Mansfield Shire Council

Community Local Law

2026 - 2035



Mansfield Shire Council **Community Local Law**

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Part A – Overview

1. Title

1.1. This is Mansfield Shire Council's Community Local Law 2026-2035 and is to be known, and referred to, as the Community Local Law.

2. Purpose

2.1. The purpose of this Community Local Law is to maintain peace, order and good governance within the municipal district of Mansfield Shire by:

2.1.1. Managing inappropriate use;

2.1.2. Promoting community wellbeing;

2.1.3. Protecting the environment; and

2.1.4. Maintaining public safety and neighbourhood amenity -

across the municipal district of Mansfield Shire through fair and effective risk-based regulation.

With respect to each of the following areas, this Community Local Law sets out to achieve the following objectives:

2.2. Community Wellbeing

2.2.1. Support a safe, healthy and enjoyable environment for all residents, visitors, businesses and landowners.

2.3. Amenity and Environmental Protection

2.3.1. Protect and enhance neighbourhood amenity to support a high quality of life; and

2.3.2. Prevent or manage activities that may -

2.3.2.1. Unreasonably disrupt the local environment or amenity;

2.3.2.2. Harm public health or safety; or

2.3.2.3. Damage property, infrastructure, or community assets.

2.4. Use and Enjoyment of Land

2.4.1. Ensure that private land use is responsible, fair and does not unreasonably interfere with others' rights or enjoyment of their property; and

2.4.2. Prevent nuisances and minimise negative impacts on neighbours and the wider community.

2.5. Use of Public Spaces

2.5.1. Support vibrant and inclusive use of public spaces;

2.5.2. Encourage responsible commercial and community activities that enhance public amenity;

2.5.3. Ensure shared spaces remain accessible, safe and enjoyable for all users; and

2.5.4. Minimise unnecessary regulatory barriers while maintaining fairness and community benefit.

2.6. Animal Management

2.6.1. Promote responsible animal ownership that protects public health and neighbourhood amenity;

2.6.2. Minimise nuisance, noise, odour and waste impacts from animals kept on land; and

2.6.3 Recognise and support Mansfield's rural and farming character by allowing for appropriate animal husbandry while balancing residential expectations.

2.7. Waste and Infrastructure Protection

2.7.1. Prevent pollution, waste-related nuisance, environmental harm and damage to Council infrastructure arising from construction or private activity;

2.7.2. Minimise off-site impacts such as litter, stormwater contamination and sediment run-off; and

2.7.3. Protect public drains, roads and infrastructure from damage or degradation during building works and land use.

3. Power to make this Community Local Law

3.1. This Community Local Law is made under:

3.1.1. Section 71(1) of the *Local Government Act 2020*; and

3.1.2. Section 42 of the *Domestic Animals Act 1994*.

4. Commencement and Duration

4.1. This Community Local Law:

4.1.1. Commences on 1 July 2026; and

4.1.2. Remains in force for 10 years from that date, unless earlier revoked by Council resolution.

5. Revocation of Previous Local Laws

5.1. Upon commencement, this Community Local Law revokes *Community Local Law No. 1* which was adopted by Council on 26 June 2018.

6. Application of this Local Law

6.1. This Community Local Law applies throughout the municipal district of Mansfield Shire Council.

6.2. This Community Local Law does not apply where an activity or matter it would otherwise regulate is:

6.2.1. Permitted or required under another Act, regulation or statutory instrument; or

6.2.2. Regulated under the Mansfield Planning Scheme.

6.3. This Community Local Law refers to the Policy and Procedure Manual which forms part of this Local Law as an incorporated document.

7. Privacy Disclosure Statement

7.1. Mansfield Shire Council is committed to protecting an individual's right to privacy. The personal information collected by Council in connection with the administration and

enforcement of this Community Local Law is handled in accordance with the *Privacy and Data Protection Act 2014*.

8. Offences

8.1. Where a provision of this Community Local Law states that a permit **is required** and one is not obtained, it is considered that an offence will have occurred.

8.2. Where a provision of this Community Local Law states that a permit **is not required** if undertaken in accordance with the Policy and Procedure Manual, and that does not occur, it is considered that an offence will have occurred.

9. Definitions

Term	Definition / Meaning
Advertising Sign	Any placard, board, sign, card or banner, whether portable, affixed, or attached to any land or building, which: a) provides information about the occupier of the land or building, or a business or industry; or b) advertises goods, services, an event, person, or competition.
Alcohol	A beverage intended for human consumption with an alcohol content greater than 0.5% by volume at a temperature of 20 degrees Celsius.
Alcohol Free Zone	The area defined by any map in Schedule 1 of the Policy and Procedure Manual or such other area declared by Council from time to time by resolution as an area where the consumption of alcohol is prohibited under this Local Law.
Animal	Has the same meaning as in the *Summary Offences Act 1966.*
Appointed Agent	A person authorised in writing by an owner of a building or land to make an application, appeal, referral or representation to Council on their behalf.
Asset Protection Permit	A permit issued by Council for the protection of public assets and infrastructure during building work.
Authorised Officer	A person appointed by Council under section 224 of the *Local Government Act 1989* (or subsequent legislation) to exercise powers and functions under this Local Law and includes members of Victoria Police so appointed.
Boat	Vessel for travel on any type of water.
Builder	A person who: a) carries out building work; b) manages or arranges the carrying out of building work; or c) intends to carry out or manage or arrange the carrying out of building work.
Builder's Refuse	Any solid or liquid domestic or commercial waste, debris or rubbish and includes, but is not limited to, waste material, waste substance, or a thing generated by or in connection with building work.

Term	Definition / Meaning
Building Work	Any work associated with construction, renovation, alteration, demolition, relocation, or removal of a building and may also include landscaping, concreting, subdivision works, or road construction.
Bulk Rubbish Container	A bin, skip or other container used for the deposit of waste, excluding an approved garbage bin provided by Council for the refuse collection service.
Busk	To sound or play any musical instrument, sing, harangue or recite, perform conjuring tricks, juggle, dance, engage in miming or puppetry, or any similar performance activity.
Camp or Camping	Using a caravan, tent, motor vehicle or like structure used for the temporary accommodation of a person or persons.
Caravan	Includes a mobile home or moveable dwelling.
Commercial Waste	Any refuse, rubbish, slops or other waste matter arising from, or generated by, any trade, industry or commercial undertaking.
Council	Mansfield Shire Council.
Council Asset	Any road, drain, pathway drainage related infrastructure, street tree, street sign, and any other property vested in, or under the ownership of, Council.
Council Building	Includes any building: a) owned, occupied, or controlled by Council; or b) under the care or management of Council.
Council Land	Any land that is owned, occupied, managed, leased or licensed by Council, or otherwise under Council's control or management. This includes any road reserve, footpath, nature strip, car park, open space, reserve or public land owned, controlled or managed by Council.
Council Reserve	Any Council land designated as: a) a sports ground; b) a park or public open space; c) a nature reserve; d) any associated facility or infrastructure; or e) a site specified in this Local Law or Council resolution for public or recreational use.
Declared Noxious Weeds	A plant species as defined in the *Catchment and Land Protection Act 1994.*
Domestic Pets	Animals typically kept within a dwelling for companionship, such as dogs, cats, parrots or similar-sized animals. It does not include livestock.

Term	Definition / Meaning
Fire Danger Period	The period declared by the Country Fire Authority under the *Country Fire Authority Act 1958* as the Fire Danger Period.
Frontage	A boundary between a piece of land and an adjoining road. If a piece of land adjoins more than one road, the frontage is the boundary between the allotment and the road to which the largest building on the land fronts.
Goods	Includes, but is not limited to, produce, articles, items, tables and chairs, advertising signs, planter boxes, screens, umbrellas, heaters and anything similar.
Graffiti	Inscriptions or drawings scribbled, scratched, sprayed or otherwise applied on a surface without authority.
Large Bird	Any pigeon, cockatoo, or other bird of a similar or larger size of any age, excluding poultry.
Land	Any land that is owned, occupied, managed, leased or licensed, other than Council land.
Livestock	Includes animals such as cattle, sheep, horses, pigs, donkeys, alpacas, and llamas, or any animal used for agricultural or recreational purposes, excluding dogs and cats.
Mobile Billboard	An advertising sign which is specifically constructed to be part of a motor vehicle or pulled on a trailer by a motor vehicle.
Mobile Trading	Offering for sale any goods or services from a vehicle, caravan, trailer, table, stall or other similar structure parked on a road, public place or municipal reserve.
Movement of Livestock	Individual or regular movement of livestock from one area within the municipal district of Mansfield Shire Council to another, where the areas concerned are owned or occupied by the same person and the movement is part of the one farming enterprise undertaken within the one day.
Municipal District	The municipal district of Mansfield Shire Council.
Occupier	The person in charge of land, including a tenant, leaseholder or manager acting on behalf of the owner.
Owner	In relation to land – the registered proprietor of the land. In relation to a vehicle – the registered owner or person in possession. In relation to livestock – any person with legal or beneficial possession or custody.
Penalty Unit	A standardised monetary value used to calculate fines for offences as set out in section 110 of the *Sentencing Act 1991.*
Permit	A permit granted under this Local Law, including an Asset Protection Permit.
Person	A corporation, an association, a partnership, an organization, a business, an individual, a government or political subdivision thereof or a government agency.

Term	Definition / Meaning
Planning Scheme	The Mansfield Planning Scheme.
Policy and Procedure Manual	Means a publication by that name incorporated by reference into this Local Law.
Poultry	Includes chickens, ducks, geese, peacocks, pheasants, turkeys, guinea fowl and anything similar and of any age.
Public Place	Has the same meaning as in the *Summary Offences Act 1966* and includes Council roads, parks, footpaths, and open spaces accessible to the public.
Recreational Vehicle	A mini-bike, trail bike, motor scooter, or any motor-propelled vehicle used recreationally. It excludes: a) motorised wheelchairs; b) mobility aids; c) farm vehicles used in agricultural activities; and d) bicycles with motors under 200 watts.
Rooster	Male chicken of any age.
Rural Zone	Land within the rural zones under the Mansfield Planning Scheme.
Sell	Offering, displaying, exchanging, or keeping for sale, including via vending machines or online platforms.
Small / Low Impact Event	A small gathering with minimal infrastructure or outside contractors in use. Minimal impact to regular use of the space. Maximum of 40 people.
Substantial and/or Significant Tree	A tree with: a) a trunk diameter of 60 centimetres or greater measured 1 metre above ground level; b) a cumulative trunk diameter of 60 centimetres or greater; or c) trunk circumference at the base of 2 metres or greater.
Unsightly	With respect to land, includes land which contains one or more of the following features, or similar features: a) Unconstrained rubbish, such as paper, cardboard, plastic bags, polystyrene, household rubbish, second hand containers, or other refuse; b) Storage of second-hand timber or second-hand building materials; c) Discarded, rejected, unwanted, surplus or abandoned solid or liquid materials; d) Graffiti on exterior walls or fences; e) Machinery or similar stored on the land for more than two months;

Term	Definition / Meaning
	f) Unregistered, un-roadworthy, disassembled, incomplete or deteriorated motor vehicles or similar stored on the land for more than two months; g) Anything being built which is left incomplete and constitutes a detriment to the appearance of the surrounding area as determined by an Authorised Officer of Council; or h) Any other thing making the land visually repugnant, but - excludes an enclosed building or structure on the land which complies with the *Building Act 1993* or the *Planning and Environment Act 1987*

Part B – Use of Public Places and Roads

10. Conduct on Council Land, Buildings and Reserves

Purpose

To protect community safety, amenity and to provide equitable access to Council land, reserves, and buildings by regulating conduct and ensuring responsible use of public assets.

✅ No Permit Required

10.1. No permit is required to:

10.1.1. Walk, cycle, ride a horse, or use mobility aids (such as prams, wheelchairs, or similar items) on designated paths;

10.1.2. Park a vehicle in a designated vehicle parking area; or

10.1.3. Ride a bicycle, horse or use a mobility device on a designated shared or bicycle path -

in a manner that does not interfere with others' enjoyment of Council land, buildings or reserves.

✅ Permit Required

10.2. A person must obtain a permit to:

10.2.1. Alter, do works to, or interfere with any Council land, asset or infrastructure;

10.2.2. Sell or offer goods or services for sale on Council land that is zoned for commercial purposes unless undertaken in accordance with the Policy and Procedure Manual;

10.2.3. Erect or operate any amusement ride, structure or device on Council land;

10.2.4. Use or operate a recreational vehicle or unregistered vehicle on Council land;

10.2.5. Hold a public event, such as a festival, circus, carnival or fete on Council land;

10.2.6. Use amplification devices, including PA systems and loudspeakers on Council land;

10.2.7. Conduct personal training, bootcamps or other commercial activities on Council land; or

10.2.8. Place, erect or leave standing any fence or other potential obstruction that impedes, or is likely to impede, a motor vehicle driver, pedestrian, cyclist or other user on Council land.

Penalty for an Infringement Notice: 5 Penalty Units.

❌ Prohibited

10.3. A person must not, in or on any Council land, building, or reserve:

10.3.1. Cause a nuisance or interfere with the reasonable use or enjoyment by others; including but not limited to the following:

10.3.1.1. Endanger, threaten, intimidate or abuse another person;

10.3.1.2. Engage in indecent, offensive, insulting or riotous behaviour; or

10.3.1.3. Use offensive or abusive language;

10.3.2. Obstruct or interfere with Council staff or contractors performing their duties;

10.3.3. Contravene any sign or notice authorised by Council;

10.3.4. Tamper with or misuse lifesaving or emergency equipment (except in emergencies or during authorised training);

10.3.5. Smoke or use any vaping device inside, within 10 metres of any entry or exit of a Council building;

10.3.6. Bring into any Council building any substance, liquid or powder likely to cause harm, nuisance or soiling;

10.3.7. Bring into a Council building any animal, except an assistance animal in use by a person with a disability;

10.3.8. Bring into a Council building any vehicle, except prams, pushers, wheelchairs or approved mobility aids;

10.3.9. Light or maintain a fire, unless in a designated Council barbecue;

10.3.10. Erect, remove, deface, damage, or otherwise interfere with any Council-authorised sign or notice; or

10.3.11. Deposit a shopping trolley.

Penalty for an Infringement Notice: 5 Penalty Units.

📋 Exemptions

10.4. This clause does not apply to:

10.4.1. Council staff or contractors acting under Council authority;

10.4.2. Emergency services conducting official duties; and

10.4.3. Activities otherwise authorised by state or federal legislation.

⚠️ Enforcement

10.5. An Authorised Officer may direct a person breaching this clause to cease the activity immediately. If the person fails to comply, Council may take enforcement action, including removal or impoundment.

11. Street Trading, Signs, Goods and Street Furniture

Purpose

To provide for trading activities on Council land and public places.

☑ No Permit Required

11.1. No permit is required to:

11.1.1. Place or display any goods for sale or advertising on Council land if undertaken in accordance with the Policy and Procedure Manual; or

11.1.2. Place any furniture on Council land, if undertaken in accordance with the Policy and Procedure Manual.

✅ Permit Required

11.2. A person requires a permit to:

11.2.1. Place, erect, hang, or attach any advertising sign or similar item on or above a road or Council land;

11.2.2. Place a mobile billboard on a road or Council land;

11.2.3. Place a mobile billboard in any location where it obstructs pedestrian movement or driver visibility; or

11.2.4. Place or display anything on a road, footpath, nature strip or other Council land.

Penalty for an Infringement Notice: 5 Penalty Units.

❌ Prohibited

11.3. A person must not contravene any sign or notice authorised by Council erected on Council land or in a public place.

Penalty for an Infringement Notice: 5 Penalty Units.

📋 Exemptions

11.4 This clause does not apply to:

11.4.1. Council staff or contractors acting under Council authority;

11.4.2. Emergency services conducting official duties; and

11.4.3. Activities otherwise authorised by state or federal legislation.

⚠ Enforcement

11.5. An Authorised Officer may direct a person breaching this clause to remove the sign, goods or furniture immediately. If the person fails to comply, Council may take enforcement action, including removal or impoundment.

12. Alcohol Consumption and Possession on Council Land

Purpose

To support safe and respectful use of public spaces by regulating the consumption and possession of alcohol on Council land, in a way that promotes community amenity and responsible behaviour.

❌ Prohibited

12.1. A person must not:

12.1.1. Consume or possess alcohol in an open container in a designated alcohol-free zone as shown in Schedule 1 of the Policy and Procedure Manual; or

12.1.2. Consume or possess alcohol in an open container in any other public place, in a manner that:

12.1.3. Impacts on community safety or amenity;

12.1.4. Contributes to disorderly or offensive behaviour;

12.1.5. Breaches any applicable law or Council policy; or

12.1.6. Interferes with a licensed premises or other business.

Penalty for an Infringement Notice: 5 Penalty Units.

📋 Exemptions

12.2. This clause does not apply to:

12.2.1. Licensed premises or authorised venues under the *Liquor Control Reform Act 1998*; and

12.2.2. Events or activities conducted under a valid Council permit or other permission.

⚠️ Enforcement

12.3. If an Authorised Officer suspects that a person will:

12.3.1. Continue to consume alcohol after being directed by an Authorised Officer to stop;

12.3.2. Possess alcohol in an unsealed contained after being directed to seal it; or

12.3.3. Possess or control alcohol after being directed to dispose of it;

12.4. An Authorised Officer may:

12.4.1. Direct a person to stop consuming alcohol;

12.4.2. Direct a person to surrender alcohol in an unsealed container if they believe the person is breaching this clause; and/or

12.4.3. Seize or dispose of alcohol if the person fails to comply with this direction.

13. Events and Use of Council Land

Purpose

To provide for events on and use of Council land and public places.

✅ No Permit Required

13.1. No permit is required to organise or conduct any function, market or event in a Council building or on Council land if organised and funded by Council.

✅ Permit Required

13.2. A person requires a permit to:

13.2.1. Organise or conduct any function, market or event in a Council building or on Council land;

13.2.2. Solicit or collect money or any articles from any person for a charitable organisation, or cause or authorise another person to do so in a Council building or on Council land; or

13.2.3. Distribute to any person any advertising or promotional items or any printed material in a public place.

Penalty for an Infringement Notice: 5 Penalty Units.

❌ Prohibited

13.3. A person must not:

13.3.1. Enter or remain on Council land during hours when the facility is not open to the public;

13.3.2. Smoke in any Council building; or

13.3.3. Remain in a Council building or on Council land after being directed to leave the area by an Authorised Officer.

Penalty for an Infringement Notice: 5 Penalty Units.

📋 Exemptions

13.4. This clause does not apply to:

13.4.1. Council staff or contractors acting under Council authority;

13.4.2. Emergency services conducting official duties; and

13.4.3. Activities otherwise authorised by state or federal legislation.

⚠️ Enforcement

13.5. An Authorised Officer may direct a person breaching this clause to leave an area.

14. Impounding

Purpose

To outline how and when Council may impound items.

❌ Prohibited

14.1. A person must not:

14.1.1. Place a vehicle or item on Council land in breach of this Community Local Law; or

14.1.2. Place a vehicle on Council land or item in a manner that causes a risk of nuisance, vehicle or pedestrian accidents, congestion, distraction or delay to road users.

Penalty for an Infringement Notice: 5 Penalty Units.

⚠ Enforcement

14.2. An Authorised Officer may impound a vehicle or item if placed in contravention of this clause. Where practicable, Council must notify the apparent owner of the impoundment, either in person, by email, or in writing. An impounded item must be returned if:

14.2.1. Proof of ownership is provided; and

14.2.2. All applicable fees, as determined by Council, are paid.

14.3. If the item remains unclaimed after 30 days, Council may:

14.3.1. Sell the item to recover the costs of impoundment and disposal;

14.3.2. Donate the item to a local charity or community group if it has minimal value; or

14.3.3. Deal with any remaining proceeds in accordance with the *Unclaimed Money Act 2008.*

15. Overhanging and Encroaching Vegetation and Visibility at intersections

Purpose

To provide for the management of overhanging and encroaching vegetation, structures or objects in public places, roads and intersections, to ensure the safe and unencumbered movement of pedestrians and/or motor vehicles.

❌ Prohibited

15.1. A person must not allow vegetation, structures or objects on land owned or occupied by them to:

15.1.1. Overhang a road or footpath at a height that encumbers movement by pedestrians and/or motor vehicles;

15.1.2. Encroach onto any road, footpath, or Council managed land causing an obstruction;

15.1.2.1 to the visibility of pedestrians using footpaths; or

15.1.2.2 to the line of sight for road users to see vehicles, pedestrians or traffic signs.

Penalty for an Infringement Notice: 2 Penalty Units.

📋 Exemptions

15.2 Council may issue a permit under this clause to allow for the retention of significant vegetation which contributes to streetscape.

⚠ Enforcement

15.3 An Authorised Officer may direct a landowner or occupier breaching this clause to trim or remove vegetation, structures or objects.

16 Clothing Bins

Purpose

To provide for the management of clothing bins in public places.

✅ Permit Required

16.1 A person must obtain a permit to place, allow to be placed or allow to remain in place, a clothing bin in a public place.

Penalty for an Infringement Notice: 2 Penalty Units.

⚠️ Enforcement

16.2 Council or an Authorised Officer may direct a person breaching this clause to remove the clothing bin if placed without a permit.

17 Bulk Waste Containers

Purpose

To regulate the placement of skips bins and other bulk waste containers on public land.

✅ Permit Required

17.1 A person must obtain permit to place, or cause to be placed, a bulk waste container (such as a skip bin) on a road, footpath, nature strip or on other Council managed land.

Penalty for an Infringement Notice: 5 Penalty Units.

📋 Exemptions

17.2 This clause does not apply to:

17.2.1. Council staff or contractors acting under Council authority;

17.2.2. Emergency services conducting official duties; and

17.2.3. Activities otherwise authorised by state or federal legislation.

⚠️ Enforcement

17.3 An Authorised Officer may direct a person breaching this clause to remove the skip bin or other bulk waste container.

17.4 Where a skip bin or bulk waste container is placed without a permit:

17.4.2 Both the owner of the container and the person who arranged or caused its placement may be held liable; and

17.4.3 Council may issue a Notice to Comply directing the removal of the container by the owner or person who arranged or caused the placement of the container at their expense.

18 Occupation of Roads or Public Places for Works

Purpose

To regulate works or structures on roads and public places.

✅ Permit Required

18.1 A person must obtain a permit to:

18.1.2 Occupy, obstruct or fence off any part of a road or public place;

18.1.3 Erect scaffolding or hoardings on a road or public place;

18.1.4 Operate cranes, towers, or similar equipment over a road or public place;

18.1.5 Excavate or backfill any part of the road surface; or

18.1.6 Remove, damage, or interfere with traffic signals, signs, barriers or other road safety infrastructure.

Penalty for an Infringement Notice: 5 Penalty Units.

📋 Exemptions

18.2 This clause does not apply to:

18.2.2 Council staff or contractors acting under Council authority;

18.2.3 Emergency services conducting official duties; and

18.2.4 Activities otherwise authorised by state or federal legislation.

⚠️ Enforcement

18.3 An Authorised Officer may impound any structure, equipment or obstruction in breach of this clause.

19 Substances Deposited on a Road

Purpose

To ensure roads, drains and public places remain clear and safe for all users.

❌ Prohibited

19.1 A person must not deposit, cause or allow any mud, grease, oil, clay, cement, concrete, asphalt, debris or other substance to be deposited on any road or into any drain or public place.

Penalty for an Infringement Notice: 3 Penalty Units.

⚠️ Enforcement

19.2 An Authorised Officer may direct a person breaching this clause to remove the substance and reinstate the road, drain or public place.

20 Open Air Performances and Busking

Purpose

To regulate busking and open-air performance in public places.

✅ Permit Required

20.1 A person must obtain a permit to:

20.1.2 Perform acts such as playing music, singing, reciting, juggling, puppetry, mime, dancing or similar entertainment in a public place; or

20.1.3 Create art such as drawing, painting, or marking any image or message on public walls, footpaths, or pavements in a public place.

20.2 For the purposes of this clause, reward includes voluntary donations of money, goods or services.

Penalty for an Infringement Notice: 1 Penalty Unit.

📋 Exemptions

20.3 This clause does not apply to some specific individuals, groups or types of performances or artworks as approved by Council. Any exemption must be provided by Council in writing and may include conditions.

⚠️ Enforcement

20.4 An Authorised Officer may direct a person breaching this clause to cease the performance or busking.

21 Fireworks

Purpose

To regulate the use of fireworks in public places.

✅ Permit Required

21.1 A person must obtain a permit to discharge, or cause or allow to be discharged, any fireworks in a public place.

Penalty for an Infringement Notice: 10 Penalty Units.

⚠️ Enforcement

21.2 An Authorised Officer may direct a person breaching this clause to cease the discharging of fireworks.

Part C – Council Infrastructure

22. Protection and Use of Council Drains

Purpose

To ensure roads, drains and public places remain clear and safe for all users.

✅ Permit Required

22.1. A person must obtain a permit to:

22.1.1. Alter or interfere with any Council drain;

22.1.2. Tap into or connect to a Council drain;

22.1.3. Purposefully dispose of any waste products (whether solid or liquid) into a Council drain; or

22.1.4. Cover, obscure or obstruct access to a Council drain.

Penalty for an Infringement Notice: 3 Penalty Units.

❌ Prohibited

22.2. A person must not:

22.2.1. Destroy or damage a Council drain;

22.2.2. Allow any drain located on land they are the owner or occupier of to be in:

22.2.2.1. A condition which is a nuisance or dangerous to Council assets; or

22.2.2.2. A condition which is dangerous to human health or the environment.

Penalty for an Infringement Notice: 3 Penalty Units.

📋 Exemptions

22.3. This clause does not apply to:

22.3.1. Council staff or contractors acting under Council authority;

22.3.2. Emergency services conducting official duties; and

22.3.3 Activities otherwise authorised by state or federal legislation.

⚠️ Enforcement

22.4. An Authorised Officer may direct a person breaching this clause to reinstate the drain.

23. Protection of Council Infrastructure prior to and during Building Works

Purpose

To protect Council infrastructure during construction and building works by requiring an Asset Protection Permit prior to commencement.

✅ Permit Required

23.1. A person must obtain an Asset Protection Permit for any building works adjacent to a Council Road Reserve, that will impact that Road Reserve, before either:

23.1.1. Obtaining a Building Permit;

23.1.2. Commencing works on site;

23.1.3. Obtaining a permit for a temporary vehicle crossing; or

23.1.4. Obtaining a permit for works in the road reserve.

Penalty for an Infringement Notice: 2 Penalty Units.

❌ Prohibited

23.2. A person must not:

23.2.1. Destroy, deface, damage, or interfere with any part of Council asset;

23.2.2. Place building materials, equipment, or temporary structures on a Council asset;

23.2.3. Leave waste, soil, gravel, debris or other materials on a Council asset; or

23.2.4. