



Murrindindi
Shire Council

Community

Local Law

2012

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**Community Local Law
Adopted by Council on 24 September 2012**

Pursuant to Section 119(2) of the *Local Government Act 1989*, it is advised that Murrindindi Shire Council, at its meeting on 24 September 2012, adopted its Community Local Law, 2012.

PART 1 - PRELIMINARY

1. Local Law

This Community Local Law is a local law made under Part 5 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:

- (1) The peace, order and good government of the municipality;
- (2) A safe and healthy environment so that the community within the municipality can enjoy a quality of life that meets its expectations;
- (3) The safe and fair use and enjoyment of public places;
- (4) The protection and enhancement of the amenity and environment of the municipality;
- (5) A fair and reasonable use and enjoyment of private land; and
- (6) A uniform and fair administration of this Local Law.

3. Commencement and revocations

This Local Law commences to operate on **24 September 2012**, gazetted in the Government Gazette on **4 October 2012** and ceases to operate on **24 September 2022** unless revoked earlier. Upon its commencement, Local Law No. 1, 2, 4, 5 & 6 of 1996 and Local Law No. 7 of 2002 are revoked.

4. Application of Local Law

- (1) This Local Law applies throughout the municipality.
- (2) This Local Law does not apply where any act or thing is authorised by any Act, Rule, Regulation or Planning Scheme.
- (3) The provisions of this Local Law do not apply to Council contractors, agents or employees to the extent that the proper discharge of their obligations constitute a breach of this Local Law.

PART 2 - SAFETY OF PEOPLE & PROPERTY

Animals

5. Keeping animals

(1) Keeping of animals on residential land:

An owner or occupier of land, *except on rural land*, must not without a permit keep or allow to be kept on that land:

- (a) More than 4 different kinds of animals on any one property at any time;
- (b) More than the following number of animals:
 - (i) 2 dogs; (any restricted breed dog or declared dangerous dog requires a permit);
 - (ii) 2 cats;
 - (iii) 10 chickens;
 - (iv) 2 ducks, geese, pheasants, turkeys;
 - (v) 2 rabbits;
 - (vi) 2 guinea pigs;
 - (vii) 2 ferrets;
 - (viii) 50 domestic birds; or
- (c) Any sheep, goats, horses, or cattle *except if the land is more than 0.5 hectares*, in which case the number that may be kept without a permit is 2;
- (d) A beehive on residential land or on land of less than 1 hectare; or
- (e) Any pigs, roosters or peacocks.

(2) Keeping of dogs and cats on rural land:

An owner or occupier of rural land must not keep or allow to be kept on that land, without a permit more than:

- (a) 6 dogs; and/or
- (b) 6 cats.
- (c) Restricted breed dogs and dangerous dogs:

Owners of **restricted breed dogs** or **dangerous dogs** or a combination of the two are restricted to 2 dogs in total on any land.

(3) An owner or occupier of any land must not keep or allow to be kept on any land without a permit any pigeons other than those registered with an accredited organisation (i.e. Victorian

Racing Pigeon Union, Victorian Homing Association and Victorian Pigeon Racing Association)

Penalty: 5 Penalty units

- (4) Sub-clause (1) and (2) *does not apply* where a planning permit has been obtained for land used for the purposes of animal boarding or breeding.

6. Animal housing

- (1) The owner or occupier of any land on which animals are kept must ensure they are securely confined to the property at all times.

- (2) The owner or occupier of any land on which animals are kept must provide housing and ensure that they are securely confined to the property at all times, which is adequate and appropriate in the circumstances, taking into consideration:

- (a) The type of animals to be kept;
- (b) The height of the shelter;
- (c) The number of animals to be kept;
- (d) The capacity to maintain it in a sanitary and inoffensive condition;
- (e) The capacity to protect neighbours from noise from animals on the land; and
- (f) Any other matters considered to be relevant.

- (3) All animal housing must be maintained so that:

- (a) All manure and other waste is removed and/or treated as often as necessary so that it does not cause a nuisance or offensive condition;
- (b) All manure and other waste is stored in a fly and vermin proof receptacle until removed from the premises or otherwise disposed of to the satisfaction of the environmental health officer;
- (c) The ground surrounding the housing is drained to the satisfaction of the environmental health officer;
- (d) The area of land within 3 metres of the area or structure in which the animal is kept must be kept free from dry grass, weeds, refuse, rubbish or other material capable of harbouring vermin;
- (e) All food, grain or chaff is kept in vermin proof receptacles; and
- (f) The area where animals are kept must be thoroughly cleaned and maintained at all times in a clean and sanitary manner to the satisfaction of the environmental health officer.

Penalty: 5 Penalty units

7. 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, street, naturestrip, reserve or public or Council managed land.

Penalty: 5 Penalty units

- (2) A person in charge of an animal, which litters a public place must immediately collect and dispose of the droppings in such a manner as not to cause a nuisance to any other person or to present any environmental pollution.

Penalty: 5 Penalty units

- (3) A person in charge of an animal that is deceased, must ensure that the deceased animal is buried, burnt or removed from that land in a timely manner and ensure that the deceased animal is properly disposed of in a humane manner without creating a public health or environmental hazard.

Penalty: 5 Penalty units

8. Wasps' nests to be removed

An owner or occupier of property who is aware that there is a wasps' nest on the property must take steps to cause it to be removed.

Penalty: 5 Penalty units

9. Fencing of Land Containing Livestock

- (1) An owner or occupier of land on which livestock are kept must ensure that the fencing of that land is adequate to prevent the escape of that livestock.

Penalty: 10 penalty units

- (2) Where in the opinion of Council there is a failure to comply with sub-clause (1), the Council may serve a notice to comply on the owner or occupier of the land requiring that owner or occupier to install, repair, replace or modify fencing, gates or grids.

- (3) A person must comply with a notice served under sub-clause (2).

- (4) Where in the opinion of Council reasonable notice has been given to repair, replace or modify fencing or gates and no action has been taken, Council may carry out the work and recover costs from the landowners.

10. Droving of livestock

Without a permit, a person must not drive livestock any on a road, road reserve or any land managed by Council.

Penalty: 10 Penalty units

11. Regular Movement of Livestock

Without a permit, a person must not move livestock on any road, road reserve or any land managed by Council.

Penalty: 10 Penalty units

12. Roadside Grazing

Without a permit, a person must not allow livestock onto a road, road reserve or any land managed by Council for the purposes of grazing.

Penalty: 10 Penalty units

Land & General Amenity

13. Dangerous Land

An owner or occupier of land must not cause or allow the land to be:

- (1) Kept in a manner which is dangerous or likely to cause danger to life or property; or
- (2) A haven for vermin, insects or noxious weeds, or
- (3) Used without a permit for the storage of any substance, which in the opinion of an authorised officer is dangerous or is likely to cause danger to life or property; or
- (4) In any condition determined by the Council from time to time to be dangerous or likely to cause danger to life or property and notified by the Council to the owner.

Penalty: 5 Penalty units

14. Unsightly land

An owner or occupier of land must not allow or permit the land to be kept in a manner that:

- (1) Is unsightly or detrimental to the general amenity of the neighbourhood; or
- (2) Harbours unconstrained rubbish; or
- (3) Contains disused excavation or waste material.

Penalty: 5 Penalty units

15. Storage of machinery or second hand goods on property

- (1) A person must not, without a permit, use any residential land for the storage of machinery or second hand goods of any kind or for the assembly or dismantling of such machinery or goods.
- (2) A person must not, without a permit, store, keep or place a 'shipping' container on any land within the municipal district.

Penalty: 5 Penalty units

16. Recreational Vehicles

- (1) A person must not without a permit use a recreational vehicle on any Council land or reserve (other than any public highway or road) unless the land or reserve has been designated for that purpose.

Penalty: 5 Penalty units

- (2) A person must not use a recreational vehicle on private land in such a manner as to cause a nuisance to neighbouring landowners.

Penalty: 5 Penalty units

17. Advertising, bill posting and junk mail

- (1) A person must not without a permit write, deface, place or affix any letter, figure, device, poster, sign or advertisement on any building, fence or other property under the control of or vested in the Council.

Penalty: 5 Penalty units

- (2) A person must not place in or on any letter box, gate, fence, or generally leave or distribute to any property in the municipal district, any handbill, poster, pamphlet, flyer or other form of advertising or promotional material, where there is clearly displayed a sign or notice which states "no junk mail" or words of similar effect.

Penalty: 5 Penalty units

- (3) Clause (2) does not apply to:

- (a) Delivery of articles by the Australia Post;
- (b) Documents issued by an authority for the purposes of an Act of Parliament;
- (c) An authorised officer or member of the Police Force acting in the course of duties;
- (d) Electoral material;
- (e) Newspapers, or material folded or inserted into a newspaper; or
- (f) Legal process.

