



Moyne Shire Council

General Local Law No. 1

2015

Moyne Shire - a safe, vibrant, liveable, and prosperous community

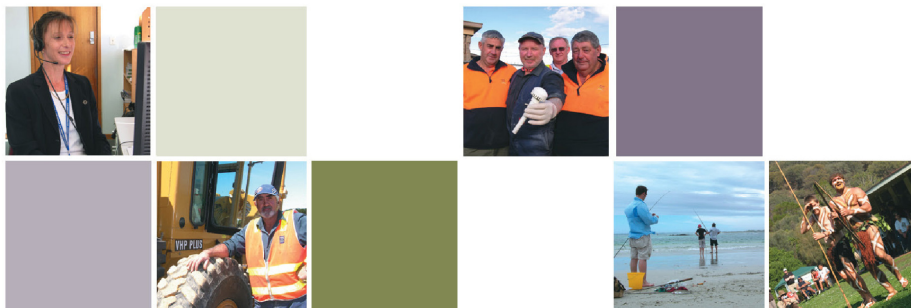


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MOYNE SHIRE COUNCIL
GENERAL LOCAL LAW No. 1 of 2015

PART 1 - PRELIMINARY

1. TITLE

This is Local Law No. 1 of 2015 of the Moyne Shire Council and is known as the “General Local Law”.

2. OBJECTIVES

2.1. This Local Law is made for the purpose of –

- 2.1.1. controlling activities, events, practices and behaviour on land which is dangerous or unsightly or could give rise to a nuisance or detriment to persons and the amenity of the neighbourhood;
- 2.1.2. controlling various matters which may adversely affect the amenity of the municipal district and the quality of life of persons within it;
- 2.1.3. providing for a safe and healthy environment for persons within the municipal district;
- 2.1.4. controlling and protecting public places and Council premises;
- 2.1.5. controlling Council reserves;
- 2.1.6. facilitating and enhancing the beneficial use of public places;
- 2.1.7. regulating behaviour in public places;
- 2.1.8. securing community safety by preventing, abating and remedying nuisances or conditions likely to be dangerous or offensive to people;
- 2.1.9. controlling the consumption and possession of liquor in various circumstances and places and at various times;
- 2.1.10. preventing obstructions to traffic and pedestrians from private land;
- 2.1.11. controlling the movement and roadside grazing of livestock travelling on or using roads;
- 2.1.12. controlling various types of livestock for the safety and convenience of road users;
- 2.1.13. preserving roads and protecting them so far as possible from damage which may be caused by extraordinary use of roads within the municipal district;
- 2.1.14. providing for the physical features of roads to be managed in a way which attends to the safety and convenience of people travelling on or using the roads;
- 2.1.15. preserving and protecting areas of native vegetation and rare and threatened species of flora on or adjacent to roads;

- 2.1.16. facilitating the provision of equitable access to general public services which enhance the environment and quality of life in the municipal district;
- 2.1.17. managing and operating Council's recreational and other public use facilities within the municipal district;
- 2.1.18. making decisions in the best interest of the whole community to maintain suitable infrastructure and to provide a sense of community in villages and activity centres;
- 2.1.19. facilitating the involvement of members of the community and users of facilities in the management and operation of Council's recreational and other public use facilities;
- 2.1.20. regulating the use of caravans and temporary dwellings;
- 2.1.21. controlling and regulating the collection of wastes;
- 2.1.22. generally maintaining the peace, order and good government of the municipal district;
- 2.1.23. embracing best practice local law making principles of accessibility, accountability, compliance, consistency, currency, efficiency, enforceability, necessity and transparency;
- 2.1.24. providing for the administration of the Council's powers and functions;
- 2.1.25. consolidating the Council's previous Local Laws;
- 2.1.26. revoking any redundant Local Laws;
- 2.1.27. creating an economic environment that increases wellbeing and prosperity by developing a business climate that helps to expand existing businesses and attract new investment;
- 2.1.28. increasing tourism opportunities;
- 2.1.29. managing resources effectively, by managing assets and risks well and fulfilling legislative obligations;
- 2.1.30. providing for the safe use of the Port of Port Fairy facilities by all users;
- 2.1.31. ensuring the Port of Port Fairy meets the needs of both commercial operators and visitors;
- 2.1.32. ensuring the workings of the Port of Port Fairy are efficiently managed and conducted in an equitable manner; and
- 2.1.33. controlling the parking of any vehicle with advertising on it to be used to direct persons to a business address or function

2.1.34.

3. CHARTER OF HUMAN RIGHTS COMPLIANCE

- 3.1. It is considered that this local law does not impact negatively on any rights identified in the Charter of Human Rights Act (2006).

4. AUTHORISING PROVISION

- 4.1. This Local Law is made under the provisions of Part 5 of the Local Government Act 1989 and in particular Section 111(1) of that Act.

5. REVOCATION

The General Local Law 2005 (No. 3 of 2005) is revoked as of the day this Local Law is made.

6. COMMENCEMENT

This Local Law comes into operation on the day after it is made and replaces General Local Law 2005 (No. 3 of 2005) and Community Safety and Amenity Local Law (No. 1 of 2003).

7. CESSATION OF LOCAL LAW

Unless this Local Law is earlier revoked, its operation will cease on the 10th anniversary of the commencement date.

8. APPLICATION

- 8.1. This Local Law applies throughout the whole of the Municipal District, except where it is apparent from its wording that a clause or schedule applies only to a specific area or areas.
- 8.2. Where it applies to a Road, it includes all parts of the Road.
- 8.3. Its provisions apply to the extent that they are not inconsistent with any Act or Regulation applicable to the Council or its Municipal District.
- 8.4. Where this Local Law prohibits any activity or other thing or provides that such activity can only take place or other thing can only be done or exist with a Permit, that prohibition or provision will not apply if the activity can lawfully take place or the other thing can be done or can exist by reason of the express permission of the Planning Scheme.
- 8.5. References to any land in this Local Law include buildings and other structures permanently affixed to the land and any land covered with water.

9. HOW TO READ THIS LOCAL LAW, GUIDELINES AND INCORPORATED DOCUMENTS

- 9.1. Parts 1 to 16 of this Local Law set out the provisions for meeting the objectives of this Local Law.
- 9.2. Schedules 1 - 3 set out Council's standard forms included in this Local Law.
- 9.3. Schedule 4 identifies prescribed areas in Port Fairy, Koroit and Peterborough.

- 9.4. Schedule 5 identifies the prescribed areas in townships in relation to Animal Litter.
- 9.5. Schedule 6 identifies the Dog Restriction Areas.
- 9.6. Schedule 7 identifies the 'Port' area in Port Fairy.

10. EXEMPTIONS

- 10.1. This Local Law does not apply to any Person employed or engaged in any authorised activity or duty being undertaken by or on behalf of Council whilst so actually employed or engaged.
- 10.2. A provision of this Local Law requiring a Permit to be obtained does not apply to a Person employed or engaged in an authorised activity or duty being undertaken by or on behalf of –
 - 10.2.1. a Government; or
 - 10.2.2. a public bodywhilst so employed or engaged if notice of the carrying out of the activity or duty has been given to Council beforehand or, if that is impracticable, as soon as possible after it has been carried out.
- 10.3. Council may prescribe a specified area, activity, premises or Person or a class of any of them to be exempt from a provision of this Local Law for a specified time and on a specified condition.

11. DEFINITIONS

In this Local Law –

- 11.1. **Abandoned Vehicle** means a vehicle left on or in any Municipal Place that has, in the opinion of an Authorised or Delegated Officer, been abandoned.
- 11.2. **Act** means the Local Government Act 1989.
- 11.3. **Advertising** means any board, notice, structure, banner, signwriting or other similar device used for the purpose of soliciting sales or notifying people of the presence of an adjacent property or other address, whether real, internet-based or otherwise electronic, where goods or services may be obtained.
- 11.4. **Alcohol Free Area** means an area of, or in, any Municipal Place, which has been declared by the Council as an “alcohol free” area and has appropriate signage erected and maintained.
- 11.5. **Allow** include cause, Permit or suffer.
- 11.6. **Animal** includes mammals, birds and reptiles but does not include a Person, fish, turtle, tortoise or frog.
- 11.7. **Applicant** means a Person who applies for a Permit under this Local Law.
- 11.8. **Appropriate Fee** means the fee prescribed by the Council from time to time.
- 11.9. **Arterial Road** means any Road declared as an “Arterial Road” under section 14 of the Road Management Act 2004, the main function of which is to provide for through traffic movements and is controlled and managed by Vic Roads.

- 11.10. **Authorised Officer** means an Authorised Officer appointed under section 224 of the Act or treated by Section 224A of that Act to have been.
- 11.11. **Berth** means a place where a boat or vessel may be moored.
- 11.12. **Built Up Area** means, in relation to a length of Road, an area in which either or both of the following are present for a distance of at least 500 metres or, if the length of Road is shorter than 500 metres, for the whole of the Road:
- 11.12.1. Buildings, not over 100 metres apart, on land next to the Road; or
- 11.12.2. Street lights not over 100 metres apart
- 11.13. **Bulk Rubbish Container** means a bin, container, skip, mobile storage unit or other structure designed or used for holding a substantial quantity of rubbish or storage and which is unlikely to be lifted without mechanical assistance but excludes a container used in connection with the Council's kerbside waste collection services.
- 11.14. **Campervan** means any Campervan, mobile home or similar vehicle, which includes sleeping and/or living facilities, whether manufactured to luxury standard or privately converted from a standard vehicle and includes a caravan, camper trailer and other similar towed living/sleeping trailer facility.
- 11.15. **Camping, (to Camp)** means the occupation or use of a tent, makeshift structure, caravan, campervan, mobile home or any other vehicle (including under the vehicle) for sleeping all or part of a night or as temporary accommodation and does not include brief 'power napping' in a vehicle beside a highway.
- 11.16. **Camping Area** means any land within the Municipal District that has been declared by the Council or other public authority to be a 'Camping Area' for the purposes of this Local Law.
- 11.17. **Chief Executive Officer** means the Person appointed by Council to be the Chief Executive Officer or any Person acting in that position.
- 11.18. **Child** Any Person under the age of 18 years.
- 11.19. **Clause** means a Clause of this Local Law and Sub-clause has a corresponding meaning.
- 11.20. **Contaminated Material** means any material designated in a policy approved by Council from time to time as being incapable of deposit in any class of mobile bin or other bins and includes:
- 11.20.1. broken glass or other sharp objects unless they have been properly contained or wrapped in such a way as to render them harmless and inoffensive;
- 11.20.2. oil, paint, solvents or similar substance or any other substance which may damage the rubbish bin or receptacle or reduce its strength or effectiveness;
- 11.20.3. disposable napkins unless they have been cleaned of solids and securely wrapped in impervious material prior to being placed in the rubbish bin or receptacle; and
- 11.20.4. trade wastes of any kind.
- 11.21. **Council** means the Moyne Shire Council.

- 11.22. **Council Reserve** includes any land –
- 11.22.1. which Council prescribes to be a Council reserve for the purpose of this Part; or
 - 11.22.2. purchased by, leased by or otherwise provided to or managed or controlled by Council for a recreation, conservation, horticultural, cultural or entertainment purpose.
- 11.23. **Delegate** means –
- 11.23.1. any member of Council's staff to whom a delegation has been made pursuant to clause 17 of this Local Law or Section 98 of the Act; or
 - 11.23.2. a committee to which a delegation has been made under Section 86 of the Act for the purpose of this Local Law.
- 11.24. **Domestic Bird** means a small bird such as a canary, budgerigar or the like that is kept in a cage or aviary but excludes a Large and/or Noisy Bird capable of causing disturbance and discomfort to neighbours.
- 11.25. **Dwelling** means a building used as a self-contained residence which normally includes a kitchen sink, food preparation facilities, a bath or shower and a closet pan and wash basin, and includes out-buildings and works normal to a Dwelling.
- 11.26. **Event** means an organised gathering of people involving material community impact, or materially increased risk to public safety or Council assets, but excludes any informal social gathering of 30 persons or less.
- 11.27. **Fence** means any enclosure by design or intent that is used for the confinement of an Animal, for security, privacy, amenity or boundary marking and may include (but is not limited to) a gate, grid or similar structure.
- 11.28. **Fire Ban or Code Red Fire Danger Rating Day** means a day declared as either a partial or total fire ban day in accordance with the Country Fire Authority Act 1958 and/or declared Code Red Fire Danger Rating Day (declared by the Bureau of Meteorology in consultation with the Country Fire Authority, the Metropolitan Fire Brigade and the relevant Victorian Government department).
- 11.29. **Footpath** means a pathway or other area constructed or developed by a public authority for use by pedestrians.
- 11.30. **Grazing, (to graze)** means to allowing livestock to enter or remain on a road or Council Reserve for the purpose of feeding.
- 11.31. **Infringement Notice** means an Infringement Notice issued by the Council or by an Authorised Officer or Delegated Officer under this Local Law.
- 11.32. **Large and/or Noisy Bird (including a Rooster)** means in relation to the keeping of an Animal, any Large and/or Noisy Bird capable of causing a disturbance or discomfort to neighbours particularly by noise, such as a cockatoo, macaw, peacock, large parrot, pheasant, rooster, turkey, goose or other similar sized bird or any other noisy bird regardless of size, but does not include Poultry, a Domestic Bird, a pigeon or other small non-noisy bird.
- 11.33. **Legislation** includes subordinate legislation as defined in the Interpretation of Legislation Act 1984.

- 11.34. **Licensed Premises** means premises licensed under the Liquor Control Reform Act 1998 to sell or serve alcohol and includes premises which have been granted a BYO Permit under the Liquor Control Reform Act 1998.
- 11.35. **Liquor** means a beverage or other prescribed substance intended or used for human consumption which has an alcoholic content of more than 0.05% by volume at a temperature of 20 degrees celsius.
- 11.36. **Livestock** includes horse, cow, bull, sheep, pig, poultry or any other animal or bird raised for a domestic, commercial or farming purpose, other than a dog or cat.
- 11.37. **Manager** means a member of the management committee or, if there is no such committee, an Authorised Officer.
- 11.38. **Management Committee** means a committee of management, Special Committee or Advisory Committee managing, controlling or acting in relation to a Council reserve (if there is such a committee).
- 11.39. **Member of the Police** means a sworn member of the Victoria Police.
- 11.40. **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:
- 11.40.1. A motor vehicle with two (2) wheels with or without a sidecar attached that is supported by a third wheel;
 - 11.40.2. A motor vehicle with three (3) wheels that is ridden in the same way as a motor vehicle with two (2) wheels; and
 - 11.40.3. Any other motorised, recreational vehicle including, but not limited to, trail bikes, motorised scooters, motorised go-carts and quad bikes
- but excludes
- 11.40.4. A motorised wheelchair or other aid used by a Person with a disability; and
 - 11.40.5. A motorised farm vehicle that is being used for farming purposes.
- 11.41. **Movement of Livestock** means all of:
- 11.41.1. Individual or regular movements of Livestock;
 - 11.41.2. As part of normal farm management operations of one farming enterprise but not for the purpose of grazing;
 - 11.41.3. From one property to another within the Municipal District or from or to one property in the Municipal District to or from another property within an adjacent municipal district;
 - 11.41.4. At a rate of not less than one kilometre per hour in the direction of the movement between the two properties;
 - 11.41.5. Where the properties concerned are occupied by the one farming enterprise; and
 - 11.41.6. The movement is completed on the day of commencement.

- 11.42. **Municipal Building** means any structure or building (and its grounds) owned, occupied, controlled or managed by the Council, which has some or all areas designated for public or community access but may also have some or all areas designated for employee or staff only access.
- 11.43. **Municipal District** means the district under the local government of the Moyne Shire Council.
- 11.44. **Municipal Environmental Health Officer** means any Municipal Environmental Health Officer appointed by the Council from time to time.
- 11.45. **Municipal Place** means any place within the Municipal District that is owned or occupied by the Council and/or controlled or managed by the Council, which the public may or may not have access to (whether an admittance fee is required or not) but also includes a Municipal Reserve, Municipal Building, Footpath and Road.
- 11.46. **Municipal Reserve** means any land, or waterway or water course either owned or vested in, or under the control and management of the Council, and used or set aside as a reserve but excludes a Road and any areas leased to other parties.
- 11.47. **Municipal Transfer Station** means an area approved by the Council for the depositing of waste which may be under the day to day operational control (including the setting of fees) of a fully contracted operator.
- 11.48. **Notice to Comply** means a notice generally in the form of Schedule 2.
- 11.49. **Occupier** includes a Person having control or management or use (other than agistment) of premises whether alone or with other people.
- 11.50. **Organics** means all types of organic waste produced or accumulated in or on any land, as designated in a policy approved by Council from time to time to be organic waste for the purposes of this Local Law and published by Council in a newspaper generally circulating in the municipal district.
- 11.51. **Owner** in relation to premises means –
- 11.51.1. the Person rated or liable to be rated in respect of those premises in relation to any general rate of Council ; or
- 11.51.2. if the premises are so not rated or liable to be rated, the Person who is the owner as defined in Section 3 of the Act.
- 11.52. **Penalty Unit** means a Penalty Unit set out in section 110(2) of the Sentencing Act 1991.
- 11.53. **Permit** when used as a noun (except where the word is used specifically in relation to another piece of Legislation) means a Permit in writing granted under the provisions of this Local Law.
- 11.54. **Permit-holder** means the Person to whom clause 13.7 applies.
- 11.55. **Person** includes body corporate, an association incorporated under the Associations Incorporation Act 1981, a partnership and an unincorporated association.
- 11.56. **Planning Scheme** Means a planning scheme approved by the Planning and Environment Act 1987 that operates within the Municipal District.
- 11.57. **Port** means the Moyne River from the mouth to the pedestrian bridge and also includes all wharves and jetties within that area together with such areas known as

King George Square, Battery Lane, Battery Hill and other such areas as shown on Schedule 7 or as prescribed by Council.

- 11.58. **Port Controller** means the Person delegated to be the Port Controller under Section 44C of the Port Management Act 1995.
- 11.59. **Poultry** means any bird such as a fowl, bantam or duck that is kept for the production of eggs, or meat for human consumption, or exhibition, but does not include a rooster, goose or turkey.
- 11.60. **Premises** includes the whole or part of any –
- 11.60.1. land;
 - 11.60.2. building; or
 - 11.60.3. building under construction whether or not on or part of a public place.
- 11.61. **Prescribe** means decide by resolution of Council.
- 11.62. **Procession** means an organised group of people gathering on or proceeding along a road for the purpose of a ceremony or function and includes a fun run, bicycle event, triathlon, marathon or other similar event.
- 11.63. **Public Body** means any government department or municipal Council or body established for a public purpose by an Act of the Parliament of Victoria, and any other State or Territory of the Commonwealth, or the Commonwealth.
- 11.64. **Public Highway** is a road considered to be a public highway at common law, and includes a road –
- 11.64.1. declared to be a public highway under section 204(1) of the Act or under any other act;
 - 11.64.2. which becomes a public highway under Section 24(2)(c) of the Subdivision Act 1988; or
 - 11.64.3. in respect of which Council has the care and management under any act including pursuant to Section 205 of the Act or under the Road Management Act 2004.
- 11.65. **Public Notice** means either a notice published in a newspaper generally circulating in the municipal district of the Council chosen by the Council for the purpose or a public notice of the type defined under the Act.
- 11.66. **Public Place** includes –
- 11.66.1. any Road;
 - 11.66.2. any park, garden, reserve or other place of public recreation or resort;
 - 11.66.3. any wharf, pier or jetty;
 - 11.66.4. any market;
 - 11.66.5. any place of public resort; or

- 11.66.6. any open place which the public whether upon or without payment for admittance have or are Permitted to have access and includes any public place prescribed by Council as a public place.
- 11.67. **Recyclables** means any substances or articles designated in a policy approved by Council from time to time to be recyclables for the purposes of this Local Law and which are published by Council in a newspaper generally circulating in the municipal district.
- 11.68. **Residential Zone** means an area zoned as Residential under the Moyne Planning Scheme.
- 11.69. **Road** includes –
- 11.69.1. a street;
 - 11.69.2. a right of way;
 - 11.69.3. any land reserved or proclaimed as a street or road under the Crown Land (Reserves) Act 1978 or the Land Act 1958;
 - 11.69.4. a passage;
 - 11.69.5. a cul de sac;
 - 11.69.6. a by-pass;
 - 11.69.7. a bridge or ford;
 - 11.69.8. a footpath, bicycle path or nature strip; and
 - 11.69.9. any culvert or kerbing or other land or works forming part of the road.
- 11.70. **Road Reserve** has the meaning given to it in the Road Management Act 2004.
- 11.71. **Roadside** has the meaning given to it in the Road Management Act 2004.
- 11.72. **Schedule** means a Schedule to this Local Law.
- 11.73. **Specified Area** means –
- 11.73.1. until otherwise subsequently varied, modified or revoked in accordance with this Local Law, from the date upon which this Local Law commences, the area specified in Schedule 4; and
 - 11.73.2. any other area prescribed by Council for the purposes of Part 10 of this Local Law.
- 11.74. **Street Festival** means an organised recreational, cultural, commercial or social gathering of people that is held in full or in part on a Road.
- 11.75. **Toy Vehicle** means a vehicle other than a bicycle designed to be propelled by human power. It includes roller skates, roller blades, skateboards and similar toys.
- 11.76. **Traffic** means the movement of people by foot, or in, or on, a Vehicle along, across or within a Road.
- 11.77. **Traffic Control Device** means a traffic sign, road marking, traffic signals, or other device to direct or warn traffic on, entering or leaving a road.

- 11.78. **Traffic Control Structure** includes a post, fence, raised paving or place of refuge in or on a road –
- 11.78.1. protecting a Person on or passing along the road;
 - 11.78.2. for regulating traffic on the road; and
 - 11.78.3. for making the crossing of the road less dangerous to a Person.
- 11.79. **Tree** means any perennial plant, having one or more permanent, woody, self-supporting trunks, with branches forming a crown and includes all parts of the plant whether above or below ground.
- 11.80. **Vehicle** means a conveyance which is designed to be or is propelled or drawn by any means.
- 11.81. **Vessel Master** means the skipper, owner or Person responsible for the vessel.
- 11.82. **Waste** has the meaning ascribed to it in section 4 of the Environment Protection Act 1970.
- 11.83. A definition in this Local Law even though it might be expressed as being restricted in the extent of its application in the Local Law also applies to any Schedule, form or standard applying to or relevant to the portion of the Local Law to which the definition applies.
- 11.84. A reference to a Person by way of that Person's position with Council includes a Person –
- 11.84.1. authorised to carry out the powers, duties and functions of that position of Council;
 - 11.84.2. acting in that capacity; or
 - 11.84.3. if that position in Council ceases to exist, any Person exercising any power, duty or function which was previously a power, duty or function of the previous position.

12. EXERCISE OF DISCRETIONS

- 12.1. In exercising any discretion contained in this Local Law, the Council or an Authorised Officer or a Delegated Officer must have regard to:
- 12.1.1. the objectives of this Local Law;
 - 12.1.2. the guidelines, as appropriate, as determined from time to time;
 - 12.1.3. the Council Policies, as determined from time to time provided that such policies are not inconsistent with this Local Law; and
 - 12.1.4. the Permit Conditions, as determined from time to time.
- 12.2. The Council may, from time to time, prepare policies for use by the Council, Council staff and other persons for the purposes of this Local Law.
- 12.3. Any policies that are adopted by the Council must not be inconsistent with the objectives of this Local Law or any other documents as determined from time to time and incorporated in this Local Law.

- 12.4. The Council may, from time to time, by resolution, amend any item in the Schedules to this Local Law but any such change shall have no force or effect until formal notification has been given through the Victoria Government Gazette.
- 12.5. In preparing any Guidelines, the Council must have regard to the objectives of this Local Law.

PART 2 - PROCEDURAL

13. PERMITS AND APPLICATIONS FOR THEM

- 13.1. Wherever in this Local Law a Permit is required, Council may grant or refuse to grant the Permit or grant it, subject to conditions.
- 13.2. An application for a Permit must be –
 - 13.2.1. made in writing and include the following particulars –
 - 13.2.1.1. the name and address of the applicant;
 - 13.2.1.2. the capacity in which the applicant makes the application;
 - 13.2.1.3. a statement of the purpose for which the Permit is sought;
 - 13.2.1.4. the location of the proposed activity;
 - 13.2.1.5. the day upon and the time when the proposed activity is to take place and its expected duration;
 - 13.2.1.6. the signature of the applicant or a Person authorised to sign for and on behalf of the applicant; and
 - 13.2.1.7. such other particulars as Council may require;
 - 13.2.2. true and correct;
 - 13.2.3. forwarded to the Person or office described on the application form with a fee in the amount fixed by Council; and
 - 13.2.4. in a form –
 - 13.2.4.1. approved by the Chief Executive Officer; or
 - 13.2.4.2. if there is none approved, then in the form stipulated in Schedule 1 and in a manner which identifies the Local Law and the clause of the Local Law in relation to which the Permit is sought and also contains the information required by this clause and the relevant Local Law.
- 13.3. If required to do so by Council, an applicant must provide additional information before Council processes an application for a Permit.
- 13.4. If required to do so by Council, an applicant for a Permit must give notice of the application or invite any Person to make a submission or do both.
- 13.5. In considering an application for a Permit Council must consider –
 - 13.5.1. any policy or guideline adopted by Council relating to the subject matter of the application for the Permit;
 - 13.5.2. any written objection or written submission received in respect of the application;

- 13.5.3. any written comment made in respect of the application by any public body or community organisation; and
- 13.5.4. any other relevant matter.
- 13.6. A Permit may include any conditions which Council considers to be reasonable and appropriate (having regard to the activity authorised by the Permit and the effects or anticipated effects of that activity), including –
 - 13.6.1. a requirement that a security deposit, bond, release, indemnity or guarantee be lodged with Council to secure the proper performance of the Permit;
 - 13.6.2. a requirement that notice be given to Council as to when the activity authorised by the Permit will be carried out or will occur;
 - 13.6.3. a time limit on the Permit and on the activity authorised by it;
 - 13.6.4. provision for extension of the Permit;
 - 13.6.5. the payment of a fee or charge;
 - 13.6.6. a condition that the Permit runs with or attaches to the premises in respect of which the activity is authorised by the Permit;
 - 13.6.7. that the Permit is conditional on the happening of a certain event or prerequisite;
 - 13.6.8. a standard to be applied;
 - 13.6.9. that the Permit is conditional upon the rectification, remedying or restoration of any situation or circumstance; or
 - 13.6.10. where the applicant is not the owner of the relevant premises, the consent of the owner.
- 13.7. Unless otherwise stated in the Permit, a Permit –
 - 13.7.1. is personal and authorises only the Person named in the Permit or, failing that, the applicant to carry out the activity authorised by the Permit; and
 - 13.7.2. is not transferable without Council's consent.

