place or cause or emit music from a premises or other noise calculated to encourage the public to enter the premises.

Penalty: 5 Penalty Units.

80. POSSESSION OR CONTROL OF LIQUOR IN PUBLIC PLACES

- (1) Unless a Permit has been issued for the consumption of Liquor in a Public Place specified in Schedule 5 or in a Vehicle in such a specified Public Place, a person must not:
- (a) consume Liquor; or
 - (b) have possession or control of an open container which contains a liquid which is, or appears to be, Liquor,
- in that Public Place or Vehicle. **SCH5**

Penalty: 20 Penalty Units

- (2) A person who is in a Public Place located outside the area referred to in sub-Clause (1) between sunset on 31 December and sunrise on 1 January must not, without a Permit:
- (a) consume Liquor; or
 - (b) have possession or control of an open container which contains a liquid which is, or appears to be, Liquor.

Penalty: 20 Penalty Units

- (3) In determining whether to grant a Permit under this Clause, the Council may have regard to any guidelines determined by the Council from time to time.

81. CONTROL OF MOTORISED RECREATIONAL VEHICLES AND MOTOR BIKES

A person in charge of a Motorised Recreational Vehicle or motor bike must not, without a Permit, ride or operate such Motorised Recreational Vehicle or motor bike on Council Land.

Penalty. 10 Penalty Units

82. CONDUCT WHEN USING A RECREATIONAL VEHICLE OR TRAIL BIKE

A person who uses a Recreational Vehicle or trail bike or allows or permits a person in their care to use such a Recreational Vehicle must ensure that the use does not inconvenience, obstruct, hinder, endanger, affect or cause detriment to the amenity of the area in which the Recreational Vehicle or trail bike is being used.

Penalty. 10 Penalty Units

83. RIDING HORSES ON PUBLIC RESERVES OR RECREATION GROUNDS

A person must not, without a Permit, ride or lead a horse or cause or authorise another person to ride or lead a horse upon any public reserve or recreation ground, other than one signposted by the Council as available for horse riding.

Penalty: 5 Penalty Units.

84. PARKING / DRIVING ON RESERVATIONS

- (1) A person must not, without a Permit, leave a Vehicle standing in or drive a Vehicle on a Reservation or reserve except in or on a properly constructed vehicle standing area.

Penalty: 5 Penalty Units.

- (2) In determining whether to grant a Permit under this Clause, the Council must have regard to any guidelines determined by the Council from time to time.

85. COUNCIL SIGNS

A person must comply with any sign erected by or on behalf of the Council on Council Land.

Penalty: 5 Penalty Units.

86. COUNCIL LIBRARY SERVICE CENTRES AND RECREATION CENTRES

- (1) A person must not:

- (a) enter any Council Library, Council Service Centre or Council recreation centre while under the influence of alcohol or any illegal drug or bring alcohol or any illegal drug to such a Council Library, Council Service Centre or Council recreation centre;
- (b) bring any animal into any Council Library, Council Service Centre or Council recreation centre or allow any Animal under his or her control to remain in or on a Council Library, Council Service Centre or Council recreation centre;
- (c) permit a child under 8 years old under his or her control to enter or remain in a Council Library, Council Service Centre or Council recreation centre unless accompanied by a responsible person.

Penalty: 5 Penalty Units.

- (2) Sub-Clause 1(b) does not apply to any sight or hearing impaired person bringing a guide dog into or on a Council Library, Council Service Centre or Council recreation centre, or any person bringing an Animal for purposes of any show or display in accordance with arrangements approved by the Council.
- (3) A person at any Council Library, Council Service Centre or Council recreation centre must not:
 - (a) commit any Nuisance;
 - (b) act to endanger any person;
 - (c) act to interfere with the quiet enjoyment of the facility by any person;
 - (d) destroy, damage or interfere with any Council and Assets;
 - (e) eat, drink or smoke unless in areas which are designated for such purposes;
 - (f) act contrary to any sign erected by Council at the facility; or
 - (g) act contrary to any lawful direction of any member of Council staff in charge of a Council Library, Council Service Centre or Council recreation centre, or of any Authorised Officer.

Penalty: 5 Penalty Units.

DIVISION 2 – ANIMAL CONTROL

87. RESTRICTION OF LIVESTOCK IN RESIDENTIAL AREAS

- (1) A person must not, without a Permit, keep any Livestock on any Property in a Residential Area.

Penalty: 5 Penalty Units.

- (2) A person must not keep or allow or permit to be kept on any property any livestock in such a manner as to generate any nuisance to an owner or occupier of adjoining property.

Penalty: 5 Penalty Units**88. KEEPING OF ANIMALS**

- (1) An owner or occupier of a Property must not, without a Permit, keep or allow to be kept more than four (4) different types of Animals on any one Property at any time except in a Farming Area, and must not keep or allow to be kept any more in number for each type of Animal than as set out in the following table:

Type of Animal	Farming Areas	Rural Residential Areas	Residential Areas
Dogs	6	2	2
Cats	6	2	2
Poultry	No permit required	10 including 1 Rooster	4 No roosters
Domestic Mice	10	10	4
Domestic Birds	100	20	4
Guinea Fowl and roosters	20	5	0
Guinea Pigs, Ferrets, Hamsters	10	10	2
Domestic Rabbits	2	2	2
Livestock and Other animals	No Permit required	No Permit required	0

Penalty: 5 Penalty Units

- (2) For the purpose of calculating the maximum limit of the numbers of Animals kept, the offspring of any dog or cat lawfully kept will be exempt for a period of three months after their birth.
- (3) A person must not keep on any Property, and the occupier of any Property must not allow to be kept on that Property, any rooster in a Residential Area without a Permit. An Authorised Officer may seize a rooster kept contrary to this Clause without issuing a Notice to Comply and may destroy the seized rooster .
- (4) Any structure used for Animal housing must be maintained:
- in a clean and inoffensive condition; and
 - to the satisfaction of an Authorised Officer.
- (5) Sub-Clause (1) does not apply where Animals are kept in accordance with a planning permit obtained for land used for the purposes of animal boarding or breeding or a Commercial Wildlife Licence obtained in accordance with the *Wildlife Regulations 2002*.

- (6) Sub-Clause (1) does not apply where bees are kept for commercial purposes in accordance with a planning permit obtained for land used for the keeping of bees.

89. PERMITS FOR KEEPING ANIMALS

- (1) Any person wishing to keep more than the prescribed number or type of Animals on any Property must make application, in writing, to the Council, supplying details of the Property involved, the number and type of Animals and the care and housing arrangement proposed.
- (2) In determining whether to grant a Permit for keeping Animals, the Council must have regard to any guidelines determined by the Council from time to time.

90. ANIMAL EXCREMENT

- (1) A person in charge of an Animal must not allow any part of the Animal's excrement to remain on any Road, nature strip, or Council Land or any Property on which he or she does not normally reside.
- (2) The owner or person in charge of a Animal must carry a receptacle, dispenser, bag or other similar device in which to place the excrement of the Animal when the Animal is on any Road, nature strip or Council Land or any Property on which he or she does not normally reside.

Penalty: 5 Penalty Units

91. ANIMALS ON BEACHES AND FORESHORE AREAS

A person in charge of an Animal must not allow it to:

- (a) remain in an public reserve area; or
- (b) bathe or swim in the water adjoining a public reserve area,

as defined in Schedule 6, between 1 November and 30 April in each year.

SCH6

Penalty: 5 Penalty Units.

DIVISION 3 - DISPOSAL OF WASTE

92. DOMESTIC WASTE

- (1) The occupier of every Dwelling or other Property to which the Council provides a kerbside waste collection service must comply with this Division and any guidelines determined by the Council from time to time.
- (2) An owner or occupier of any Property to which the Council does not provide a kerbside waste collection service must remove any Waste from the Property and dispose of it into an appropriate receptacle or to a waste disposal facility in a manner that is clean, inoffensive and does not harm the environment, and in compliance with any relevant Environmental Protection Authority guidelines.

Penalty: 5 Penalty Units

93. TYPE OF DOMESTIC WASTE AND RECYCLING CONTAINERS

The occupier of every Dwelling, or other Property, to which the Council provides a kerbside Waste collection service must;

- (1) not place Domestic Waste or recycling out for collection unless the Domestic Waste is contained in a receptacle as supplied, approved and determined by the Council from time to time for any particular collection district; and
- (2) ensure that the receptacle has a lid which seals to make it weather and fly proof and is kept in good order and in a clean and sanitary condition.

Penalty: 5 Penalty Units.

94. PLACEMENT OF DOMESTIC WASTE AND RECYCLING CONTAINERS

Domestic Waste, organic Waste and recycling containers must be placed on the nature-strip adjacent to the driveway abutting the occupier's Property no earlier than the evening before collection day as specified by the Council for collection from that Property or in accordance with any instruction issued by Council or any contractor engaged by the Council to collect such Waste or recyclables.

Penalty: 5 Penalty Units.

95. REMOVAL OF CONTAINERS AND ANY SPILLAGE

Once the Waste has been collected by the Council or its contractor, the empty containers must be returned to the Property by the occupier and any Waste which has spilled onto the Road, nature-strip or surrounding area must be removed by the occupier responsible for the bin within 24 hours of collection.

Penalty: 5 Penalty Units.

96. WASTE CONTAINERS IN EXCESS OF THREE MULTIPLE DWELLING

In the event of any occupier of a Property placing in excess of three containers for any one Dwelling for regular collection of Domestic Waste, organic Waste and recycling from any one Dwelling, the Council may regard that Dwelling as a multiple dwelling, for the purposes of calculating the waste charge as determined by the Council from time to time. Any additional containers need the approval of the Council.

97. PROHIBITED WASTE

- (1) The following material is prohibited from being placed in Domestic Waste containers and street Litter containers for collection by the Council:
 - (a) slops, liquid waste, animal carcasses or offensive material;
 - (b) dirt, dust, or other matter from any vacuum cleaner, hair, or other similar matter or moist refuse, unless it has been securely wrapped in paper or some other impermeable cover or container to prevent its escape;
 - (c) ashes or other like matter unless they have been mixed with water to form a consistency of a stiff paste before being wrapped and placed in the container;
 - (d) glass or other sharp objects unless they are properly contained or wrapped in such a way as to render them harmless and inoffensive;

- (e) oil, paint, solvents or similar substance or any other substance which may damage the container or reduce its strength or effectiveness;
 - (f) disposable napkins unless they have been cleaned of solids and securely wrapped and placed in an impermeable cover;
 - (g) impervious material prior to being placed in the container;
 - (h) commercial industrial and trade Waste of any kind;
 - (i) any garden refuse, grass clippings or tree cuttings unless wrapped;
 - (j) objects over 8 kilograms in weight; and
 - (k) medical waste, needles, syringes, chemicals, prescribed wastes or other hazardous materials.
- (2) The following material is prohibited from being placed in organic Waste containers for collection by the Council:
- (a) any material prohibited from Domestic Waste containers, excluding green Waste; and
 - (b) plastic bags, soil or rubble, food or household waste; nappies, bricks, pot plants, logs or stumps and recyclables.
- (3) The following material is prohibited from being placed in recycling containers for collection by the Council:
- (a) any material prohibited from Domestic Waste containers; and
 - (b) polystyrene, plastic bags and wrap and organic Waste,
- (4) The Council may, by notice given to occupiers of Dwellings and notice published on its website, remove one or more materials from the list of prohibited materials set out in sub-clause (2(b))

Penalty: 5 Penalty Units.

98. TRADE WASTE AND WASTE CONTAINERS

An occupier of a Property must ensure any trade Waste container or recycling container placed for collection or storage of trade Waste complies with any guidelines issued by the Council.

Penalty: 5 Penalty Units.

99. TRANSPORTATION OF WASTE

A person must not convey or cause to be conveyed in any Vehicle on any Road any manure, dead animal or remains, offal, bones, hides, skins, offensive matter, refuse, rubbish or other waste matter unless the Vehicle is constructed, fitted, loaded and covered so that:

- (a) no leakage occurs or other material is dropped or deposited on any Road adjacent area from the Vehicle; and
- (b) the possibility of escape of offensive odours is minimised.

Penalty: 10 Penalty Units

100. USE OF MUNICIPAL WASTE FACILITIES

- (1) A person who is permitted to use Municipal Waste Facility must pay the fees and charges and utilise the Municipal Waste Facility in accordance with the directions of any Municipal Waste Facility attendant and any signs erected at the Municipal Waste Facility and comply with the terms and conditions determined by the Council for the use by such persons.
- (2) The Council may refuse access to the disposal area to a person who fails to pay the required fee or charge or who fails to utilise the Municipal Waste Facility in accordance with the directions of the Municipal Waste Facility attendant and any signs erected at the Municipal Waste Facility and fails to comply with any terms and conditions of use.

Penalty: 10 Penalty Units.

101. DEPOSITING OF WASTE

Every person using a Municipal Waste Facility must deposit any Waste, green Waste and/or Materials for Recycling at the correct locations and in accordance with the directions of the Municipal Waste Facility attendant and any signs erected at the Municipal Waste Facility.

Penalty: 5 Penalty Units.

102. DISPOSAL OF ICE CHESTS, TRUNKS OR SIMILAR CONTAINERS

Any person must not place, leave or allow to remain a disused refrigerator, ice-chest, icebox, trunk, chest or any other similar article having a compartment which has a capacity of 0.5 cubic metres or more on any land without first:

- (a) removing every door and lid;
- (b) removing every lock, catch and hinge attached to a door or lid; or
- (c) otherwise rendering every door and lid incapable of being fastened.

Penalty: 5 Penalty Units

103. SCAVENGING AT MUNICIPAL WASTE FACILITIES

- (1) A person must not, without the consent of an Authorised Officer, remove material of any kind which has been deposited at a Municipal Waste Facility.

Penalty: 1 Penalty Unit.

- (2) In determining whether to grant consent under sub-clause (1) the Authorised Officer must have regard to any guidelines determined by the Council from time to time.

DIVISION 4 - DRAINAGE AND WATER COURSES

104. DRAINAGE TAPPINGS

- (1) A person must not, without a Permit, tap into or interfere with any Drain under the control of the Council.

Penalty: 10 Penalty Units.

- (2) Sub-Clause (1) does not apply where the Council has given its approval for the Drain to be tapped under any other Legislation administered by it.

105. INTERFERENCE WITH WATER COURSE

- (1) A person must not, without first obtaining the approval of the Council, destroy, damage or interfere with a watercourse, ditch, creek, gutter, drain, tunnel, bridge, levee, culvert or Fence which belongs to the Council or is under the control or management of the Council.

Penalty: 10 Penalty Units.

- (2) Sub-Clause (1) does not apply to works undertaken by an approved Service Authority.

106. STORMWATER DRAINS

- (1) The owner of any Property must;
- (a) obtain a Permit prior to connecting a stormwater drainage system serving a residential, commercial or other Property to an adjacent Council stormwater drainage system;
 - (b) connect a stormwater drainage system serving a residential, commercial or other Property to an adjacent Council stormwater drainage system when directed to do so by an Authorised Officer. Such connections are subject to the conditions imposed by the Council;
 - (c) adequately maintain the stormwater connection between the Property boundary and the Council Drain, when directed to do so by an Authorised Officer;
 - (d) ensure that any Building Works do not cause detriment to any stormwater drainage system or asset;
 - (e) maintain a private stormwater drainage system serving a residential, commercial or other Property where the failure to do so causes a Nuisance to a Property upstream or downstream of the private stormwater drainage system whether during storm events or otherwise;
 - (f) carry out rectification or maintenance works when directed to do so by an Authorised Officer; and
 - (g) not build over, carry out works within an easement or fill in Drains located in easements, whether they are in favour of the Council or otherwise.
- (2) For the purpose of sub-Clause (1), detriment to a stormwater drainage system or asset includes:
- (a) material, equipment, Litter, waste, mud, silt, sand or another product emanating from building works or run-off from pressure cleaning and brick, tile or pavement cutting, clean-up and wash-down effluent entering or interfering with the stormwater drainage system or asset; and
 - (b) any alteration to or interference with a stormwater drainage system or asset, other than an alteration or interference without a Permit.

Penalty: 20 Penalty Units

- (3) The Council must, in administering this Clause, take into account The East Gippsland Shire Council Urban Stormwater Best Management Practice.

PART 8 RAYMOND ISLAND FERRY

107. RAYMOND ISLAND FERRY

- (1) A person must not travel on the Raymond Island Ferry without paying the fee determined by the Council unless he or she is the holder of a valid and current Raymond Island Ferry Pass affixed to the driver's side of the windscreen of a vehicle present on the Raymond Island Ferry.
- (2) A person travelling on the Raymond Island Ferry must comply with any reasonable direction of the Raymond Island Ferry operator.

Penalty: 5 Penalty Units.

PART 9 EAST GIPPSLAND LIVESTOCK EXCHANGE

108. EAST GIPPSLAND LIVESTOCK EXCHANGE

- (1) A person in attendance at the Regional Livestock Exchange must:
 - (a) comply with any reasonable direction of a member of Council Staff.
- (2) A person must not obstruct a member of Council Staff present at the Regional Livestock Exchange in the performance of his or her functions under this Local Law.
- (3) A person must not wash a Vehicle in any area at the Regional Livestock Exchange which is not designated for that purpose.
- (4) A person must not perform any act which allows an Animal to escape from the Regional Livestock Exchange, or which places another person in danger.

Penalty: 2 penalty units

PART 10 COUNCIL CONTROLLED MARINAS, FORESHORES AND WATERWAYS

109. MOORING

- (1) A person must not, without a Permit, allow his or her Vessel to be moored in a Marina or at a Jetty for longer than the period indicated by information on the mooring structure as contained in Schedule 8 or with any sign associated with the mooring area. **SCH8**
- (2) A person must not, without a Permit, allow his or her Vessel to be moored in a Marina in an area marked PERMIT ZONE ONLY (indicated by red marking).
- (3) A person must not, without the permission of an Authorised Officer, return his or her Vessel to the same mooring zone unless 24 hours has elapsed from the time of his or her departure.

- (4) A person must not, without a Permit, allow his or her Vessel to be moored at a private Jetty.
- (5) The Permit holder for a Vessel moored at a private Jetty must ensure that the Vessel complies with any Permit conditions.
- (6) An Authorised Officer may without first issuing a Notice to Comply, remove and Impound a Vessel which is found contrary to this Part or in contravention of any permit conditions.

Penalty: 2 penalty units.

110. NO FISHING

- (1) A person must not allow his or her Vessel to be used for fishing within a designated Marina area.
- (2) A person must not undertake fishing in any Marina where signs have been displayed prohibiting fishing.

Penalty: 2 penalty units.

111. MARINA PROVISIONS

The following provisions apply to any person in a Marina:

- (1) No alterations to any of the facilities at the Marina may be carried out without the prior written approval of an Authorised Officer.
- (2) A person who is in the Marina precincts must not, without the written permission of an Authorised Officer, Sell or offer for sale any goods or services or solicit or carry on or attempt to carry on any business of any kind.
- (3) A person must not, without the permission of an Authorised Officer, enter the precincts of the Marina or the Metung Hardstand unless that person is the Permit holder or a guest of the Permit holder.

Penalty: 2 penalty units.

112. METUNG HARDSTAND AREA

- (1) A person must not, without the permission of an Authorised Officer, use the Boat Ramp at the Metung Hardstand unless that person is the Permit holder or a guest of the Permit Holder.
- (2) A person must not use the Crane at the Metung Hardstand unless they are accompanied by a permit holder and are acting in accordance with the policy and operating procedure of the Council and any other applicable Legislation.
- (3) A person must not leave standing a Vehicle in the Metung Hardstand area except for the loading and unloading of equipment for a maximum period of 10 minutes, unless it is a Vehicle displaying a disabled parking permit.
- (4) A person must not leave standing Vehicles displaying a disabled parking permit in the Metung Hardstand area except for the loading and unloading of equipment for a maximum period of 20 minutes.

Penalty: 2 penalty units.

113. CONSTRUCTION OF PRIVATE JETTIES AND OTHER STRUCTURES

A person must not, without a Permit, construct or alter a Private Jetty or other structure on any Council owned waterways or waterways in respect of which Council is the Committee of Management.

Penalty: 2 penalty units.

114. TRADING AT PRIVATE JETTIES

A person within the precincts of a Private Jetty must not, without the written permission of an Authorised Officer, sell or offer for sale any goods or services or solicit or carry on or attempt to carry on any business of any kind.

Penalty: 2 penalty units.

115. CUNNINGHAM ARM BRIDGE VEHICLE ACCESS

- 1) A person must not, without a permit, drive a vehicle on Cunningham Arm Bridge.
- 2) Sub-Clause (1) does not apply to the driver of an emergency vehicles.

Penalty: 2 penalty units