18. Noise in a public place

- (1) A person must not, without a permit, in a public place:

- (a) Sound or play a musical or noise instrument;
- (b) Sound, play, control, operate or use a loudspeaker, amplifier, microphone, wireless receiving set or broadcasting set or other like device capable of being used for making or amplifying sounds or noise; or

Penalty: 5 Penalty units

- (2) Clause (1) does not apply to:
- (a) A device used in a manner and for a purpose permitted under the *Road Safety Act 1986*;
 - (b) A warning which is reasonable in the circumstances;
 - (c) An action on occupied land which is consistent with authority given by the occupier of that land;
 - (d) Sounds within a motor vehicle which cannot be heard outside the vehicle;
 - (e) Sound or noise conveyed through headphones which is not audible to a person other than the wearer of the headphones; or
 - (f) Activities in any church, school, hall, theatre, market, auction room, licensed premises, or sportsground conducted or undertaken with the approval of the occupier or person responsible for the management of such premises.

19. Audible Intruder Alarms

- (1) An owner or occupier of any premises must not install or permit or allow to be installed or cause to be retained in an active state at or upon any such premises any intruder alarm which emits a noise audible beyond the boundary of such premises unless such an alarm is so constructed or regulated as to ensure that:
- (a) When a detection device is activated, the audible intruder alarm is automatically rendered inaudible beyond the boundary of the premises within 10 minutes of the device being activated;
 - (b) The audible intruder alarm cannot reactivate until the device has been manually reset.

Penalty: 10 Penalty units

- (2) Despite the above provisions an audible intruder alarm may operate for a further period of 10 minutes should an alarm be activated by a different detection device following the cessation of the audible intruder alarm in accordance with paragraph (a) and (b) of clause (1).
- (3) Where the Council receives any complaint that an audible intruder alarm operates in an urban premises in a way which does not comply with sub-clause (1) (whether modified by clause (2) or not), it may investigate the complaint.
- (4) If the owner or occupier of the property housing the audible intruder alarm or other evidence confirms a complaint, an authorised officer may by Notice to comply require that the audible intruder alarm be:
- (a) Adjusted to comply with this clause;
 - (b) Replaced with a complying audible intruder alarm;
 - (c) Switched off; or
 - (d) Disconnected.

20. Council Signs

A person must comply with the instructions or 'code of conduct' on any Council sign erected in/on any municipal building, or on any Council managed land. **(See Schedule 4, 5 or 6)**

Penalty: 5 Penalty units

21. Camping

- (1) A person must not, without a permit, camp on council managed land or public land in a tent, caravan or any other temporary or makeshift structure unless they are within a Caravan Park registered under the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010* or an area determined by the Council to be available for camping purposes. **(See Schedule 5 or 6)**

Penalty: 5 Penalty units

22. Circuses, carnivals and festivals

- (1) A person must not, without a permit, conduct a circus, carnival, festival or other similar event.

Penalty: 10 Penalty units

- (2) Clause (1) does not apply where the Council's planning scheme allows a circus or other similar event to be held subject to a planning permit being obtained.

23. Behaviour in public places

- (1) A person must not, in a public place, behave in a manner which is boisterous or harmful and which would cause interference with the quiet enjoyment by any person using the public place.

Penalty: 5 Penalty units

- (2) A person must not, in a public place, behave in a way, which would be detrimental to the public place or other public assets.

Penalty: 5 Penalty units

- (3) A person who owns or occupies land in the municipal district must not cause or allow trees, plants or any other matter on that land to cause damage to or interference with a public place.

Penalty: 5 Penalty units

- (4) A person must not in a public place:

- (a) Use language or behave in a manner which is indecent, offensive or abusive and which annoys, disturbs, interrupts, molests or obstructs any person's enjoyment of a public place;
- (b) Act in a way which endangers any person;
- (c) Use any volatile, explosive or flammable matter;

- (d) Damage, destroy, write on, interfere with, remove or affix anything to any building, improvement or other structure of any kind;
- (e) Carry firearms unless specifically authorised to do so, being a person who is a police officer acting in the course of duty or another person as defined under the *Firearms Act 1996*;
- (f) Shoot, snare, molest, injure or in any way harm or interfere with any bird or animal;
- (g) Use any life saving or fire fighting device unless during an emergency or with the approval of a person in charge or an authorised officer; or
- (h) Act contrary to any conditions of use which apply.

Penalty: 5 Penalty units

Consumption of alcohol in public places and townships

24. Municipal Public Parks and Recreation Reserves

- (1) A person must not without a permit:
 - (a) consume alcohol or be in possession of alcohol in an open container in a municipal public park or recreation reserve outside the hours of 12pm (noon) and 8pm.
 - (b) consume alcohol at any time in a municipal park or recreation reserve designated as an alcohol free zone (see schedule 4(2))

25. Townships

- (1) A person must not without a permit:
 - (a) consume alcohol or be in possession of alcohol in an open container in a public place, including road reserves, within any township in the municipality at any time, except in areas as defined in clause 24.

Penalty: 5 Penalty Units

- (2) A person who is in or on a vehicle is taken to be in a public place only if the vehicle is stationary.

Penalty: 5 Penalty Units

Open Air Burning on Rural Land

26. Burning of Vegetation (windrow or stump)

No person may in the period between October 15th or earlier as defined by the Municipal Fire Management Planning Committee and the introduction of the Fire Danger Period (C.F.A.)/Prohibited Period (Department of Sustainability and Environment) in any year light or allow to remain alight any windrow or stump.

Penalty: 20 Penalty units

27. Council Fire Restriction Period

- (1) No person may in the period between October 15th or earlier as defined by the Municipal Fire Management Planning Committee and the introduction of the Fire Danger Period (C.F.A.)/Prohibited Period (Department of Sustainability and Environment) light or allow to be lit any tree, stump, log, any vegetation in excess of 75mm (3 inches) in diameter or discharge any firework without first obtaining a permit.

Penalty: 20 Penalty units

- (2) No application is required for a permit for burning of stubble grass, bracken or any vegetation under 75mm (3 inches) in diameter, in the period between October 15th or earlier as defined by the Municipal Fire Management Planning Committee and the introduction of the Fire Danger Period (C.F.A.) / Prohibited Period (Department of Sustainability and Environment) provided:
- (a) Such fires are lit between the hours of 3.00pm and 11.00pm on any day until the commencement of the C.F.A. fire restrictions/prohibited period. All fires must be extinguished by 11.00pm of the same day the fire is lit.
 - (b) Adequate means are at all times available for preventing the escape of fire and for extinguishing the fire.
 - (c) An adult person must remain with the fire at all times whilst it is alight.
 - (d) Prior to the fire being lit, the applicant must notify Vic Fire of the pending burn-off.
 - (e) The person who lights a fire, or allows a fire to remain alight, must extinguish the fire upon being directed to do so by an authorised officer or a member of the Police Force, or authorised Forest Officers of Department of Sustainability and Environment.

Penalty: 20 Penalty units

- (3) A person who is the owner or occupier of land must not allow fireworks to be lit or pyrotechnics to be conducted, without a permit.

Penalty: 20 Penalty units

- (3a) For the purposes of clause (3), 'firework' is described as a device in which combustible materials are ignited and produce coloured flames, sparks, noise and smoke. 'Pyrotechnics' are described as a firework display.
- (4) In deciding whether to grant a permit under clause (3) of this provision, the Council must take into consideration:

- (a) The zoning of the land; and
 - (b) The proximity to adjoining properties; and
 - (c) The likely effects on adjoining owners and their animals; and
 - (d) Whether the issuing of the permit will comply with both the Murrindindi Shire Council's and the Country Fire Authority's fire restriction periods, for open air burning.
- (5) During the Country Fire Authority's 'declared fire danger period', a person must obtain a written permit from the Country Fire Authority, to light a firework or allow pyrotechnics to be conducted within the municipality.

Open Air Burning on Residential Land

28. Open Air Burning and Incinerators

- (1) A person who is the owner or occupier of residential land is guilty of an offence if that person allows:
- (a) A person without a permit to use an incinerator on that land; or
 - (b) A person without a permit to light a fire in the open air on that land; or
 - (c) A person without a permit to construct or install an incinerator on that land.

Penalty: 20 Penalty units

- (2) A person who directs another person to light a fire on residential land is guilty of an offence.

Penalty: 20 Penalty units

- (3) For the purposes of this clause (1) and (2), a fire is in the open air if it is in any place other than within a permanent structure.

Penalty: 20 Penalty units

29. Exemptions

Clause 27 and 28 does not apply to:

- (a) A fire lit in the course of duty by an officer or member of the Country Fire Authority or the Department Sustainability and Environment, or other authorised person/s; or
- (b) A barbecue that is being used for cooking purposes.