14. COMPLIANCE WITH PERMITS

Every Person to whom a Permit is granted must do everything necessary to ensure compliance with the Permit and its conditions.

15. CORRECTION, AMENDMENT, CANCELLATION AND SUSPENSION

- 15.1. Council may correct a Permit if the Permit contains –
 - 15.1.1. a clerical mistake or an error arising from any accident, slip or omission; or
 - 15.1.2. a material miscalculation of figures or a material mistake in the description of any Person, premises, thing or property referred to in the Permit.

- 15.2. Council may cancel, suspend or amend any Permit at any time if –
 - 15.2.1. Council is requested to do so by the Permit-holder; or
 - 15.2.2. Council considers that there has been –
 - 15.2.2.1. a material mis-statement or concealment of fact in relation to the application for the Permit;
 - 15.2.2.2. any material mistake in relation to the grant or issue of the Permit; or
 - 15.2.2.3. any material change of circumstances which has occurred since the grant of the Permit.
- 15.3. Council may cancel or suspend a Permit at any time if Council is satisfied that there has been a substantial failure to comply with a –
 - 15.3.1. Permit condition; or
 - 15.3.2. Notice to Comply relating to the Person, premises, item or activity to which the Permit relates.

16. GENERAL PERMIT PROVISIONS

- 16.1. The holding of a Permit or compliance with a condition included in a Permit does not of itself relieve the Permit-holder from –
 - 16.1.1. compliance with any other Legislation with respect to the subject matter of the Permit; or
 - 16.1.2. liability for any damage sustained by any other Person as a result of an activity undertaken by or on behalf of the Permit-holder pursuant to the Permit.
- 16.2. A Person applying for a Permit or amendment of a Permit must not make or allow to be made any false or misleading representation or declaration in or in relation to that application or Permit.
- 16.3. Except where expressly stated in this Local Law or in the Permit, a Permit operates from the date it is granted and expires 1 year after that date.

17. POWERS OF COUNCIL

Without affecting the operation of any particular provision of this Local Law, everything an Authorised Officer is capable of doing under this Local Law is also capable of being done by Council or its Delegate.

18. FEES

- 18.1. Council may by resolution set fees and charges for the purpose of this Local Law.
- 18.2. Such resolution may allow the waiver, reduction or deferral of a fee in whole or in part with or without conditions.
- 18.3. Unless Council otherwise resolves, the fee for a Permit under this Local Law is the Appropriate Fee.

- 18.4. Despite sub-clause 18.2, Council may waive the fee for a Permit in a particular case.

19. PRESCRIPTION

- 19.1. Council will not prescribe any matter for the purposes of this Local Law unless the following procedures have been undertaken:
- 19.1.1. Council's intention to consider such matter has been advertised in a public notice including an invitation to the public to comment on such matters; and
 - 19.1.2. any comments received under 19.1.1 have been taken into consideration.
- 19.2. Any matter prescribed in accordance with this Local Law will be subject to a public notice as soon as possible after it has been prescribed.
- 19.3. A register of prescriptions (containing copies of prescriptions) will be kept by Council and made available for inspection by the public.

20. APPEALS

- 20.1. Any Person who is aggrieved by any matter under this Local Law may make a written submission for consideration by the Council within twenty-eight (28) days of the date of the matter concerned but the making of any submission will not in any way remove that Person's obligation to act in accordance with any obligations, directions, Permits or notices which are applicable under this Local Law.
- 20.2. Sub-clause 20.1 does not confer a right for a Person to make a submission under section 223 of the Act.
- 20.3. Details regarding submissions and appeal processes relating to an Infringement Notice issued under this Local Law are found in the Infringement s Act 2006.
- 20.4. Any submission or appeal under this Local Law will be considered by a panel in accordance with the Infringements Act 2006
- 20.5. On any submission on any matter under this Local Law (other than an appeal from an Infringement Notice) the decision of the Council is final, excepting only review on legal grounds to the Supreme Court of Victoria

PART 3 - DANGEROUS AND UNSIGHTLY PREMISES

21. DANGEROUS PREMISES

- 21.1. An owner or occupier of premises must not cause or allow the land to be kept in a manner which is dangerous or likely to cause danger to life or property.
- 21.2. An owner or occupier of land who is aware that there is a European or English Wasp nest on the property must have the nest removed.

22. UNSIGHTLY PREMISES

- 22.1. An owner or occupier of premises must not allow or Permit the premises to be kept in a manner which is unsightly or detrimental to the general amenity of the neighbourhood.
- 22.2. An owner or occupier of premises must not allow or Permit the naturestrip referable or directly proximate to such premises to be kept in a manner which is unsightly or detrimental to the general amenity of the neighbourhood.

23. BURNING

- 23.1. A person must not, without a Permit, burn any offensive materials in any part of the Municipal District.
- 23.2. For the purpose of clause 23.1 materials containing the following substances are offensive:
 - 23.2.1. Any manufactured chemical;
 - 23.2.2. Any rubber or plastic or foam;
 - 23.2.3. Any petroleum or oil;
 - 23.2.4. Any paint or receptacle that contains or contained paint; or
 - 23.2.5. Any other material determined to be offensive in accordance with a policy approved by Council from time to time.

PART 4 - SAFETY AND AMENITY

24. TREES AND PLANTS NOT TO OBSTRUCT OR OBSCURE

- 24.1. A Person must not allow any tree or plant or object on or growing on premises owned or occupied by him or her to obstruct or interfere with the passage of traffic by:-
- 24.1.1. overhanging any footpath or other part of the road used by pedestrians so as to impede pedestrians or be likely to cause injury or damage; or
 - 24.1.2. extending over any part of the road in such a way that it:-
 - 24.1.2.1. obstructs the view between vehicles at an intersection;
 - 24.1.2.2. obstructs the view between vehicles and pedestrians where they come close to each other;
 - 24.1.2.3. obscures a Traffic Control Device or Traffic Control Structure from an approaching vehicle or pedestrian;
 - 24.1.2.4. obscures street lighting;
 - 24.1.2.5. obstructs the safe passage of persons using devices like a pram, wheel-chair, child's pusher, walking frame or gopher;
 - 24.1.2.6. otherwise constitutes a danger to vehicles or pedestrians or otherwise compromises the safe and convenient use of the road; or
 - 24.1.2.7. in any way causes or is likely to cause damage to a road or endanger a road user.
- 24.2. For the purposes of sub-clause 24.1 a tree or plant on or growing on premises owned by or occupied by a Person is to be deemed an obstruction if it enters the air space directly above a Footpath and is within 2.0 metres of ground level (but a tree can otherwise constitute an obstruction if so determined by an Authorised Officer).

25. RECREATIONAL ACTIVITIES IN PUBLIC PLACES

A Person must not do anything in a public place which interferes with the comfort, enjoyment or safety or any other Person in that public place.

26. CAMPERVANS

- 26.1. A Person must not, without a Permit, use for sleeping purposes, any Campervan on privately owned land other than land within a caravan park licensed under the Residential Tenancies Act 1997.
- 26.2. Nothing in Sub-Clause 26.1 prevents the use of a Campervan on privately owned land for sleeping purposes for fourteen (14) consecutive nights or less.

27. HOUSE NUMBERING

To ensure that emergency vehicles can respond quickly to calls for help, and to assist people who service the property, property owners and occupiers must clearly display the street number of the property.

PART 5 - DISPOSAL OF WASTE

28. RECYCLING AND WASTE COLLECTION

To use the Recycling and Waste Collection System provided by Council, the occupier of any residential premises must:

- 28.1. use only Council-provided mobile bins or other Council-approved bins, which bins remain the property of Council and which are liable to be removed from the residential premises if, after exhausting all other options, the occupier continues to persistently place contaminated material in the bin;
- 28.2. not place any contaminated material in a mobile bin;
- 28.3. not cause contamination of mobile bins by depositing items or material in the bins other than garbage in the designated mobile garbage bin, recyclables in the designated mobile recycling bin and organics in the designated mobile organics bin;
- 28.4. if directed by Council to remove contaminated material from any mobile bin, comply with that direction;
- 28.5. if directed by Council to dispose of all contents of a mobile bin containing contaminated material, comply with that direction;
- 28.6. place the mobile bins out for collection prior to 6.00am on the day of collection or such other time as designated by Council from time to time;
- 28.7. not leave any mobile bin out for collection more than one day before or one day after a designated collection day;
- 28.8. place all mobile bins:
 - 28.8.1. adjacent to the kerb outside the front of the premises, at least half a metre clear of any fixed object or adjacent bin and, as far as practicable, free of any other obstruction to collection; or
 - 28.8.2. at an alternative collection point as approved or designated by an Authorised Officer;
- 28.9. ensure that any mobile bin (including contents) placed out for collection does not exceed 50 kilograms;
- 28.10. maintain all mobile bins in a clean and sanitary condition;
- 28.11. ensure that the area where the mobile bins are kept on the premises is kept clean and in a sanitary condition;
- 28.12. ensure that the lid of any mobile bin is closed, other than when in functional use;
- 28.13. not cause damage to any mobile bins;
- 28.14. ensure that each mobile bin is not overfilled thereby preventing the lid from being completely closed down;
- 28.15. not place out for collection any material immediately adjacent to the mobile bin; and
- 28.16. ensure that no mobile bin is removed from the premises except for collection of material in accordance with this Local Law.

29. BULK RUBBISH CONTAINERS

- 29.1. An occupier of premises who arranges for the collection of trade waste from or in respect of the premises or for the placement of a bulk rubbish container on the premises must ensure that the requirements of this Clause 29 are complied with.
- 29.2. Bulk rubbish containers or bins used for the collection and storage of trade waste must be managed to Council's reasonable satisfaction including:
- 29.2.1. constructed of impermeable material;
 - 29.2.2. watertight;
 - 29.2.3. water, fly and vermin proof;
 - 29.2.4. equipped with any removable drainage plug required by an Authorised Officer, for public health or safety or amenity reasons;
 - 29.2.5. thoroughly cleaned following each occasion when it is emptied; and
 - 29.2.6. have a fitted lid which is kept closed at all times except when trade waste is being deposited or removed.
- 29.3. Bulk rubbish containers or bins must be emptied at least weekly or more regularly if the contents become offensive.
- 29.4. An occupier of premises must ensure that:
- 29.4.1. the bin is stored and maintained in a clean, sanitary and inoffensive condition and kept clear of any footway, pavement or ground adjoining the storage area, to the satisfaction of the Council's Environmental Health Officer; and
 - 29.4.2. the storage site is supplied with a tap connection and hose of a size approved by the Council's Environmental Health Officer;

30. TRANSPORTATION OF WASTE

A Person must not convey or cause to be conveyed in any vehicle on any road in the municipal district any manure, dead animals 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:

- 30.1. no leakage occurs or other material is dropped or deposited on any road, Council land or adjacent area from the vehicle; and
- 30.2. the possibility of, or escape of offensive odours is reduced.

31. DEPOSITING OF WASTE AT A MUNICIPAL TRANSFER STATION OR LANDFILL

- 31.1. Every Person using a municipal transfer station or landfill must deposit waste in accordance with the directions of any attendant on duty or signs erected at the facility, and must pay the appropriate fee as set by Council resolution from time to time.
- 31.2. The Council may prohibit categories of waste from being deposited at any municipal transfer station or landfill.

32. SCAVENGING AT MUNICIPAL TRANSFER STATIONS OR LANDFILLS

- 32.1. A Person must not, without a Permit or direction of a Council officer, remove material of any kind which has been deposited at the municipal transfer station or landfill.
- 32.2. In deciding whether to grant a Permit under sub-clause 32.1 the Council must take into consideration:
 - 32.2.1. the nature of the material to be scavenged;
 - 32.2.2. the recyclable value of the materials to the Council;
 - 32.2.3. the number of other current Permits issued for the same purpose; and
 - 32.2.4. any other matter relevant to the circumstances associated with the application.

PART 6 - COUNCIL RESERVES

33. ACCESSING RESERVE

- 33.1. Without obtaining a Permit an owner or occupier of premises abutting a Council reserve must not -
- 33.1.1. install;
 - 33.1.2. allow to exist; or
 - 33.1.3. allow a person to gain access or egress through a door, gate or opening in the fence, wall or building on those premises to or onto the Council reserve.
- 33.2. A person must not use or gain access or egress through a door, gate or opening in a fence, wall or building on such premises which is at or near the boundary between the premises and a Council reserve and is capable of allowing passage of a person or vehicle to or from or over the reserve unless in accordance with
- 33.2.1. In the case of installation or existence, a Permit; or
 - 33.2.2. In the case of use or access or egress, written consent by an authorised officer

34. RESTRICTED USE OF RESERVE

A Person must not use a Council reserve unless –

- 34.1. that Person is authorised by Council to do so;
- 34.2. in accordance with law and allowed by law to do so;
- 34.3. pursuant to a right to do so which that Person has either alone or in common with other members of the public;
- 34.4. for a purpose consistent with that for which the reserve was reserved or acquired; or
- 34.5. in accordance with a Permit.

35. USE OF RESERVES

Unless in accordance with a Permit or the consent of the Manager and always subject to any other Legislation which may otherwise apply, a Person must not in any Council reserve –

- 35.1. place, pitch, erect or occupy for the purpose of sleeping or accommodation any camp, sleeping bag, tent, temporary shelter, caravan, trailer or vehicle;
- 35.2. operate, or allow to operate any amusement for which a charge is made;
- 35.3. sell or hire anything;
- 35.4. erect or place an advertisement or notice;
- 35.5. hold any circus, carnival, fete, festival, or fair;

- 35.6. conduct or celebrate a wedding;
- 35.7. light a fire or allow one to remain alight except in a fire place provided by Council;
- 35.8. make a collection of money for any purpose
- 35.9. interfere with, damage, destroy or remove a structure, notice, notice-board, building, seat or plant;
- 35.10. climb on or over a fence or gate;
- 35.11. use language or behave in a manner which is indecent, offensive or abusive and which may interfere with the comfort or enjoyment of another Person;
- 35.12. behave in a disorderly, boisterous or harmful manner or create or take part in a fight or disturbance which may interfere with the comfort, safety or enjoyment of another Person;
- 35.13. be or allow a nuisance;
- 35.14. do anything which may be a danger to a Person;
- 35.15. breach any Legislation which relates to the activity in which a Person wishes to be or is engaged; or
- 35.16. act contrary to a sign erected or authorised by Council or management committee in respect to the use of the reserve or the conduct of a Person in the reserve.

36. FORESHORES, COUNCIL RESERVES AND PUBLIC PLACES

- 36.1. Unless in accordance with a Permit or the consent of the Manager and always subject to any other Legislation which may otherwise apply, a Person must not drive an unauthorised vehicle on the beach other than in accordance with using the designated boat launch at Killarney, Peterborough or Port Fairy.
- 36.2. In addition to the obligation of a Person to comply with this Local Law, Council may prescribe a limit or restrict the usage of foreshores, Council reserves and public places by animals or livestock.
- 36.3. The prescription or limit or restriction of the usage of foreshores, Council reserves and public places by animals or livestock may be limited to:
 - 36.3.1. certain animals (including a dog) or livestock ; and
 - 36.3.2. may be notified by an amendment or variation of this Local Law or by the erection of a sign or signs which identifies:
 - 36.3.2.1. the prescription or limit or restriction of the usage of foreshores, Council reserves and public places; and
 - 36.3.2.2. the times during which the prescription or limit or restriction will operate.
- 36.4. A Person must comply with a sign erected by or on behalf of Council.

37. WEDDINGS AT FORESHORE, COUNCIL RESERVES AND PUBLIC PLACES

- 37.1. A Person must not, without a Permit, conduct or celebrate a wedding on foreshores, Council reserves and public places.
- 37.2. Despite anything to the contrary in this Local Law, no charge will be made for a Permit to conduct a wedding.
- 37.3. In deciding whether to grant a Permit under sub-clause 37.1 the Council must take into consideration:
 - 37.3.1. the number people attending the wedding;
 - 37.3.2. the number of other current Permits issued for the same purpose or area on the same day; and
 - 37.3.3. any other matter relevant to the circumstances associated with the application.

PART 7 - USE OF ROADS, PUBLIC PLACES AND RELATED PLACES

38. COLLECTIONS

Unless in accordance with a Permit, a Person must not solicit or collect a subscription or gift of money or goods or sell any goods or service including a raffle ticket in a public place or from building to building or to or from a Person in the public place.

39. REPAIR ETC OF VEHICLES

A Person must not wash (except where that Person has no facility off-road to do so), dismantle, paint, carry out maintenance on or (except for the purpose of removing it in the case of a breakdown) repair a vehicle on a road or allow that to occur.

40. SUBSTANCES FROM VEHICLES

40.1. A Person must not allow any petrol, grease, oil, mud, clay or any other substance to come off a vehicle onto a road or into any drain or under a road.

40.2. A Person in charge of a vehicle from which a thing of the type referred to in sub-clause 40.1 has gone onto a road or into a drain must immediately take all reasonable steps to promptly remove that thing, clean the road or drain, repair any damage and remove any hazard caused.

40.3. Where the thing or any damage or hazard remains or a Person is not able to comply with sub-clause 40.2, he or she must immediately notify Council or a member of the police of the -

40.3.1. incident;

40.3.2. damage or hazard; and

40.3.3. the current status of it.

41. DOG RESTRICTION AREAS AND ANIMAL LITTER

41.1. Unless otherwise subsequently varied, modified or revoked in accordance with this Local Law, in a public place (including a road, a road reserve or a roadside) within the townships referred to in Schedule 5 or in such other area prescribed by Council in accordance with this Local Law (for the purposes of Part 7 of this Local Law) a Person who owns or controls or is in charge of an animal (including a dog) must immediately remove and as soon as possible place in a receptacle designed for disposal of waste any excrement of that animal.

41.2. Any Person who has the control of a dog in a public place (including a road, a road reserve or a roadside) within the township areas referred to in Schedule 5 or in such area prescribed by Council in accordance with this Local Law (for the purpose of Part 7 of this Local Law) shall have in his or her possession a dedicated scooper device or bag for the purpose of the collection and removal of any excrement from that dog.

41.3. Any Person who has the control of a dog in a public place (including a road, a road reserve or a roadside) must comply with the requirements of the Dog Restriction Areas referred to in Schedule 6.

Penalty: 1 penalty unit

PART 8 - OBSTRUCTIONS AND INTERFERENCES AND NOISE ABATEMENT

42. INTERFERENCE WITH ROADS AND RELATED PLACES

Unless in accordance with a Permit, a Person must not –

- 42.1. occupy or fence off part of a road or use it other than for the purpose of a road;
- 42.2. place or erect a hoarding or overhead protective awning on or over a road;
- 42.3. place or erect anything which projects from premises onto or under any part of a road or into the air-space over any part of the road;
- 42.4. make or reinstate a hole or excavation on a road; or
- 42.5. display, remove, interfere with or damage a Traffic Control Device, Traffic Control Structure, Tree, vegetation or street furniture in or on a Road Reserve or Roadside or Public Place or Council Reserve.

43. OBSTRUCTIONS

43.1. Unless –

- 43.1.1. in accordance with a Permit;
- 43.1.2. in accordance with law; or
- 43.1.3. with the consent of the occupier

a Person must not make or place an obstruction or allow one to be made, placed or exist on any part of a road or Council premises.

43.2. For the purpose of this clause "obstruction" includes –

- 43.2.1. a hedge, heap or fence;
- 43.2.2. a ditch, hole or drain;
- 43.2.3. building material;
- 43.2.4. goods for sale;
- 43.2.5. a box or other container or receptacle (including a bulk rubbish container, waste or rubbish disposal box, skip or tray or other receptacle);
- 43.2.6. a table or chair;
- 43.2.7. a board, sign, or sandwich board
- 43.2.8. a bicycle, skateboard, scooter, wheeled recreational device (as that term is defined in the Road Safety Road Rules 2009 or motor bike except in a rank or stand provided by Council;
- 43.2.9. scaffolding or a stage, crane, awning, hoarding or hoist;

- 43.2.10. except for the immediate movement of livestock, any temporary or permanent enclosure, fence, tape or wire (including any single wire or electrical tape whether carrying an electrical current or otherwise) or
- 43.2.11. any other thing likely to cause an obstruction to any part of the road or premises if left on a road or premises.
- 43.3. Any obstruction contrary to sub-clause 43.1 may be removed and impounded by Council or an Authorised Officer, whether or not a Notice to Comply has first been given.
- 43.4. Without affecting Section 225 of the Act and clause 77, a Person who has allowed an obstruction to be made, placed or exist and which has been removed by Council or an Authorised Officer must immediately pay the cost of such removal to Council.
- 43.5. Notwithstanding this clause 43 if an industrial skip, box or other container or receptacle of a type larger than a domestic rubbish bin or container is used by an owner or occupier for domestic use which is placed upon a road, road reserve or roadside in accordance with Council guidelines (and always subject to it not being or likely to cause injury to any Person or damage to any property) and is solely used for the collection of domestic or building waste then the industrial skip, box or other container or receptacle will not be considered an obstruction if within 7 days of the industrial skip, box or other container or receptacle being first placed on the road, road reserve or roadside it is removed from that place and relocated within the boundary of the premises of the relevant owner or occupier or it is taken away and emptied.

44. PROCESSIONS, STREET FESTIVALS, SPORTING, RECREATIONAL AND SIMILAR EVENTS

- 44.1. A Person must not hold, allow to be held or participate in a street festival or procession on any other road except in accordance with a Permit and in respect of an arterial road with the prior written consent of the Victoria Police and VicRoads.
- 44.2. In relation to an application for a Permit for the purpose of sub-clause 44.1-
 - 44.2.1. where an application is to conduct an event on a road other than an arterial road, the application must be received by the prescribed time before the event is to take place;
 - 44.2.2. where an application is to conduct an event on an arterial road, the application must be accompanied by a copy of the consents from the Victoria Police and VicRoads and be received by the prescribed time before the event is to take place; and
 - 44.2.3. in addition to the information required by Clause 13.2, the application must contain the following information –
 - 44.2.3.1. if it is to be someone other than the applicant, the name, address and telephone number of a liaison Person to, through or with whom enquires, arrangements and requirements can be made;
 - 44.2.3.2. details of the liaison Person's relationship with the people or organisation referred to in sub paragraph 44.2.3.3;
 - 44.2.3.3. the identity of or details of the people or organisation on whose behalf or in respect to whom the application is being made;

- 44.2.3.4. the date and times for the event and the road use, closure or restricted access;
- 44.2.3.5. details of the road or part of it which is to be used or closed or to which access is to be restricted; and
- 44.2.3.6. details of who is intended or likely to take part in the event including the number of persons anticipated to attend.

45. UNREGISTERED OR ABANDONED VEHICLES OR SIGNS ON VEHICLES

A Person must not –

- 45.1. leave standing an unregistered vehicle (if it is of a class which requires to be or is usually registered under the Road Safety Act 1986);
- 45.2. abandon or allow a vehicle to be abandoned;
- 45.3. unless in accordance with a Permit, park any vehicle which has advertising painted or stuck directly onto or in any way attached to the body of the vehicle with the intention of advertising by directing a Person to a business address or function on
 - 45.3.1. a road, road reserve or roadside;
 - 45.3.2. or in a public place; or
 - 45.3.3. Council premises.

46. NOISE EMITTING DEVICES

Council may prescribe, limit or restrict the use of noise emitting devices (such as devices designed to create noise to frighten or discourage animals including birds), upon such terms and conditions as is considered appropriate.

PART 9 –KEEPING OF ANIMALS

47. KEEPING OF ANIMALS

- 47.1. This Part does not apply to any land:
- 47.1.1. on which a pet shop is located; or
 - 47.1.2. on which an animal hospital or veterinary practice is located; or
 - 47.1.3. if the use of the land for this purpose is Permitted under a Planning Scheme applicable to the land.
- 47.2. Subject to clause 47.3 Council may prescribe, limit or restrict the number or type of animals (including a dog or cat) or livestock which may be kept, housed or located on a property in a specific area of a municipal district (whether permanently or temporarily).
- 47.3. Where it is deemed by Council prudent or reasonable to do so, Council may issue a Permit which expressly waives or varies any of the prescriptions, limitations or restrictions affecting a property pursuant to that clause and may specify the way or manner in which the provision has been waived or varied.

Penalty: 3 penalty units

48. KEEPING OF ANIMALS, BIRDS AND REPTILES GENERALLY

- 48.1. Excluding land in the Farming Zone, unless otherwise approved by Council, an owner or occupier of land:
- 48.1.1. must not, without a Permit, keep or allow to be kept on that land more than four (4) different categories of animal on land described under Column A; or more than (6) different categories of animal on land described under Column B of Table 1;
 - 48.1.2. must not, without a Permit, keep or allow to be kept on that land more of each species or category of animal than is stated in that table; and
 - 48.1.3. must not, without a Permit, keep or allow to be kept on that land a combination of Large Animals and Medium Animals that exceeds the stocking rates prescribed in Column B.
- 48.2. Regardless of Table 1, the owner or occupier of land must not allow the keeping of animals to detract from local amenity or be a nuisance, offensive or dangerous to neighbouring properties as determined by an Authorised Officer.
- 48.3. Any permit issued under this Part must not be inconsistent with the Moyne Planning Scheme.

TABLE 1: KEEPING OF ANIMALS, BIRDS AND REPTILES- Permitted numbers of animals that may be kept on private land without the requirement to obtain a Permit.			
	Column A	Column B	Column C
Land Description	Lot <=2000m ²	Lot >2000m ²	Farming Zone
Category			
Dogs	3	4	No Permit Required
Cats	3	4	No Permit Required
Large Animals including horse cattle, pig & llama	2	2 plus 1 animal for every additional 2000m ²	No Permit Required
Medium Animals including sheep, goats, pot-belly sized pigs and miniature horse	6	6 plus 1 animals for every additional 1000m ²	No Permit Required
Small Animals including rabbits, guinea pigs and ferrets	12	24	No Permit Required
Birds including pigeons	30	60	No Permit Required
Poultry (excluding rooster)	12	24	No Permit Required
Other poultry (including ducks, geese, turkey and pheasants)	4	8	No Permit Required
Large and/or Noisy Birds including Cockatoos and Galahs	1	2	No Permit Required
Large Birds including roosters, peacocks, ostriches and emus)	1	2	No Permit Required

Note: In this table:

- ‘Farming Zone’ means zoned as Farming Zone under the Moyne Planning Scheme;
- Unless otherwise specified, the numbers contained in this table indicate the maximum number of animals that may be kept without requiring a Council Permit.
- For clarity, the defined maximum number of animals that may be kept applies to the total number of animals in any combination from each Animal Category.
 - Example 1: 3 dogs and 3 cats may be kept without the need to obtain a Permit
 - Example 2: A Permit would not be required to keep 3 horses, 4 cows and 10 sheep on land in excess of 16,000m² (1.6hectares) but required on less land
 - Example 3: A Permit would not be required to keep 2 ducks, 1 turkey and 1 pheasant on less than 2000m² of land
 - Example 4: A Permit would not be required to keep 2 horses, 2 goats, 4 sheep and 12 rabbits on 2000m² or less of land.

Penalty: 3 Penalty Units

49. COUNTING THE NUMBER OF ANIMALS

For the purpose of calculating the maximum number of animals which can be kept or allowed to be kept without a Permit under clause 48, the progeny of any animal will, for 12 weeks after their birth, be deemed not to be an animal.

50. HOUSING OF ANIMALS

An owner or occupier of land must ensure that any:

50.1. animals, other than dogs or cats; and

50.2. birds

on that land are:

50.3. kept in a secure shelter or enclosure; or

50.4. confined to the land unless they are under the effective control of a Person.

Penalty: 3 Penalty Units

51. ANIMAL ENCLOSURES

An owner or occupier of land which is:

51.1. less than two (2) hectares in area; and

51.2. located within a Residential Area or Commercial Area

must ensure that any animal shelters or enclosures on that land are maintained to the satisfaction of an Authorised Officer.

Penalty: 3 Penalty Units

52. NOISE AND SMELL FROM ANIMALS, BIRDS, PIGEONS, REPTILES AND BEES

An occupier of any land on which any animal, bird, pigeon, reptile or bee is kept must not allow any noise or smell to emanate from the animal, bird, pigeon, reptile or bee which interferes with the reasonable comfort or convenience of persons who occupy adjacent or nearby land.

Penalty: 3 Penalty Units

PART 10 -CONTROL OF LIQUOR

53. CONTINUOUS CONTROLS

53.1. Subject to clause 53.2, in respect of a Council Reserve or a Municipal Place (including in or on a stationary or moving vehicle situated in or on that place) in a Specified Area a Person must not:

53.1.1. consume liquor; or

53.1.2. be in possession or control of a container of liquor which at any time has been opened.

53.2. Clause 53.1 does not apply to

53.2.1. any area specified in an appropriate Permit; or

53.2.2. premises which are –

53.2.2.1. licensed for that purpose under the Liquor Control Reform Act 1998; or

53.2.2.2. in an area in which the consumption of liquor is authorised in accordance with a Permit under the Liquor Control Reform Act 1998.

54. COMPLIANCE WITH SIGNS

A Person must comply with a sign erected by or on behalf of Council.

55. COMPLIANCE WITH DIRECTIONS

When and in the manner required to do so by and to the satisfaction of an Authorised Officer who has reasonable grounds for believing that the Person has contravened a provision of this Local Law in respect to liquor, a Person must –

55.1. dispose of the liquor and any opened container containing it;

55.2. seal the container; or

55.3. surrender the liquor and container to the Authorised Officer.

PART 11 - MOVEMENT OF LIVESTOCK ON ROADS

56. SECURE KEEPING OF LIVESTOCK

An owner or occupier of premises used or likely to be used for the grazing or keeping of livestock must –

56.1. ensure that fencing and gates and cattle gates to the premises are adequate; and

56.2. install, repair, replace or maintain fencing, gates and cattle gates

so as to prevent any livestock from the premises straying onto a road, road reserve or roadside.

Penalty: 3 penalty units

57. LIVESTOCK ON ROADS

Subject to clause 57.8 a Person must not –

57.1. move or allow another Person to move livestock across, over or along a road, road reserve or roadside; or

57.2. allow livestock to be on the road, road reserve or roadside

unless

57.2.1. that Person erects, as appropriate to the circumstances a sign of a type which is referred to in the relevant road legislation or subsequent or replacement act; and

57.2.2. the livestock is being moved between two parcels of land forming part of the same farming enterprise; and

57.2.3. the parcels of land are separated by a road, railway line, water way or other geographical feature; and

57.2.4. the livestock leaves one parcel of the land at a point closest to the parcel of the land to which the livestock is being moved as far as is practicable; and

57.2.5. the livestock enters the other piece of land at a point closest to where the livestock exited the piece of the land from which the livestock has moved; and

57.2.6. the safety of a road user is not adversely affected; or

otherwise in accordance with a Permit.

57.3. Sub-clause 57.1 does not apply where livestock are on or moving across, over or along a road in a vehicle which is suitable for the transportation of livestock.

57.4. Wherever possible, the movement of livestock must only occur within the title boundaries of the premises used or likely to be used for the grazing or keeping of livestock.

57.5. Despite sub-clause 57.4, livestock may be moved outside of title boundaries of premises but only across, over or along the shortest and most direct route during daylight hours and, wherever possible, in fine and dry weather conditions, having

regard to the safety of road users and the protection of high conservation areas and the road.

- 57.6. Livestock must at all times be supervised by a Person who is competent in the management of livestock.
- 57.7. Council may require, as a condition of any Permit that all mud and animal excrement be removed from any road, road reserve or roadside over which the livestock has been moved or driven.
- 57.7.1. An Authorised Officer of Council may impound any livestock found moving on a road without a Permit, or in breach of any condition included in the Permit.
- 57.7.2. Any livestock impounded by an Authorised Officer must be dealt with in accordance with the Impounding of Livestock Act 1994.
- 57.8. Notwithstanding this clause 57.3, where it is deemed by Council prudent or reasonable to do so, it may, as part of the condition of the Permit expressly waive or vary any or all of the provisions referred to in Clause 57 by nominating the relevant provision and specifying the way or manner in which the provision has been waived or varied.

Penalty for a breach of clause:

57.1: **5 penalty units**

all other sub-clauses of 57: **3 penalty units**

58. REMOVAL OF MUD AND ANIMAL EXCREMENT

Notwithstanding any other provision in these Local Laws (including clause 57) an owner of livestock must ensure that there is no accumulation of mud or animal excrement on any Road, Road Reserve or Roadside which in the opinion of an Authorised Officer is likely to or may cause injury to any Person using the Road, Road Reserve or Roadside and must forthwith remove that accumulation from the Road, Road Reserve or Roadside.

Penalty: 5 penalty units

PART 12 - ROADSIDE GRAZING OF LIVESTOCK

59. GRAZING ON ROADS

Unless in accordance with a Permit, a Person must not use or allow the use of a road for the grazing of livestock.

60. POWER TO IMPOUND

60.1. An Authorised Officer of Council may impound any livestock found grazing on a road without a Permit, or in breach of any condition included in a Permit.

60.2. Any livestock impounded by an Authorised Officer must be dealt with in accordance with the Impounding of Livestock Act 1994.

Penalty: 3 penalty units

PART 13 -DAMAGE TO ROADS

61. RECOVERY OF COSTS

- 61.1. If a Person damages a road or requires the road to be cleaned or any spillage removed Council may carry out works to repair or reinstate the damage or clean or remove the spillage.
- 61.2. Council may recover the cost of carrying out the work from the Person responsible or the owner of livestock or both for the damage to the road or the cleaning of it or the removal of the spillage.

Penalty: 3 penalty units

PART 14 -PORT OF PORT FAIRY

62. BERTHING AND MOORING

- 62.1. A vessel shall use the area of the wharf identified by red and white pylons for the purpose of refuelling or unloading and shall vacate such area immediately upon completion of either.
- 62.2. No vessel shall be Permitted to tie up to any handrails or ladders on the wharf or jetty.
- 62.3. If the Port Controller provides the vessel master with 48 hours' notice in writing of such an intended change, the Port Controller may at their discretion change any vessels permanent berth for another.
- 62.4. The Port Controller may alter the position of a berthed vessel in the absence of the vessel master, if in the opinion of the Port Controller the vessel will cause obstruction to wharf maintenance works or in any way hinders the legitimate business activity of the Port.

63. LOADING AND UNLOADING OF VESSELS

- 63.1. The parking of vehicles on the access road between the wharf and the Cooperative building is only Permitted when their presence is necessary for loading or unloading a particular vessel or goods at the Co-operative building.
- 63.2. The vessel master in charge of a vessel which is unloading cargo of squid, shall ensure that the wharf or jetty surface is to be washed down and kept free from squid ink.
- 63.3. Unloading is only Permitted as directed by the Port Controller.

64. FUEL AND REFUELLING

- 64.1. No Person in charge of a vehicle shall use the vehicle for refuelling unless such vehicle has a current authorisation issued by the Port Controller.
- 64.2. All vehicles which use the wharf for the purpose of refuelling vessels must be fitted with fire extinguishers suitable to douse chemical and fuel fires, and also be fitted with 'oil spill' kits. The Port Controller must be notified of the time and name of the vessel being refuelled. The vessel master or representative must remain on the vessel at all times during refuelling.

65. DISCHARGE TO WATERS AT PORT

The vessel master in charge of any vessel within the Port shall not cause or allow to be discharged in to the water of the Port any refuse, fuel, oil, oily water, sullage or sewerage from the vessel or its scuppers.

66. EMERGENCY ACCESS AREAS

The following areas are declared to be "Emergency Access Areas" and vehicles are prohibited from parking in them except in compliance with clause 63.1

- 66.1. Battery Lane;

- 66.2. Across the gateway to the slipway and Port of Port Fairy Depot in Griffiths Street;
- 66.3. Access road between the Co-operative building and the wharf and King George Square;
- 66.4. Battery Hill Car Park area – gateway to Battery Hill;
- 66.5. Wharf access from Gipps Street and Cox Street corner – access road; and
- 66.6. Wharf access from King George Square to Angling Club.

67. REMOVAL OF MATERIALS

The master, owner or Person in charge of any vessel shall not place or store containers of oil or any other items on the wharf.

68. CLOSURE OF PORT WATERS TO TRAFFIC

The Port Controller may close all or part of the waters of the Port to water traffic for the purposes of dredging, wharf repairs and maintenance, conducting of festival type activities or any other reason where the presence of water traffic would pose a hazard.

69. PROHIBITED ACTIVITIES

- 69.1. The riding of bicycles is not Permitted on the wharf and jetties of the Port
- 69.2. The following activities are not Permitted to be conducted from or on the Port:-
 - 69.2.1. use of Toy Vehicles;
 - 69.2.2. diving and swimming;
 - 69.2.3. scuba diving without Port Controller's written consent;
 - 69.2.4. lighting of fires; and
 - 69.2.5. use of unauthorised vehicles without a Permit.

70. SPEED LIMITS ON RIVER

Within the defined area of the Port all water traffic powered by mechanical means shall not exceed 5 knots.

71. LIVING ON VESSELS

Unless in accordance with a Permit, a Person must not use a berthed vessel as a place of residence.

PART 15 - ENFORCEMENT

72. ENFORCEMENT

Without affecting any provision entitling any other Person to do so, this Local Law may be enforced by an Authorised Officer.

73. OFFENCE

A Person who –

- 73.1. does not do anything required to be done or does anything forbidden to be done by or under this Local Law;
- 73.2. allows any act or omission which is a contravention of this Local Law;
- 73.3. contravenes a Permit or a condition included in a Permit; or
- 73.4. is the owner or occupier of any premises (other than a road or other premises owned or occupied by Council, the Government or a public body) or is a driver or in control of a vehicle in or in relation to which a contravention of this Local Law occurs

is guilty of an offence and liable to a penalty not exceeding 20 penalty units and in the case of a continuing offence is liable to a penalty not exceeding 2 penalty units for each day after being found guilty of an offence during which the contravention continues.

74. NOTICES TO COMPLY AND DIRECTIONS

- 74.1. Council or an Authorised Officer may by Notice to Comply direct a Person to comply with any clause of this Local Law where there is a non-compliance by that Person or in respect to any premises, thing or property of which that Person is the owner or occupier.
- 74.2. Without affecting the generality of sub-clause 74.1 or clause 17 Council may give a Notice to Comply, direction or notice in any circumstances.
- 74.3. A Person must comply with any Notice to Comply, direction or notice directed to him or her.
- 74.4. In addition to Section 234 of the Act, a Notice to Comply, direction or notice may be served in any way in which is specified in the Infringements Act 2006.

75. INFRINGEMENT PENALTIES

75.1. A Person who:

- 75.1.1. contravenes or fails to comply with any provision under this Local Law;
- 75.1.2. contravenes or fails to comply with any condition contained in a Permit issued under this Local Law; or
- 75.1.3. contravenes or fails to comply with a Notice to Comply by the date specified in the Notice to Comply

is guilty of an offence.

- 75.2. Where an Authorised Officer believes that a Person has committed an offence against this Local Law, an Authorised Officer may –
- 75.2.1. as an alternative to a prosecution for the offence, issue an infringement notice specifying a fixed penalty as follows –
 - 75.2.1.1. where a penalty is stated at the end of that clause, for a breach of any sub- clause, that penalty;
 - 75.2.1.2. where a penalty is stated under or specifically relates to a breach of any sub- clause, the penalty that relates to that sub-clause;
 - 75.2.1.3. if no penalty is stated, 2 penalty units;
 - 75.2.1.4. a further penalty of 1 penalty unit for each date during which the contravention continues; and
 - 75.2.2. upon being found guilty of a second or subsequent offence, double the penalty stated under a provision or 6 penalty units, whichever is the lesser.
- 75.3. Where an Authorised Officer believes that a Person has committed an offence against this Local Law and has determined to serve an infringement notice, an Authorised Officer will serve or cause the infringement notice to be served on that Person.
- 75.4. In order to avoid prosecution, the Person who is served with an infringement notice must pay the fixed penalty to the Chief Executive Officer of Council at the Port Fairy Office, 1 Princes Street, Port Fairy 3284 or the Mortlake Office, 1 Jamieson Avenue, Mortlake 3272 within the timeframes specified in the Infringements Act 2006.
- 75.5. In addition to Section 234 of the Act, any infringement notice to be served on a Person under this Local Law, may be served on the Person by –
- 75.5.1. delivering the notice to the Person;
 - 75.5.2. leaving the notice at that Person's usual or last known place of residence or business with a Person apparently not less than 16 years old and apparently residing or employed at that place;
 - 75.5.3. sending the document by post addressed to the Person at that Person's last known place of residence or business; or
 - 75.5.4. where the offence involves a vehicle, placing it on or attaching it to the vehicle.
- 75.6. Where an infringement notice is directed to a Person who is the owner or occupier of premises or the owner or driver of a vehicle or is in control of it and that Person's name is not known the notice issued under this Local Law may be addressed to "the owner", "the occupier" or "the Person in control" (as the case may be).
- 75.7. The service or withdrawal of an infringement notice does not affect Council's scope to recover the cost incurred if a Person breaches Part 11 or Part 13 of this Local Law or Section 225 of the Act and proceedings may be taken to recover such amount.
76. **EVIDENCE OF SERVICE**
A statutory declaration by a Person who has served or given a notice or direction in accordance with this Local Law stating the manner, place, date and time the notice or direction was served

or given is evidence of the notice or direction having been served or given as described in that declaration.

77. COMPLIANCE WITH DIRECTIONS AND NOTICES

77.1. Where –

77.1.1. a Notice to Comply or other notice or direction is served or given pursuant to this Local Law; and

77.1.2. Section 225 of the Act does not apply; and

77.1.3. the Person served with or given the Notice to Comply or other notice or direction fails to give effect to it

Council or any other Person with the approval of Council may cause the obligation to be complied with.

77.2. Council or the Person who complies with the obligation may recover the cost of doing so from the Person who failed to do it

78. POWER OF AUTHORISED OFFICERS TO ACT IN URGENT CIRCUMSTANCES

In urgent circumstances arising as a result of a failure to comply with this Local Law, an Authorised or Delegated Officer may take action to remove, remedy or rectify the failure without the necessity to serve a written warning, Notice to Comply, or take other action, provided he or she applies any Guidelines for Urgent Circumstances as applying from time to time.

79. POWER TO IMPOUND

79.1. The Council may impound any item that encroaches upon, has been left on, interferes with or obstructs a Public Place or the use of a Public Place.

79.2. The Council may:-

79.2.1. release the impounded item to its owner on payment of a fee determined by Council, which is not to exceed an amount that reasonably represents the cost to the Council of impounding, keeping and releasing the item; and

79.2.2. sell, destroy, dispose of or give away the impounded item if the owner of the item has not paid the fee within 14 days of service of a notice under clause 79.3 or after having complied with clause 79.4 Council or any other Person with the approval of Council may cause the obligation to be complied with.

79.3. If Council impounds an item under clause 79.1 it must serve on the owner a notice in the form of Schedule 3 as soon as possible after the item is impounded.

79.4. If the identity or whereabouts of the owner of an item impounded under clause 79.1 are unknown, Council must take reasonable steps to ascertain the owner's identity and or whereabouts prior to exercising its powers under clause 79.2.

79.5. Council is entitled to retain out of the proceeds of sale of any impounded item, its reasonable costs incurred in impounding, keeping and selling the item.

79.6. In the event that the owner cannot be located within one year of the date of the Notice referred to in Clause 79.3 of this Local Law or, if the item has been disposed of

pursuant to Clause 79.2 hereof, within one year of the item being impounded, any proceeds remaining after deduction of the costs referred to in Clause 79.5 of this Local Law may be retained by the Council and paid into the Municipal fund.

PART 16 - MANAGEMENT OF COUNCIL FACILITIES

80. LICENCE FOR USE AGREEMENT

Subject to this clause Council may grant to a Person a Permit for the use of Council premises including a public place.

81. PERMIT TERMS

81.1. Without limiting Council's right to grant or refuse to grant a Permit or grant it subject to conditions, any Permit granted must be conditional upon the Person executing a licence agreement in the form approved by Council; and

81.2. The agreement must specify:

81.2.1. the name of the Person;

81.2.2. the premises to be used;

81.2.3. conditions upon which a Permit will be granted.

81.2.4. the commencement date of the licence;

81.2.5. the licence fee, if any, and the date payable;

81.2.6. the service charges Council will not pay;

81.2.7. purpose/s for which the premises may be used;

81.2.8. any maintenance/repairs for which Council will accept responsibility; and

81.2.9. any other matter or thing deemed relevant by Council.

82. REGISTER OF AGREEMENTS

Council will keep a register listing the persons with whom agreements have been executed.

SCHEDULE 1

**MOYNE SHIRE COUNCIL
GENERAL LOCAL LAW
(No.1 of 2015)
APPLICATION FOR PERMIT**

I, _____

(Name and Address)

Telephone No.: _____

Apply for a _____ Permit

(Type of Permit)

The Relevant Details are as follows –

Name and address of the Owner of the relevant premises/livestock –

Date: ____/____/____

(Signature of Applicant)

(Signature of Owner – where required)

(Name of Owner)

(Address of Owner)

Fee Payable	\$ _____
Date Paid	____/____/____
Receipt Number	_____

SCHEDULE 2

MOYNE SHIRE COUNCIL
GENERAL LOCAL LAW
(No. 1 of 2015)
NOTICE TO COMPLY

To –

.....
(Name)

.....
(Address)

You are required and directed to comply with Clause..... of Council's General Local Law. To do this you must do the following to my satisfaction before / /

What has to be done:

How:

.....

When:

.....

Where:

.....

You should contact.....(contact officer) at # (telephone:)

between the hours of 8:45am and 4:45pm for any further information about this Notice.

If you do not comply with this Notice you will be guilty of an offence and liable to a penalty as specified in the Local Law and Council may proceed to do so what the Notice requires, the cost of which, in addition to the penalty, you will be liable for.

.....
(Name of Authorised Officer)

.....
(Signature of Authorised Officer)

Date:
(insert date)

NOTE – If this Notice is not complied with, any relevant Permit may be suspended or cancelled. If you do not wish to have the Permit suspended or cancelled or be prosecuted you should comply with the directions in this Notice or give reasons in writing to Council why the Permit should not be suspended or cancelled. Where the subject matter of this Notice constitutes a breach of the Local Law, that breach can still be the subject of enforcement proceedings even if this Notice is complied with by you or not enforced by Council.

SCHEDULE 3

**MOYNE SHIRE COUNCIL
GENERAL LOCAL LAW
(No. 1 of 2015)**

NOTICE OF IMPOUNDING

To –

.....
(Name

.....
(Address)

The following item(s) has/have been impounded in accordance with Clause 79 of Council's General Local Law No. 1 of 2015.

Describe items impounded:

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

You may collect these items by attending at the municipal offices between the hours of 8:45am and 4:45pm to see the Local Laws Officers and by paying the following:

Details of Fees and Charges:

If you fail to collect the item(s) and pay the required fees and charges by(date), the authorised officer will proceed to dispose of the item(s) in accordance with Clause 79.2.

.....
(Name of Authorised Officer

.....
(Signature of Authorised Officer)

Date:
(insert date)

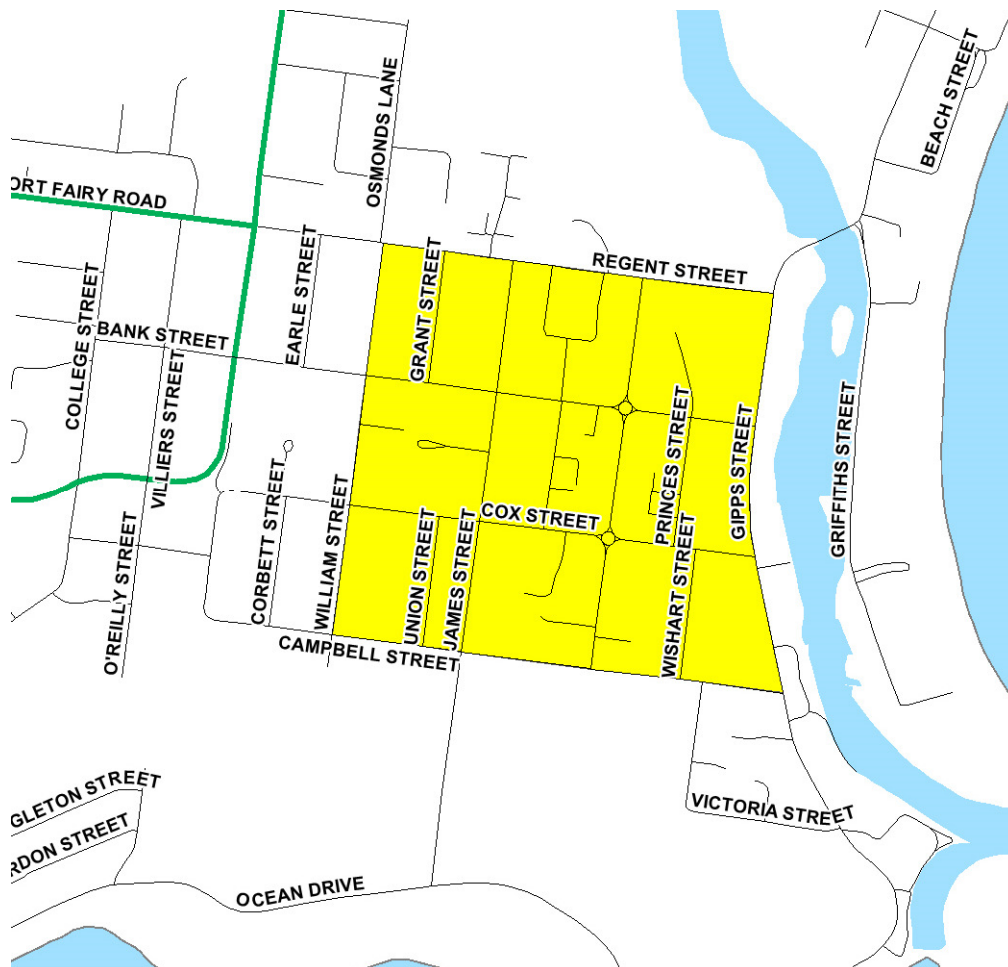
SCHEDULE 4

MOYNE SHIRE COUNCIL GENERAL LOCAL LAW (No. 1 of 2015)

PORT FAIRY - SPECIFIED AREA

The area:

- (i) bounded by Regent Street, Gipps Street, Campbell Street and William Streets Port Fairy including the streets themselves and each of their respective footpaths and road reserves or roadsides; or
 - (ii) shaded on the attached map of Port Fairy
- is a 'Specified Area' for the purpose of regulating the consumption of alcohol in public.

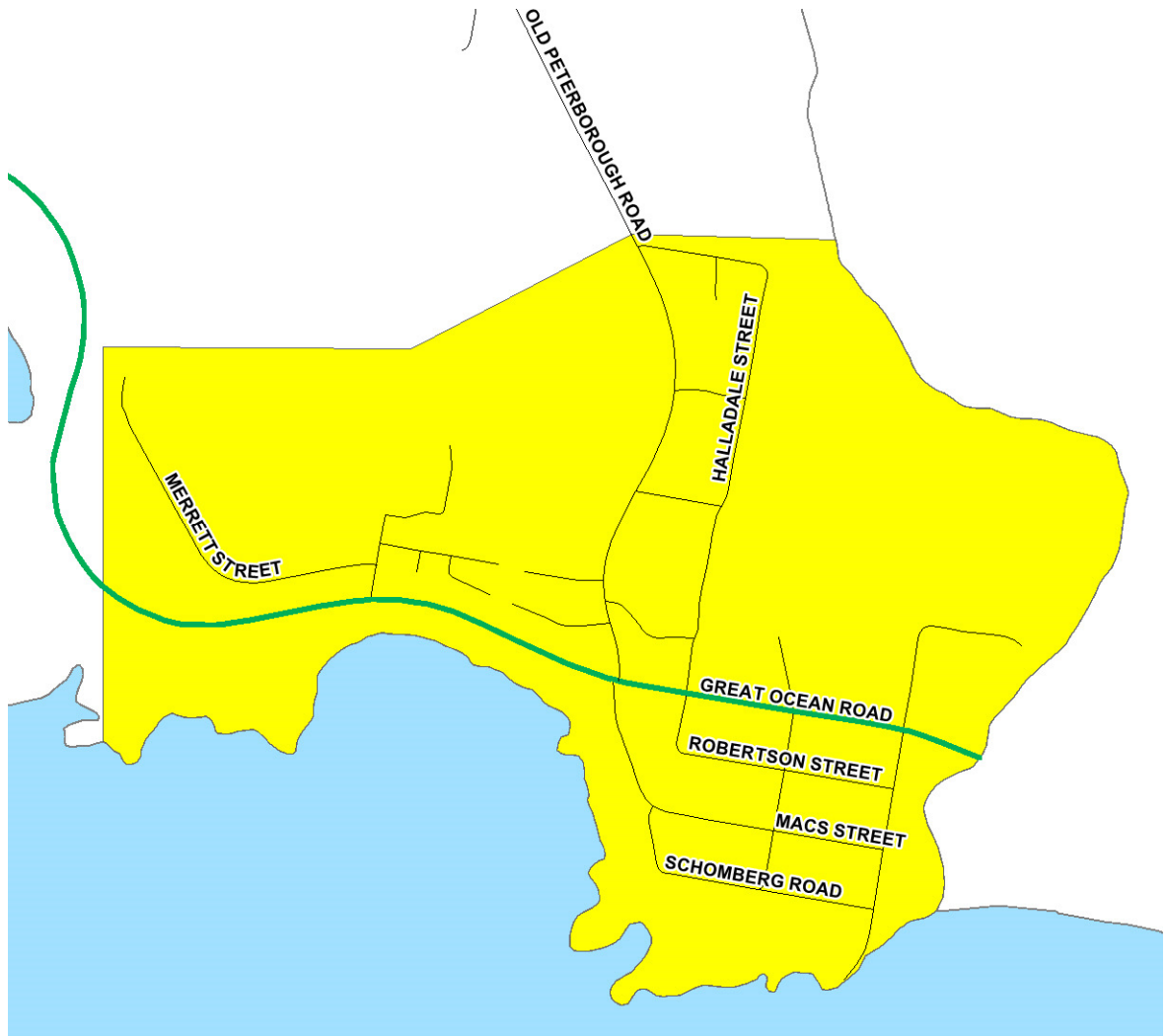


PETERBOROUGH – SPECIFIED AREA

In the township of Peterborough:

- (i) within 1 kilometre from the corner of Hamilton Street and Halladale Road including all public places and open space areas under the management of the Moyne Shire; or
- (ii) shaded on the attached map of Peterborough;

is a 'Specified Area' from 4pm New Year's Eve until 9am on New Year's day of each year for the purpose of regulating the consumption of alcohol in public.



KOROIT – SPECIFIED AREA

In the township of Koroit, the area:

- (i) of Commercial Road (Penshurst-Warrnambool Rd) between Nine Mile Creek Road and Koroit Primary School including the street itself and its footpaths and road reserves or roadsides; or
- (ii) shaded on the attached map of Koroit

is a 'Specified Area' for the purpose of regulating the consumption of alcohol in public.



SCHEDULE 5

MOYNE SHIRE COUNCIL

GENERAL LOCAL LAW

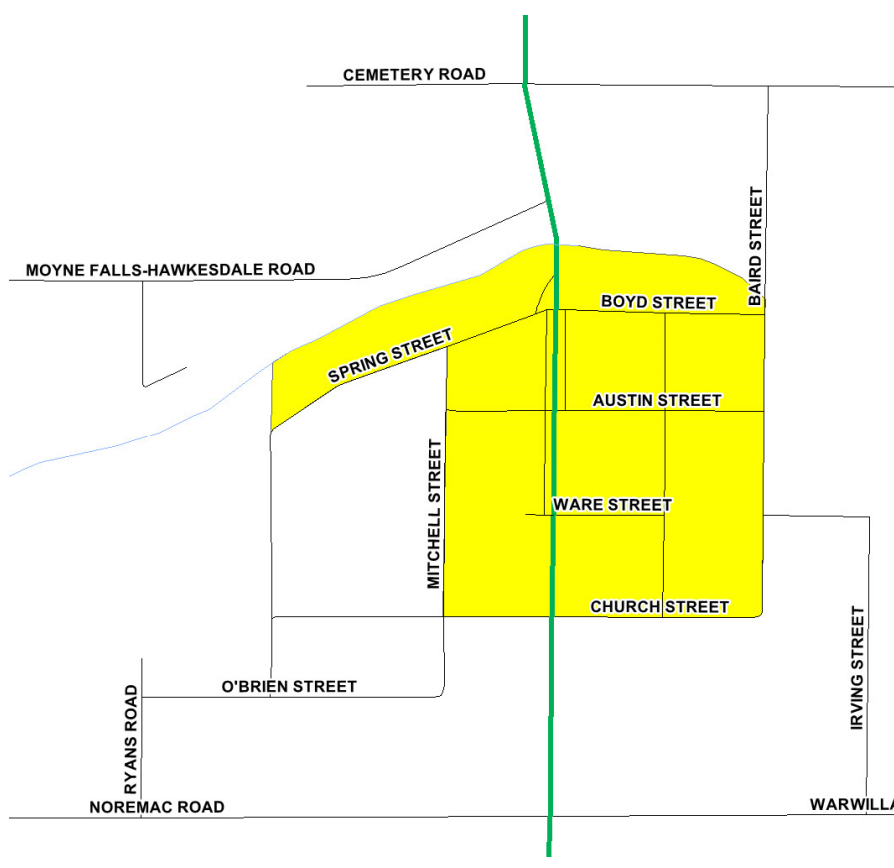
(No.1 of 2015)

ANIMAL LITTER PRESCRIBED AREA

In the area of the townships of Hawkesdale, Koroit, Macarthur, Mortlake, Port Fairy, Peterborough and such other townships as specified by Council from time to time which are:

- (a) in the area shaded on the attached maps of the relevant townships; or

HAWKESDALE



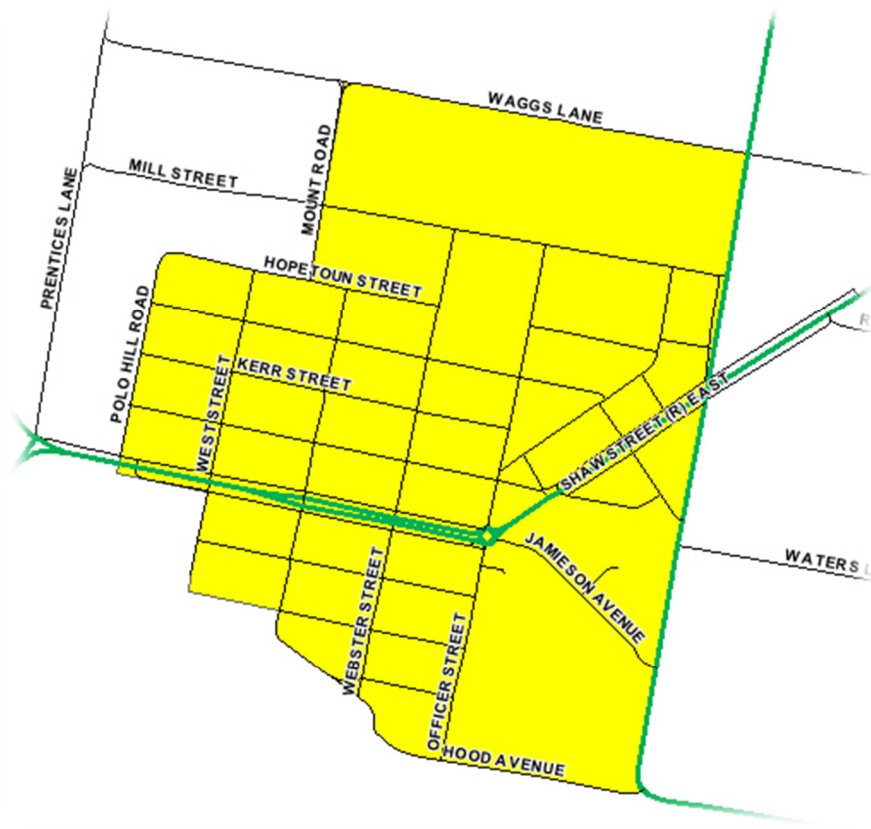
KOROIT



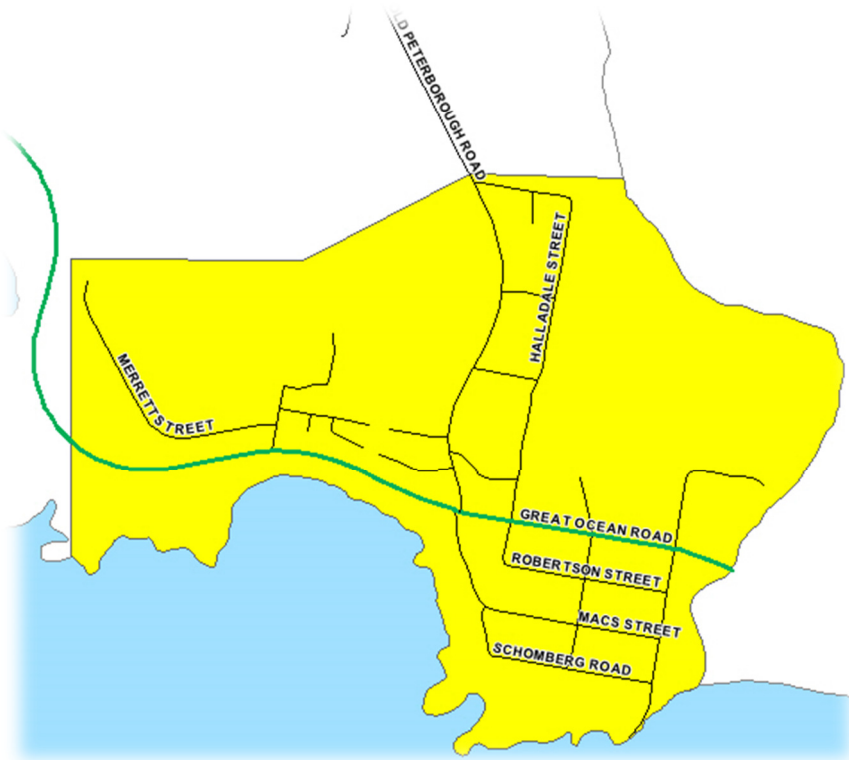
MACARTHUR



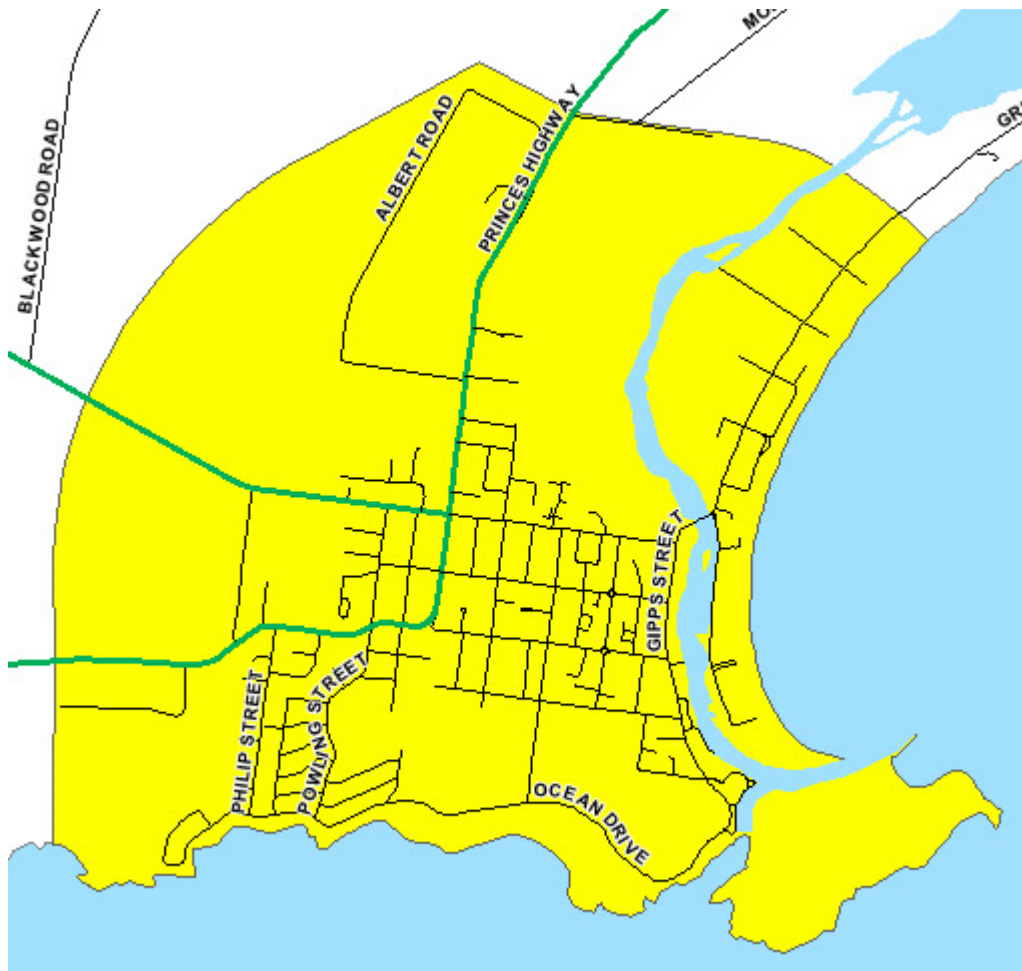
MORTLAKE



PETERBOROUGH



PORT FAIRY



- (b) are within:
- (i) in respect of **Peterborough** 1 kilometre from the intersection of Hamilton Street and Halladale Road; and
 - (ii) in respect of **Port Fairy** 2 kilometres from the intersection of Bank and James Streets.

SCHEDULE 6

MOYNE SHIRE COUNCIL
GENERAL LOCAL LAW
(No.1 of 2015)
DOG RESTRICTION AREAS

KILLARNEY BEACH



Red = Dogs Prohibited
Yellow = Dogs on-lead 1 December to 30 April inclusive
Orange = Dogs prohibited between 9am and 6pm 1 December to Easter Monday inclusive
Purple = Dogs on-lead at all times

KOROIT



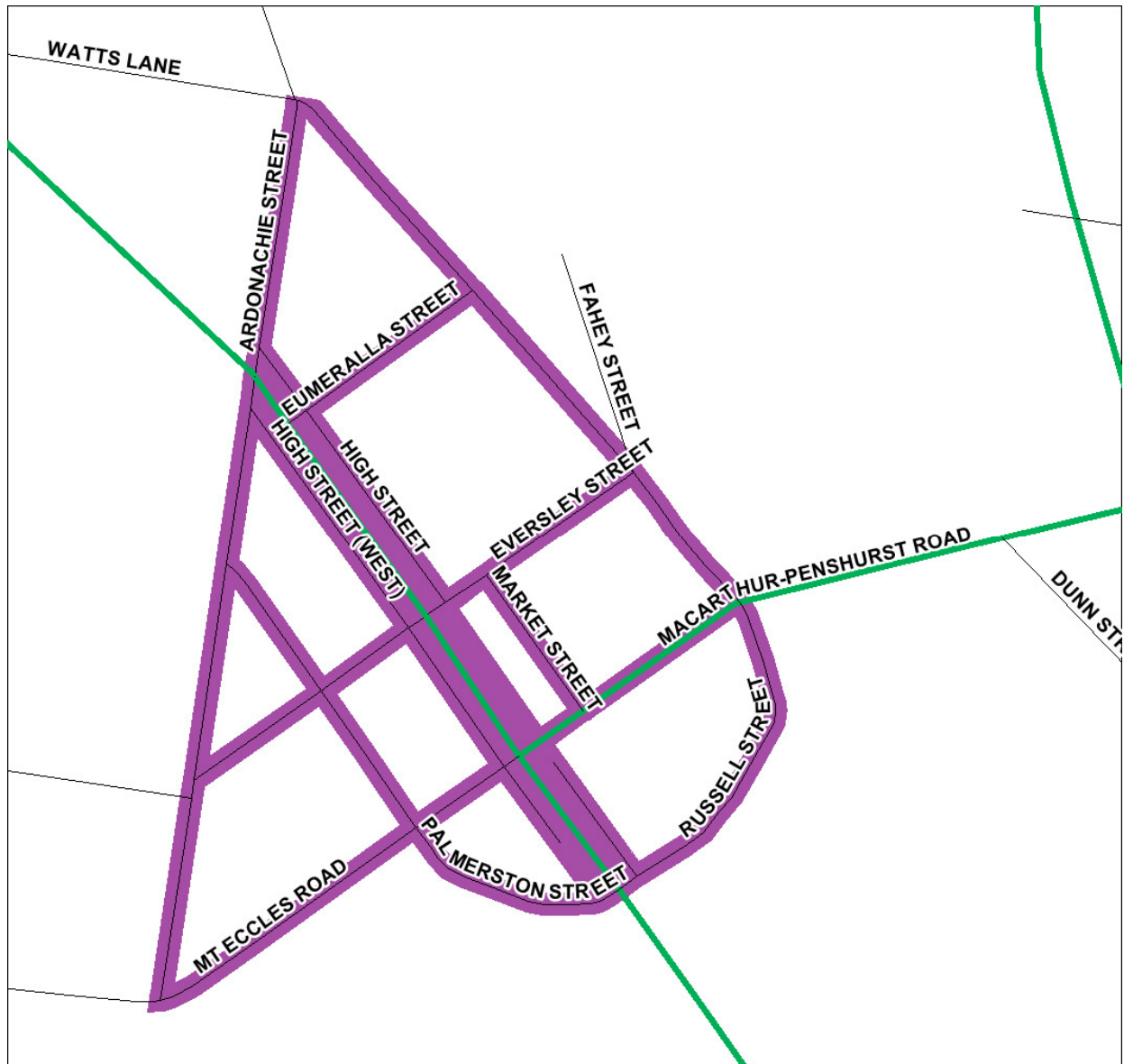
Red = Dogs Prohibited

Yellow = Dogs on-lead 1 December to 30 April inclusive

Orange = Dogs prohibited between 9am and 6pm 1 December to Easter Monday inclusive

Purple = Dogs on-lead at all times

MACARTHUR



Red = Dogs Prohibited

Yellow = Dogs on-lead 1 December to 30 April inclusive

Orange = Dogs prohibited between 9am and 6pm 1 December to Easter Monday inclusive

Purple = Dogs on-lead at all times

MORTLAKE



Red = Dogs Prohibited

Yellow = Dogs on-lead 1 December to 30 April inclusive

Orange = Dogs prohibited between 9am and 6pm 1 December to Easter Monday inclusive

Purple = Dogs on-lead at all times

PETERBOROUGH



Red = Dogs Prohibited

Yellow = Dogs on-lead 1 December to 30 April inclusive

Orange = Dogs prohibited between 9am and 6pm 1 December to Easter Monday inclusive

Purple = Dogs on-lead at all times

PORT FAIRY



Red = Dogs Prohibited

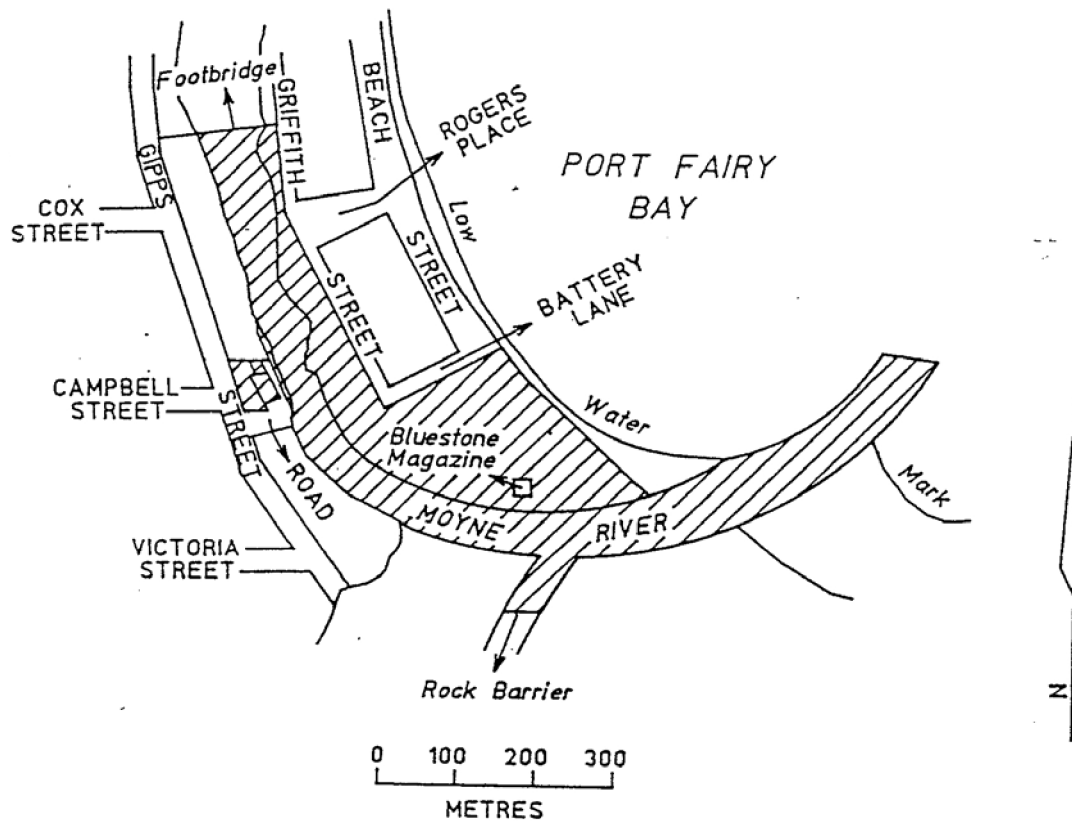
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SCHEDULE 7

**MOYNE SHIRE COUNCIL
GENERAL LOCAL LAW
(No. 3 of 2005)
PORT OF PORT FAIRY**



GENERAL LOCAL LAW NO.1 of 2015

I certify that this is a true copy of the General Local Law made by the Moyne Shire Council on 27 October 2015 in accordance with the requirements of the Act.

The Notices required to be given by Section 119(2) of the Act appeared in the Victoria Government Gazette No G19 on 14 May 2015, the Warrnambool Standard and Hamilton Spectator newspapers on 9 May 2015, the Mortlake Dispatch, Moyne Gazette and Cobden Timboon Times newspapers on 14 May 2015 and appeared on the Moyne Shire Website from 12 May 2015.

The Notices required to be given by Section 119(3) of the Act were given in the Victoria Government Gazette No G44 on 5 November 2015, the Warrnambool Standard newspaper on 31 October 2015 and the Moyne Gazette and Mortlake Dispatch newspapers on 5 November 2015.

A copy of the Local Law was sent to the Minister for Local Government on 30 October 2015.

The Local Law commenced operation on 27 October 2015 and will expire on 27 October 2025.

David Madden
Chief Executive Officer

THE COMMON SEAL of)
MOYNE SHIRE COUNCIL)
Is affixed in the presence of)

Cr Colin Ryan

Councillor

Date:

David Madden

Chief Executive officer

Date:



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SMS text number ➤ 0429 166 506

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