Note: The use of a barbecue during the Declared Fire Danger Period is regulated by the Country Fire Authority. Guidelines are available from the Country Fire Authority for the use of barbecues on days of Total Fire Ban.

30. Nuisance

- (1) A person must not light a fire on land so as to cause a nuisance to any other person.

Penalty: 20 Penalty units

- (2) A person must not light a fire on land so as to burn or cause or allow to be burnt any noxious or toxic substance.

Penalty: 20 Penalty units

- (3) A person who directs another person to light a fire in contravention of clause (1) and (2) is guilty of an offence.

Penalty: 20 Penalty units

31. Burning of offensive materials

- (1) A person must not, without a permit, burn or cause to burn any offensive materials in any part of the municipal district.

- (2) For the purpose of clause (1) materials containing the following substances are offensive:

- (a) Any manufactured chemical;
- (b) Any rubber or plastic;
- (c) Any petroleum or oil;
- (d) Any paint or receptacle which contains or which contained paint;
- (e) Food waste, deceased animals or other offensive or noxious matter; and
- (f) Any other material as determined by the Council from time to time.

Penalty: 5 Penalty units

Disposal of Waste

32. Removing or interfering with recyclable material

- (1) A person must not remove or interfere with recyclable material left on a road, or at any other collection point.

Penalty: 10 Penalty units

- (2) Clause (1) does not apply to a person authorised by Council to remove such materials.

33. Domestic waste

- (1) This clause applies to the occupier/owner of every dwelling or other property where the Council provides a garbage service.

- (2) All domestic waste must be placed in rubbish bins ready for collection in accordance with Council requirements and on the days from time to time specified by the Council.

- (3) The bins used should be constructed of strong and impervious moulded plastic material to the satisfaction of the environmental health officer. The bins must not be capable of absorption of any offensive matter or any escape by leakage. In addition all bins must:

- (a) Be capable of being easily moved by one person;
 - (b) Have adequate carrying handles or wheels properly attached; and
 - (c) Have a lid which seals to make the bin water-tight, fly and vermin proof, which must be fitted at all times.
- (4) The size of the bin ready for collection must not exceed 1 bin of 140 litres per property unless permitted by Council.
- (5) When the Council supplies or arranges the supply of bins, any domestic waste left for collection must be stored in the bin supplied unless it is recyclable material left for collection in the manner and at the times determined by Council.
- (6) Bins must be placed on the verge of the vehicle crossing or roadway abutting the property, the night before the waste is to be collected.
- (7) The following material is prohibited from being placed in rubbish bins for collection by the Council:
- (a) Liquid waste or offensive material;
 - (b) Dirt, dust, or other matter from any vacuum cleaner, ashes, 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 bin;
 - (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 bin or reduce its strength or effectiveness;
 - (f) Disposable napkins unless they have been cleaned of solids and securely wrapped in impervious material prior to being placed in the bin; and
 - (g) Trade wastes of any kind.
- (8) If the Council has notified occupiers of a recycling or hard garbage collection, the material to be recycled and the hard garbage to be collected must be left for collection in accordance with the Council's instructions.
- (9) Once the waste has been collected by the Council, the empty bins 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.
- (10) Bins must be maintained in a clean and tidy manner so as not to cause any health threat or which may be offensive to any person.

Penalty: 5 Penalty units

34. Trade waste and waste hoppers (including recycling bins)

- (1) An occupier of property who arranges for the collection of trade waste or for the placement of a waste hopper or recycling bin must ensure that the requirements of this clause are complied with.
- (2) Waste hoppers or bins used for the collection and storage of trade waste must:
 - (a) Be constructed of approved impervious material to the satisfaction of the environmental health officer to prevent leakage, absorption or accumulation of any refuse or rubbish that may be deposited in it;
 - (b) Be water-tight, fly and vermin proof;
 - (c) Contain a removable drainage plug for the purpose of cleaning; and
 - (d) Be fitted with a fly and vermin proof lid with overlapping flanges which must be kept continuously closed when not in use.
- (3) Waste hoppers or bins must be emptied at least weekly or more regularly if the contents become offensive.
- (4) The occupier must ensure that:
 - (a) The bin is stored and maintained in a clean, sanitary and inoffensive condition and must at all times keep clean any footway, pavement or ground adjoining the storage area, to the satisfaction of the Environmental Health Officer;
 - (b) The surface upon which the bin is stored, is impervious, graded and drained to the sewer or an approved outlet with such silt traps or other treatment devices as required by the Environmental Health Officer;
 - (c) The storage site is supplied with a tap connection and hose of a size approved by an Environmental Health Officer;
 - (d) The bin is screened in such a way and with such material as approved by an Environmental Health Officer;
 - (e) The bin is adequately fenced or constructed in such a way so as to deny access to the public; and
 - (f) The bin is cleaned thoroughly after each emptying.
- (5) Every waste hopper or recycling bin used for the collection of waste or recyclable material must display a notice indicating the type of waste or material which is permitted and stating that it is an offence to deposit any material contrary to the notice.
- (6) A person must not place any waste or material in a trade waste, waste hopper or recycling bin, contrary to the notice on it.

Penalty: 5 Penalty units

35. Depositing of Waste at Resource Recovery Station

A person who uses the resource recovery station must deposit waste in accordance with the directions of the transfer station operator and any signs erected at the resource recovery station.

Penalty: 5 Penalty units

Builders Rubbish

36. Control of Builder's Refuse

- (1) When any building work (other than minor building work) is being carried out on any land, the owner, builder or appointed agent must:
 - (a) Provide a facility for the purpose of disposal of builders refuse and provided the facility contains all builders' refuse on the land to the satisfaction of Council, its size, design and construction will be at the discretion of the builder;
 - (b) Place the facility on the land and keep it in place (except for such periods as are necessary to empty the facility) for the duration of the building work;
 - (c) Not place the facility on any Council managed land, road or street without a permit;
 - (d) Empty the facility whenever full and if necessary, a replacement facility should be provided during the emptying process.

Penalty: 5 Penalty units

- (2) Any requirement to provide a facility may be waived at Council's discretion.

37. Disposal of Builder's Refuse

During building work:

- (1) The owner, builder or appointed agent must ensure that all builders refuse, which requires containment is placed in the facility referred to in Clause 36.1(a); and
- (2) The owner, builder or appointed agent must ensure that the builders' refuse is not deposited in, or on any land other than in accordance with Clause 36.
- (3) The owner, builder or appointed agent must ensure that the builder's refuse is not deposited in or over any part of the stormwater system.

Penalty: 5 Penalty units

38. Removal of Builders Refuse

- (1) On any land where building work is being, or has been carried out, the owner, builder, or appointed agent must remove and lawfully dispose of all refuse including, without limiting the generality of the above, the builders' refuse in the facility referred to in Clause 36, within 7 days of completion of the building work or issue of an occupancy permit, whichever occurs last.

- (2) The driver of any vehicle involved in placing or removing builders' refuse facilities must access the building site by way of a temporary vehicle crossing, unless otherwise permitted by council and in accordance with that permission.

Penalty: 5 Penalty units

Swimming Pools – Unauthorised entry

39. Unauthorised entry prohibited

A person:

- (1) Who is not attending the Swimming pool during opening hours
- (2) Who is not participating in an authorised activity, or
- (3) Who is not a Council staff member working in the normal course of his or her duties must not without the written permission of the CEO or delegate:
 - (a) Enter the prescribed area of the swimming pool,
 - (b) Enter the buildings used to conduct activities at the swimming pool,
 - (c) Enter the swimming pool vessel,

Penalty: 5 penalty units

PART 3 - STREETS AND ROADS

Streets and Roads

40. Trees on roads

- (1) A person must not without a permit cut down, remove or damage any live or standing dead trees on a road or road reserve.

Penalty: 10 Penalty units

- (2) In regards to clause 40, in deciding whether to grant a permit, the Council or its authorised officer, must give regard to any adopted policy, either State or Local Government, which is relevant to the matter being considered. **(See Schedule 6)**

41. Trees and plants not to obstruct or obscure

A person must not allow any tree or plant in or growing on land owned or occupied by him or her to obstruct or interfere with the passage of traffic by:

- (1) Overhanging any footpath or other part of the road used by pedestrians so that it gets in the way of pedestrians or is likely to cause injury or damage; or
- (2) Extending over any part of the road in such a way that it:
 - (a) obstructs the view between vehicles at an intersection; or

- (b) obstructs the view between vehicles and pedestrians where they come close to each other; or
 - (c) obscures a traffic control item from an approaching vehicle or pedestrian; or
 - (d) obscures street lighting; or
 - (e) obstructs the view between vehicles and trains at a railway level crossing which does not have gates, booms or flashing lights; or
- (3) Otherwise constituting a danger to vehicles or pedestrians or compromising the safe and convenient use of the road.

Penalty: 5 Penalty units

42. Property numbers to be displayed

- (1) For each property that has been allotted a property number under this clause, the owner or occupier must clearly mark the property with the number allotted.

Penalty: 5 Penalty units

- (2) A property is marked with a number in a clear manner if the number:
- (a) is of sufficient size; and
 - (b) is displayed accurately and completely; and
 - (c) is in good repair; and
 - (d) is distinct from its background; and
 - (e) is free from obstruction; and
 - (f) can be clearly read under all normal lighting conditions from the road immediately adjacent to the front boundary.
- (3) From time to time, the Council may make changes to property numbers.

43. A vehicle crossing is required

- (1) The owner of land must ensure that each point of vehicular access from a carriageway on a road to the land has a properly constructed vehicle crossing.

Penalty: 5 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 by the Council; or
 - (b) the Council has approved in writing the method of construction of the particular vehicle crossing.
- (3) If the Council or an authorised officer is of the opinion that a vehicle crossing is in a state of disrepair or otherwise is in an unsatisfactory condition, the Council or the authorised officer

may serve a Notice to Comply on the owner or occupier of the property to be served by the crossing.

44. Constructing, removing or altering a vehicle crossing

A person must not without a permit construct, install, remove or alter a vehicle crossing, whether temporarily or permanently.

Penalty: 5 Penalty units

45. Temporary vehicle crossings

- (1) If it is likely that building works on a property will involve vehicles leaving the carriageway or entering the property, the person responsible for the works must obtain a permit for the construction of a temporary vehicle crossing which protects all of the existing road.

Penalty: 5 Penalty units

- (2) The person responsible for the works must repair any damage to the vehicle crossing.

Penalty: 5 Penalty units

- (3) If in the opinion of the Council an existing driveway crossing, footpath, kerb or other part of the road may be damaged, the person responsible for the works must, when requested, pay a bond to the Council.

Penalty: 5 Penalty units

- (4) The amount of the bond required under sub-clause (3) must be proportionate to the likely cost of repairing any damage and must be refunded on completion of the work or, where appropriate, may be retained by the Council to offset the costs of repairing any damage.

46. Road occupation for works

- (1) A person on a road under the control of the Council must not, without a permit:

- (a) occupy or fence off part of a road; or
- (b) erect a hoarding or overhead protective awning; or
- (c) use a mobile crane or travel tower for any building work; or
- (d) make a hole or excavation; or
- (e) reinstate a hole or excavation.

Penalty: 5 Penalty units

- (2) The reinstatement of any part of the road damaged or affected by works of a type listed in sub-clause (1) must be carried out in accordance with any conditions contained in the permit.

- (3) The fees to be applied in respect of reinstatement works will be those determined by the Council by resolution from time to time.

- (4) Where any equipment or other items are being used for works in contravention of this clause an authorised officer may remove the equipment or other items and impound them.

47. Riding horses on reservations, public reserves and recreation grounds

- (1) A person must not without a permit ride or lead a horse or cause or authorise another person to ride or lead a horse on a Council recreation ground or reserve unless designated for that purpose.

Penalty: 5 Penalty units

- (2) This clause does not apply to a public reserve or recreation ground or council managed land, which is signposted by the Council or other authorised authority as being available for horse riding.

48. Parking in residential land

- (1) A person must not without a permit park, keep, store, repair or authorise another person to keep, store or repair a vehicle weighing more than 4.5 tonnes (gross vehicle mass) on a property or road in residential land.

Penalty: 5 Penalty units

- (2) This clause does not apply in relation to a vehicle, which is parked, kept, stored or repaired for less than one hour or the driver is picking up or setting down goods.

49. Erecting or placing advertising signs

- (1) A person must not without a permit within the municipality, erect or place an advertising sign on a road, road reserve, footpath or cause or authorise another person to do so.

Penalty: 5 Penalty units

- (2) This clause does not apply to an advertising sign for a garage sale or auction if:
- (a) The sign is no larger than 1 metre by 1 metre or more than 0.5 metre thick; and
 - (b) The sign does not obstruct any constructed footpath or any walkway; and
 - (c) The sign is not located on any area of the road to which motor vehicles have access; and
 - (d) The sign is not displayed other than on the day preceding and on the day or days of the garage sale or auction.

50. Impounding signs

If an advertising sign is erected or placed in any place contrary to clause 49 or in contravention of any permit conditions, an authorised officer may remove and impound the sign(s).

51. Roadside trading

- (1) A person must not, without a permit:

- (a) erect or place on any road a vehicle, caravan, trailer, table, stall or other similar structure for the purpose of selling or offering for sale any goods or services; or
- (b) sell or offer to sell goods or services on a road.

Penalty: 5 Penalty units

- (2) A person must not, without a permit, sell or offer for sale any goods or services from a property or a public place adjacent to a road to any person who is on that road or public place.

Penalty: 5 Penalty units

52. Display of goods for sale

A person must not, without a permit, place or display any goods for sale or cause or permit another person under their control to do so on:

- (1) A footpath; or
- (2) Any part of a carriageway designed for the use of passing vehicles; or
- (3) Within 700mm of an area where vehicles may stand; or
- (4) Any other part of a road.

Penalty: 5 Penalty units

53. Outdoor eating facilities on roads, road reserves and footpaths

- (1) A person must not, without a permit, establish an outdoor eating facility on any footpath or other part of a road.
- (2) Any tables, chairs, umbrellas or other equipment in an outdoor eating facility used in contravention of this provision or of any conditions of a permit may be removed by an authorised officer and impounded.
- (3) The holder of the Council permit in relation to an outdoor eating facility must move or remove the outdoor eating facility when requested to do so for reasons of public safety by an authorised officer or a member of the Police Force or an emergency service.

Penalty: 5 Penalty units

54. Itinerant Traders

Without a permit a person must not sell or offer for sale goods or services from a temporary location, from place to place or from a vehicle.

Penalty: 5 Penalty units

55. Placing bulk rubbish containers

- (1) A person must not, without a permit, place or cause or permit another person to place a bulk rubbish container or skip bin on a road.

- (2) A bulk rubbish container placed on any part of a road contrary to this Division or in contravention of any conditions of a permit may be removed by an authorised officer and impounded.

56. Repair of vehicles is prohibited

A person must not dismantle, paint, carry out maintenance on or, except for the purpose of removing it, repair a vehicle on a road and a person must not permit or authorise another person to do so.

Penalty: 5 Penalty units

57. Street parties, street festivals and processions

- (1) A person must not, without a permit, hold a street party, street festival or procession on a road.

Penalty: 5 Penalty units

- (2) A street festival or procession may be held on any type of road but must not be held on a primary arterial road unless the written consent of the Chief Commissioner of Police and the Roads Corporation has been obtained.

58. Collections on Roads

A person must not, without a permit, solicit or collect any waste materials, gifts of money or subscriptions from any footpath or from house to house adjacent to any road or cause or authorise another person to do so.

Penalty: 5 Penalty units

59. Busking and street entertainment

A person must not, without a permit, busk on a road or in a public place.

Penalty: 5 Penalty units

60. Removing, impounding of unlawfully parked vehicles

- (1) An authorised officer may cause a vehicle to be removed, or removed and impounded, if, having regard to the risk of nuisance, vehicle or pedestrian accidents, congestion or delay to road users, the authorised officer is of the view that it is appropriate to do so.
- (2) The power conferred by this clause can be exercised only in relation to a vehicle, which is in:
- (a) A clearway; or
 - (b) A peak period No Standing Area; or
 - (c) A school crossing zone; or
 - (d) A parking area reserved for vehicles displaying a Disabled Persons Parking Scheme Permit; or

- (e) An area such as an intersection zone or an approach to traffic lights, where the size and nature of the illegally parked vehicle creates an added problem for drivers' and pedestrians' line of sight; or
- (f) A bus lane, tram lane or transit lane; or
- (g) A special event, where illegal parking is likely to result in unreasonable congestion; or
- (h) Where a clear width of 3 metres has not been left for the passage of vehicles; or
- (i) Any other place where an illegally parked or abandoned vehicle is causing or may cause a hazardous obstruction.

61. Other obstructions

If, in the opinion of an authorised officer, a rubbish container, movable structure, device, material or other object is:

- (1) Causing an unlawful obstruction; or
- (2) A danger to road users; or
- (3) Getting in the way of or likely to get in the way of traffic:

The provisions of this clause 60 relating to unlawfully parked vehicles apply, with any necessary modifications.

62. Notice to the owner

- (1) If a registered vehicle is taken less than 250m, is relocated on a road and is not impounded no notice of removal is required to be given to the owner.
- (2) Where a registered vehicle is taken more than 250m and is relocated on a road, notice in writing must be given to the owner by attaching it to the windscreen or other convenient part of the vehicle.
- (3) If a registered vehicle is impounded the Council must notify in writing the registered owner.

63. Power to sell or give away

- (1) Where a vehicle impounded in accordance with this Local Law is not claimed and removed by the owner or some person acting on his or her behalf:
 - (a) In the case of an unregistered vehicle, within 14 days after being towed and removed by the Council; or
 - (b) In the case of a registered vehicle, within 14 days after the service of a notice upon the owner:

The Council may cause the vehicle to be sold (by auction, public tender or private treaty), delivered to a municipal tip or given away as the Council thinks fit.

- (2) If the owner of a registered vehicle cannot be contacted by certified mail, then the Council must make reasonable efforts to contact him or her by contact with any other members of the household or adjacent households. Having given due consideration to the advice of these

people (if any), the Council may surrender the vehicle in accordance with clause 81 or deal with the vehicle as if the owner had been served with a notice.

- (3) If the Council exercises its power under this clause to sell a vehicle either by auction or by public tender, the Council must provide 7 days notice of such auction or calling of tenders in a newspaper generally circulating in the municipal district. If the vehicle is not sold at auction or by tender the Council may sell it privately or otherwise dispose of it.
- (4) The title of the purchaser of a vehicle sold under this provision is not impeachable and the purchaser takes such vehicle free from any title, estate, interest or right of any other person.

PART 4 - ADMINISTRATION

Permits, fees and delegations

64. Applying for a permit

- (1) A person who wishes to apply for a permit may do so by:
 - (a) Lodging with the Council an application, in a form approved by the Council; and
 - (b) Paying to the Council the appropriate application fee.
- (2) The Council may require an applicant to provide additional information before dealing with an application for a permit or for exemption.
- (3) The Council may require a person making an application for a permit to give public notice, which will entitle any person to make a submission and to be heard in accordance with section 223 of the *Local Government Act 1989*.

65. Fees

- (1) The Council may, from time to time, by resolution determine fees for the purposes of this local law.
- (2) In determining any fees and charges, the Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge.
- (3) The Council may waive, reduce or alter a fee with or without conditions.

66. Issue of permits

The Council may:

- (1) Issue a permit, with or without conditions; or
- (2) Refuse to issue a permit.

67. Duration of permits

- (1) A permit is in force until the expiry date indicated on the permit, unless it is cancelled before the expiry date.
- (2) If no expiry date is indicated on the permit, the permit expires on 30 June next after the day on which it is issued.

68. Conditional permits

- (1) A conditional permit may be subject to conditions, which the Council considers to be appropriate in the circumstances including:
 - (a) The payment of a fee or charge;
 - (b) A time limit to be applied either specifying the duration, commencement or completion date;
 - (c) The happening of an event;
 - (d) The rectification, remedying or restoration of a situation or circumstance;
 - (e) When the applicant is not the owner of the subject property, the consent of the owner; and
 - (f) The granting of some other permit or authorisation.
- (2) The conditions of a permit must be set out in the permit.
- (3) The Council may, during the currency of a permit, alter the conditions of a permit if it considers it to be appropriate to do so, after providing the permit holder with an opportunity to make comment on the proposed alteration.
- (4) A person who undertakes an activity for which the Council has issued a permit must comply with the conditions of the permit.

Penalty: 5 Penalty units

69. Cancellation of a permit

- (1) The Council may cancel a permit if it considers that:
 - (a) There has been a serious or ongoing breach of the conditions of the permit;
 - (b) A notice to comply has been issued, but not complied with within seven days after the time specified in the notice for compliance;
 - (c) There was a significant error or misrepresentation in the application for the permit; or
 - (d) In the circumstances, the permit should be cancelled.
- (2) Before Council cancels a permit, the Council must provide to the permit holder an opportunity to make comment on the proposed cancellation.
- (3) If a permit holder is not the owner of the land and the owner's consent was required to be given to the application for the permit, the owner must be notified of any notice to comply and of the reason why it has been served.

70. Correction of permits

- (1) The Council may correct a permit in relation to:
 - (a) An unintentional error or an omission; or

(b) An evident material miscalculation or an evident material mistake of description of a person, thing or property.

(2) The Council must notify a permit holder in writing of any correction.

(3) If the permit holder is not the owner of the land and the owner's consent was required to be given to the application for the permit, the owner must be notified of any correction to a permit.

71. Registers

(1) The Council must maintain a record of permits, including details of corrections and cancellations.

(2) The Council must maintain a register of determinations made, and of guidelines prepared, for the purposes of this Local Law.

(3) The Council must ensure that the registers are available for public inspection at the office of the Council during normal business hours.

72. Service authorities

(1) This Local Law does not apply to a service authority, or a person employed by or working on behalf of, a service authority, in respect of works for that service authority.

(2) A person who would, but for this clause, be required to obtain a permit in respect of any activity must notify the Council of the activity prior to its commencement.

73. Exemptions

(1) The Council may by written notice exempt any person or class of persons from the requirement to have a permit, either generally or at specified times.

(2) An exemption may be granted subject to conditions.

(3) A person must comply with the conditions of an exemption.

Penalty: 5 Penalty units

(4) An exemption may be cancelled or corrected as if it were a permit.

74. Offences

A person who makes a false representation or declaration (whether oral or in writing), or who intentionally omits relevant information in an application for a permit or exemption is guilty of an offence.

Penalty: 10 Penalty units

75. Delegation

(1) In accordance with Section 114 of the *Local Government Act 1989*, the Council hereby:

(a) Delegates to the Chief Executive Officer and to each Senior Officer and to any person for the time being acting for such persons all the powers, discretions, authorities and

considerations of Council under this Local Law including the powers, discretions and authority to issue or refuse permits, fix conditions and durations relevant to such permits, cancel permits, require additional information, apply guidelines or policies of Council, to waive the need for any permit, to waive, fix or reduce fees or charges or to do any act, matter or thing necessary or incidental to the exercise of any function or power by the Council; and

- (b) Delegates to the Environmental Health Officer and the Senior Local Laws Officer and to any person for the time being acting for those persons the power to issue or refuse permits and apply conditions, exercise discretions and require additional information.

PART 5 - ENFORCEMENT

Enforcement

76. Power of authorised officers to direct - notice to comply

An authorised officer may by a written notice given to a person who appears to be in breach of this local law direct that person to remedy any situation, which constitutes a breach under this local law.

77. Time to comply

- (1) A notice to comply must state the time and date by which the situation must be remedied.
- (2) The time required by a notice to comply must be reasonable in the circumstances having regard to:
 - (a) The amount of work involved;
 - (b) The degree of difficulty;
 - (c) The availability of necessary materials or other necessary items;
 - (d) Climatic conditions;
 - (e) The degree of risk or potential risk; and
 - (f) Any other relevant factor.

78. Failure to comply with a notice to comply

A person who fails to comply with a notice to comply served on that person is guilty of an offence.

Penalty: 5 Penalty units

79. Power of authorised officers to act in urgent circumstances

- (1) In urgent circumstances arising as a result of a failure to comply with this Local Law, an authorised officer may take action to remove, remedy or rectify a situation without first serving a notice to comply if:
 - (a) The authorised officer considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice, may place a person, animal, property or thing at risk or in danger; and

- (b) Wherever practicable, a senior officer is given prior notice of the proposed action.
- (2) In deciding whether circumstances are urgent, an authorised officer must take into consideration, to the extent relevant:
 - (a) Whether it is practicable to contact:
 - (i) The person by whose default, permission or sufferance the situation has arisen; or
 - (ii) The owner or the occupier of the premises or property affected; and
 - (b) Whether there is an urgent risk or threat to public health; public safety, the environment or animal welfare.
- (3) The action taken by an authorised officer under sub-clause (1) must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
- (4) An authorised officer who takes action under sub-clause (1) must ensure that, as soon as practicable:
 - (a) Details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and
 - (b) A report of the action taken is submitted to the Chief Executive Officer.

80. Power of authorised officers to impound

- (1) If an authorised officer has impounded anything in accordance with this Local Law, the Council may refuse to release it until the appropriate fee or charge for its release has been paid to the Council.
- (2) The Council may, by resolution, fix charges (generally or specifically) for the purposes of this clause.
- (3) As soon as possible after the impounding and where practicable to do so, the authorised officer must, serve written notice 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.
- (4) If after the time required in a notice of impounding an impounded item is not retrieved, an authorised officer may take action to dispose of the impounded item according to the following principles:
 - (a) When the item has no saleable value, it may be disposed of in the most economical way; and
 - (b) When the item has some saleable value the item may be disposed of either by tender, public auction or private sale but failing sale may be treated as in paragraph (a).
- (5) 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 identity or whereabouts of that person and may proceed to dispose of the impounded item in

accordance with sub-clause (4) once he or she is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded item.

- (6) Any proceeds from the disposal of impounded items under this Local Law must be paid to the owner or to 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 Local Law.
- (7) If a person described in sub-clause (6) cannot be identified or located within six months after the date of the notice of impounding, any proceeds of the sale cease to be payable to that person, and may be retained by the Council for municipal purposes.

81. Infringement notices

- (1) An authorised officer may issue an infringement notice in the form of the notice in Schedule 1.
- (2) The fixed penalty in respect of an infringement is the amount set out in Schedule 7.

82. Payment of penalty

- (1) A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer, Murrindindi Shire Council, Perkins Street, Alexandra 3714.
- (2) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (3) A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.

Resolution for making this Local Law was agreed to by the Murrindindi Shire **Council** on **24 September 2012** and

THE COMMON SEAL of the)
MURRINDINDI SHIRE COUNCIL was)
hereunto affixed in the presence of:)
)



Margaret Z Abbey
.....
Chief Executive Officer

John Paul
.....
Mayor

R. Flowers
.....
Councillor

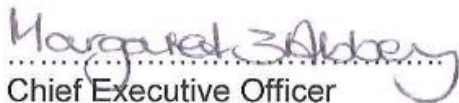
"I certify that this is a true copy of the Community Local Law made by the Murrindindi Shire Council on **Monday 24 September 2012** in accordance with the requirements of the *Local Government Act 1989*.

The notices required to be given by Section 119(2) of the Act appeared in the Government Gazette No. G31 on **2 August 2012** and in the Alexandra Standard and Yea Chronicle on **1 August 2012**, Marysville Triangle on **2 August 2012** and Whittlesea Review on **31 July 2012**.

The notices required to be given by Section 119(3) of the Act appeared in the Government Gazette No. G40 on **4 October 2012** and in the Alexandra Standard and Yea Chronicle on **3 October 2012**, Marysville Triangle on **4 October 2012** and Mountain Monthly in the **November edition 2012**.

A copy of the Local Law was sent to the Minister for Local Government in a letter dated **4 October 2012**.

The Local Law commenced operation on **24 September 2012** and will expire on **24 September 2022** unless revoked earlier.


Chief Executive Officer

SCHEDULE 1 - INFRINGEMENT NOTICE

MURRINDINDI SHIRE COUNCIL
P.O. BOX 138 ALEXANDRA VICTORIA 3714
Email: mc@murrindindilvic.gov.au

INFRINGEMENT NOTICE

DPF Form 101
Priority Advice 24/7 RAC No: 28
Street: 4 Nicholson Street, Alexandra 3714

Date of Notice: / /

Traffic Parking Regulation
Licence Other Environment
Local Litter Transport Tobacco Comestic
Animals

Other: _____

Family Name
(or Company or
Inc. Owner): _____
Given Names
at Address: _____
Include Postcode: _____

Date of Birth: / / Licence No. _____ State _____
Sex: _____ Licence Type _____ Expiry Date _____
M F

Information and nature of alleged offence/infringement:

Local Law and/or Regulation under which this notice given: _____

FIXED PENALTY
\$ _____

Date of Offence: / / Street: _____ CODE NO. _____ Side _____
Time of Offence: _____ Place: _____
am _____ pm _____

Vehicle/Animal Registration No. _____ Check Digit _____ State _____ Reg. Type _____ Expiry Date _____
Colour _____
Vehicle Make / Animal _____ Vehicle type / Animal breed _____ Colour _____

Other identification details _____ Sex: M F

HOW TO PAY THE PENALTY

<p>BY POST Within 28 DAYS send this notice, and a cheque or money order for the FULL AMOUNT (not part payments) to: MURRINDINDI SHIRE COUNCIL P.O. Box 138 Alexandra, Vic. 3714</p>	<p>IN PERSON Within 28 DAYS take this notice and your payment for the FULL AMOUNT to: ALEXANDRA Parsons Street Alexandra Vic. 3714 Ph: (03) 5772 0033</p>	<p>NOTE: CHEQUES or MONEY ORDERS should be marked "Not Negotiable" and payable to: MURRINDINDI SHIRE COUNCIL</p>
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INFRINGEMENT NOTICE

IF YOU PAY THE PENALTY WITHIN 28 DAYS OF THE DATE OF THIS NOTICE AT THE ABOVE ADDRESS, THIS MATTER WILL NOT BE BROUGHT BEFORE A COURT UNLESS A WITHDRAWAL NOTICE IS SENT TO YOU BEFORE THE END OF THE PERIOD SPECIFIED IN THIS NOTICE AS THE TIME FOR PAYMENT OF THE PENALTY.

Name of Issuing / Authorised Officer: _____
Signature of Issuing / Authorised Officer: _____



OFFICE COPY ONLY – WHEN RECEIPTED

DATE	RECEIPT No.	AMOUNT	DATE
------	-------------	--------	------

Infringement will not be deemed to have been expiated until the imprint of cash register appears hereon

DATE	RECEIPT No.	AMOUNT	DATE
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INFRINGEMENT NOTICE

IF YOU PAY ON TIME

In the case of a parking offence, the matter is finished. It will not go to Court. Regarding Domestic Animal offences, if you pay the penalty indicated within 28 days from the date of this Notice, the matter will not be brought before a Court unless a Withdrawal Notice is sent to you before the end of the period specified in the Notice as the time for payment of the penalty. In the case of other offences, the Enforcement Agency or Local Government Authority are entitled to withdraw this notice and take the matter to Court. However, this happens rarely. If it happens in this case, the Enforcement Agency or Local Government Authority will write to you and your payment will be refunded.

HOW TO PAY

If expiating, you have to pay the penalty within 28 days of the date of this Notice. Payment whether posted or delivered must reach the Office of the Enforcement Agency or Local Government Authority as shown on the front of this Notice.

HOW TO DEFEND THE CHARGE

You will be sent a letter after 28 days which will tell you what to do. You are responsible for parking and litter offences committed with your car unless you can show somebody else was using your car at the time of the offence. Infringement Notices in such cases are addressed to "The Owner". Contact the Enforcement Agency or Local Government Authority who charged you to find out what you need to do.

For Local Law offences, the local Government Act 1989 provides that the alleged offender is entitled to disregard the Infringement Notice and defend the prosecution for the offence in Court.

IF YOU DO NOT PAY THE PENALTY WITHIN 28 DAYS OF THE DATE OF THIS NOTICE, COSTS WILL BE ADDED AND THE MATTER TAKEN TO COURT.

This is an "Infringement Notice" in relation to the offence.
Road Safety Act 1986, Transport Act 1983,
Environment Protection Act 1970,
Tobacco Act 1987, Local Government Act 1989,
Domestic Animals Act 1994.

Form approved by the Environment Protection Authority.

SCHEDULE 2 - DEFINITIONS

In this local law, unless inconsistent with the context:

“Act”	means the <i>Local Government Act 1989</i> .
“alcohol”	alcohol is defined under the <i>Liquor Control Act 1987</i> as liquor, which means a beverage, or other prescribed substance, intended for human consumption with an alcohol content of greater than 0.5% by volume at 20° Celsius.
“appropriate fee”	means the appropriate fee determined by the Council in accordance with this local law.
“authorised activity”	means an activity at the swimming pool that has been authorised by council staff and which may be conducted by a third party including swimming clubs, service clubs and private hirers.
“authorised officer”	means an authorised officer under section 224 of the Act.
“barbecue”	means a constructed or manufactured device which is used in the open.
“built-up area”	means an area in which there is urban development or in which street lighting is provided on roads.
“container”	means large box-like receptacle of standardised design for transporting freight by road, rail and sea.
“council”	means the Murrindindi Shire Council.
“council land”	means a land vested in or under the control or management of the Council, including roads, streets, reserves, water courses, reservations and the like.
“dangerous dog”	means the same as a dog described within the <i>Domestic Animals Act 1994</i> .
“domestic birds”	means small birds such as canaries, finches, budgerigars and the like.
“Environmental Health Officer”	means the Environmental Health Officer appointed by the Council.

“farming area”	means any part of the municipal district in which farming activity is the predominant land use.
“fire danger period”	has the same meaning as in the <i>Country Fire Authority Act 1958</i> .
“fuel reduction”	means to appropriately reduce fuel levels.
“Incinerator”	means a structure, device or contraption (not enclosed in a building) which: (a) is used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance; and (b) is not licensed or otherwise subject to control under the provisions of any other Act; and (c) is not a barbecue.
“liquor”	has the same meaning as in the <i>Liquor Control Act 1987</i> .
“livestock”	has the meaning ascribed to it by Section 3 of the <i>Impounding of Livestock Act 1994</i>
“motor vehicle”	has the same meaning as in the Road Safety Act 1986 ¹
“municipal district”	means the municipal district of the Council.
“noxious weed”	means a plant declared to be a State prohibited weed or a weed which is prohibited, controlled or restricted under the <i>Catchment and Land Protection Act 1994</i> for an area which includes any part of the municipal district.
“nuisance”	means any condition which is liable to be noxious, annoying, dangerous or injurious to health.
“opening hours”	means the hours of operation as displayed at the main entry to each pool or as varied and advertised at the entry by the Pool Lifeguard from time to time.
“penalty unit”	means a penalty prescribed by the <i>Monetary Units Act 2004</i>

¹In s 3 of the **Road Safety Act 1986** “motor vehicle” is defined to include motorised vehicles, which are used or intended for use on a highway, with specified exceptions (such as motorised wheel chairs capable of a speed not exceeding 7 kph and vehicles intended for use on railways or tramways).

“permanent structure”	means a structure of a permanent kind consisting of a roof and fully closed on all sides.
“permit”	in relation to an activity, means a permit issued under this local law which authorises that activity.
“Prescribed areas” (swimming pool)	means the area bounded by a fence around the swimming pool
“planning scheme”	means the applicable planning scheme under the <i>Planning and Environment Act 1987</i> .
“public place”	(a) has the same meaning as in the <i>Summary Offences Act 1966</i> . (b) means a park, lake, sporting ground, common, public reserve or tree reserve owned, leased or managed by Council (as a committee of management or otherwise) or by another public body.
“recreational vehicle”	has the same meaning as in the <i>Road Safety Act 1986</i> but does not include motorised vehicles used for farming purposes.
“recyclable material”	means material in respect of which a separate Council, or Council authorised, collection service applies.
“reserve”	includes an active or passive recreation ground.
“reservation”	means a longitudinal area dividing a road but not including lines marked on a carriageway.
“residential land”	means any part of the municipal district that that has a residential zoning under the planning scheme (including the Township, Residential 1, Mixed use and Low Density Residential zones).
“restricted breed”	means the same as a dog described under the <i>Domestic Animals Act 1994</i> .
“road”	has the same meaning as in the <i>Road Safety Act 1986</i> .
“rural land”	means any part of the municipal district that has a rural zoning under the planning scheme (including the Farming, Rural Activity, Rural Conservation and Rural Living Zones).

“street”	means road.
“swimming pool”	means the Eildon, Marysville, Yea and Alexandra outdoor swimming pools.
“total fire ban day”	means a declared day of total fire ban in accordance with the <i>Country Fire Authority Act 1958</i> .
“vehicle”	has the same meaning as in the <i>Road Safety Act 1986</i> .
“volunteer”	a volunteer is a person appropriately authorised to assist in the delivery of any of Council’s services to the community and receives no payment for such.
“wasp’	includes an English or European wasp.
“windrow”	means an accumulation of felled, fallen or cleared trees

SCHEDULE 3 - PERMIT PROCESS

In deciding whether to grant a permit, the Council must take into consideration the following:

Camping

- (a) The location of the land;
- (b) The zoning of the land;
- (c) The suitability of the land for camping;
- (d) The number of tents or other structures to be located on the land;
- (e) The length of time the tents and other structures will be erected on the land;
- (f) The availability of sanitary facilities to the land;
- (g) The likely damage to be caused; and
- (h) Any other matter relevant to the circumstances associated with the application.

Number of Animals

- (a) The zoning of the land;
- (b) The proximity to adjoining properties;
- (c) The amenity of the area;
- (d) The type and additional numbers of animals to be kept;
- (e) The likely effects on adjoining owners;
- (f) The adequacy of animal shelters; and
- (g) Any other matter relevant to the circumstances associated with the application.

Animal housing

- a) The zoning of the land;
- (b) The proximity to adjoining properties;
- (c) The amenity of the area;
- (d) The type and additional numbers of animals to be kept;
- (e) The likely effects on adjoining owners;
- (f) The adequacy of animal shelters; and
- (g) Any other matter relevant to the circumstances associated with the application.

Circuses/festivals

- (a) The location of the land;
- (b) The suitability of the land;
- (c) The duration of the event;
- (d) The proposed hours of operation;
- (e) The availability of sanitary facilities to the land;
- (f) The likely damage to be caused;
- (g) The amenity of the area;
- (h) The availability of parking;
- (i) The likely effects on traffic in the area; and
- (j) Any other matter relevant to the circumstances associated with the application.

Second hand goods

- (a) The zoning of the land;
- (b) The proximity to adjoining properties;
- (c) The amenity of the area;
- (d) The capacity to screen the proposed use from adjoining land or from any street;
- (e) The capacity to protect neighbours from noise from activities on the land;
- (f) The nature of the machinery or secondhand goods;
- (g) The purposes for which the machinery or goods are kept;
- (h) The condition of the shipping container;
- (i) The purpose of the use of the shipping container; and
- (j) Any other matter relevant to the circumstances associated with the application.

Burning of offensive materials

- (a) The location of the proposed burning in proximity to adjoining land;
- (b) The zoning of the land on which the burning is to take place;
- (c) Any alternative means of disposal;
- (d) Any adequate means of supervising the burning;
- (e) Any adequate means of controlling and extinguishing the spread of fire;

- (f) The degree to which the material to be burned may produce offensive, toxic or unpleasant smells or smoke;
- (g) Any policies of the Environment Protection Authority; and
- (h) Any other matter relevant to the circumstances associated with the application.

Recreational vehicles

- (a) The location of the land where the vehicle is to be used;
- (b) The zoning of the land;
- (c) The suitability of the land for use by recreation vehicles;
- (d) The number of vehicles for which the permit is required;
- (e) The days, times and hours the vehicles are to be used;
- (f) The likely damage which may be caused to any Council managed land or any other land not managed by Council; and
- (g) Any other matter relevant to the circumstances associated with the application.

Advertising/junk mail

- (a) The nature of the material;
- (b) The proposed location;
- (c) The likely interference with the free passage of any pedestrian or vehicle;
- (d) The likely nuisance to be caused;
- (e) The likely detriment to be caused; and
- (f) Any other matter relevant to the circumstances associated with the application.

Parking of heavy vehicles in residential areas

- (a) The likely impact on the residential amenity of the neighbourhood as a result of:
 - (i) The intrusion of heavy vehicle traffic; and
 - (ii) Excessive noise from heavy vehicles; and
 - (iii) Pedestrian and motorist safety; and
 - (iv) The likely damage to be caused to Council assets and street trees; and
 - (v) Fumes or related smells resulting from the parking of heavy vehicles; and
- (b) The traffic function, traffic volume and width of other roads in the vicinity; and
- (c) Whether the unobstructed sight distance when exiting forward from the property is capable of being a minimum of 80 metres; and

- (d) Whether the manoeuvring requirements of the vehicle and the carriageway width will enable the vehicle to be turned within a maximum crossing width of 4 metres; and
- (e) Any load limit restriction in force on the relevant road; and
- (f) Whether the property is of sufficient size and layout to enable the vehicle to be properly garaged; and
- (g) Whether the activities have an environmental impact on significant areas of importance; and;
- (h) Any other matter relevant to circumstances of the application.

Erecting/placing Advertising signs

- (a) Whether an advertising sign is proposed to be placed in a location which would cause a danger to pedestrians; and
- (b) The width and height of the sign; and
- (c) Any other signs for the applicant's premises; and
- (d) Whether the construction will create a hazard to pedestrians; and
- (e) Whether persons who may be liable for injury caused by the placing of the sign are insured against that risk; and
- (f) Whether the applicant has provided a written indemnification of the Council against liability arising from activities authorised by the permit; and
- (g) Any other matter relevant to the circumstances of the application.

Roadside Trading

- (a) Whether the safety of road users or the passage of vehicles will be affected by the placement; and
- (b) Whether permits required by the *Health Act 1958*, *Food Act 1984* or any other legislation have been obtained; and
- (c) Whether the activity will disturb, annoy or disrupt adjacent property owners or occupiers; and
- (d) Whether the activity will be detrimental to the amenity of the area; and
- (e) Whether appropriate arrangements can be made for waste water disposal, litter and garbage disposal, lighting and advertising signs; and
- (f) Whether the consent of the Roads Corporation has been obtained where the road is a declared State Highway, Tourist Road or Forest Road; and
- (g) Whether persons who may be liable for injury caused by the activity are insured against that risk; and
- (h) Whether the applicant has provided a written indemnification of the Council against liability arising from activities authorised by the permit; and

- (i) Any other matter relevant to the circumstances of the application.

Display of goods for sale

- (a) Whether the goods will be displayed outside the applicant's premises; and
- (b) Whether adequate lighting of the display area can be achieved if the normal business hours include hours of darkness; and
- (c) Whether the goods or the display may be of such material, layout or construction which could be a hazard to pedestrians; and
- (d) Whether persons who may be liable for injury caused by the placing of the sign are insured against that risk; and
- (e) Whether the applicant has provided a written indemnification of the Council against liability arising from activities authorised by the permit; and
- (f) Any other matter relevant to the circumstances of the application.
- (g) Any goods left or displayed on any part of a road contrary to this Division or displayed in contravention of any conditions of a permit may be removed by an authorised officer and impounded.

Outdoor eating facilities on roads/road reserves/footpaths

- (a) Whether the facility is conducted in conjunction with and as an extension of food premises located immediately abutting the facility, and the applicant is the person conducting such food premises; and
- (b) Whether the food premises are registered in accordance with the *Food Act 1984*; and
- (c) Whether the facility would be located where it would obstruct the visibility at an intersection; and
- (d) Whether appropriate and safe pedestrian access can be maintained; and
- (e) Whether the tables chairs and other equipment to be used will be a hazard; and
- (f) Whether persons who may be liable for injury caused by the placing of the sign are insured against that risk; and
- (g) Whether the applicant has provided a written indemnification of the Council against liability arising from activities authorised by the permit; and
- (h) Any other matter relevant to the circumstances of the application.

Bulk Rubbish Containers

- (a) Whether the placement will obstruct the passage of vehicles and pedestrians, obscure the view of motorists or present a physical hazard; and
- (b) Whether the placement will contravene any traffic control signs; and

- (c) whether hazard lights can be securely attached on the side nearest passing traffic or placed on a carriageway, so as an approaching motorist can identify the extent and form of the container; and
- (d) Protection of any Council assets; and
- (e) Whether persons who may be liable for injury caused by the placing of the sign are insured against that risk; and
- (f) Whether the applicant has provided a written indemnification of the Council against liability arising from activities authorised by the permit; and
- (g) Any other matter relevant to the circumstances of the application.

Road Occupation for Works

- a) The nature and duration of the works; and
- (b) The likely hazard that the works may constitute to users of the road; and
- (c) The impact of the works on the amenity of the adjoining area; and
- (d) Whether persons who may be liable for injury caused by the works are insured against that risk; and
- (e) Whether the applicant has provided a written indemnification of the Council against liability arising from activities authorised by the permit; and
- (f) Any other matter relevant to the circumstances of the application.

Street parties/street festivals and processions

- (1)
 - (a) Whether the road can be closed to vehicular traffic for the duration of the street party; and
 - (b) Whether all owners or occupiers of all properties with immediate vehicular access via the section of road to be closed have been advised by letter and given seven days to comment or object; and
 - (c) Whether a person on behalf of the applicant has been nominated to erect and remove the barriers which close the road at locations and times specified by the Council; and
 - (d) Whether the footpath on at least one side of the road can be kept clear of obstructions; and
 - (e) Any other matter relevant to the circumstances of the application.
- (2) In deciding whether to grant a permit for a street party, a street festival or a procession on a collector road, the Council must take into consideration:
 - (a) Whether the road can be closed to vehicular traffic, or partly closed with safe and effective separation of vehicular traffic and festival or procession patrons and equipment; and

- (b) Whether the agreement of Victoria Police and the Roads Corporation has been obtained and their requirements met, including an appropriate traffic detour signing scheme; and
 - (c) Whether all owners or occupiers of properties with any immediate vehicular access via the section of road to be closed have been advised by letter and given seven days to comment or object or other arrangements satisfactory to the Council have been made to alert relevant property owners and occupiers; and
 - (d) Any other matter relevant to the circumstances of the application.
- (3) An application to conduct an event on any road within the municipality must be made 28 days before the event is to take place.
- (4) An application for a permit must contain the following information:
- (a) The name, address and phone number of a nominated person through whom arrangements can be made; and
 - (b) The group of people or the organisation on whose behalf the application is being made; and
 - (c) The name of the street to be closed together with a diagram showing the section of street to be closed; and
 - (d) The date and times for the road closure and
 - (e) A statement of the groups or class of persons who are being invited to the event.

Collections on Roads

- (a) The times and days it is proposed to collect; and
- (b) The matter or thing to be collected; and
- (c) The roads or areas in which the collections will take place; and
- (d) The impact on traffic and safety of pedestrians; and
- (e) The age of participants and the supervision of supervise participants; and
- (f) Whether persons who may be liable for injury caused by the collection activity are insured against that risk; and
- (g) Whether the applicant has provided a written indemnification of the Council against liability arising from activities authorised by the permit;
- (h) Any view of the Victoria Police or Roads Corporation (where relevant) concerning the proposed location or conduct of any collection; and
- (i) Any other matter relevant to the circumstances of the application.

Busking and Street Entertainment

- (1)
 - (a) Whether any undue obstruction will be caused to pedestrians or traffic in the area specified; and
 - (b) Whether any interference will be caused in relation to other approved activities in the area.
- (2) The conditions of a permit to busk may include:
 - (a) That no sound reinforcement equipment (amplification) may be used; and
 - (b) That the permit holder is not to sell or offer or expose for sale any article or commodity; and
 - (c) That any drawings, sketches or other artwork made on any footpath must be easily erasable, in a non-permanent medium such as chalk, charcoal or pastel; and
 - (d) That the permit holder will comply with all directions by an authorised officers or a member of the police force, including a direction that busking cease or that the location of the busking be moved to lessen congestion or inconvenience to other persons; and
 - (e) That the permit holder is not to advertise or associate the busking activity with advertising in any performance; and
 - (f) Any other condition which the Council considers to be appropriate.

SCHEDULE 4 – CONSUMPTION OF ALCOHOL IN TOWNSHIPS AND PUBLIC PLACES

- (1) For the purposes of clause 25 – townships are defined as:-
 - all public places, including road reserves within all townships in the Murrindindi Shire.
- (2) Designated alcohol free zone – means an area designated as an ‘alcohol free zone’ either by way of signage or specification within this schedule and includes:
 - Bollygum Park – Kinglake
 - Hec Ingram Reserve – Alexandra
 - Yea Rail Reserve – Alexandra
 - All community skate parks and swimming pools
- (3) Subclauses (1) and (2) do not apply to areas defined as a licensed premises under the *Liquor Control Reform Act 1998*.

SCHEDULE 5 – DESIGNATED AREAS (Rail Trail Code of Conduct)

For the purpose of clause 20 and 46 – ‘designated areas’ are defined as areas associated with the Goulburn River High Country Rail Trail (GRHCRT). ‘Code of Conduct’ signs apply to all areas of the GRHCRT, which are located at major entry points and clearly stipulate the requirements that apply to the GRHCRT ‘Code of Conduct’.

GRHCRT - CODE OF CONDUCT

This is a shared trail. To ensure enjoyment for all, please respect the following:

Respect the rights of other users at all times:

Cyclists give way to walkers

Approach horses with care

Warn others when approaching from behind and passing

Keep left and don't obstruct the trail

Respect the rights of landholders:

Stay within the rail reserve

Give way to stock at crossing points

Move quietly near stock

Leave gates as you find them

Report any wandering stock within the Reserve to you local Council

Help protect the environment:

Leave all flora and fauna undisturbed

Take your rubbish home

Camp in designated areas only

Horses:

Ride horses off the bike/walking track unless signage indicates otherwise

Remove horse manure from the bike/walking track

Riders must dismount to cross bridges where signage indicates

Dogs:

Keep dogs on a leash and under control at all times

Remove dog droppings from the reserve

For your safety:

Wear approved helmets

Be careful at road crossings

Observe all signs and local regulations

Be prepared for changes in weather conditions

Motor vehicles including motor bikes are not permitted within the reserve

Plan your journey

Carry:

Water and food (the availability of drinking water along the trail is limited)

Bicycle repair kit and a good pump

Mobile phone

Regulations:

Crown Land Reserves (Goulburn River High Country Rail Trail Reserve) regulations 2010 apply to this reserve

Permits may be required for some events or activities. Contact the Council listed below for more information.

Signage for Code of Conduct also includes the location where sign is placed and the following:

In Case of Emergency dial 000, noting your location.

Unauthorised motor vehicles or motor bikes are not permitted on the trail, penalties apply.

Help us to maintain and improve our trail by reporting misuse and damage to:

Murrindindi Shire Council - Perkins Street Alexandra

03 5772 0333 msc@murrindindi.vic.gov.au

www.victorianrailtrails.com.au

SCHEDULE 6 – DESIGNATED AREAS (Environmental and Habitat Protection areas)

A number of areas within the municipality have been assigned designated areas for the purpose of clause 20. These areas contain species protected and endangered by State Government under the Flora and Fauna Guarantee Act.

It is important to note that a number of these areas are not identified with appropriate signage.

If works are being considered in areas of high conservation value (including road reserves), you should contact Council for further information before commencing these works. Council has most of the remnant and significant vegetation on all of its road reserves mapped to assist people considering any works in these areas of important.

SCHEDULE 7 – PENALTY UNITS

Penalty units are set by State Government legislation (as per Section 5(3) of the *Monetary Units Act 2004* and subject to regular review. At the time of this review in September 2012, one penalty unit equated to \$122.14.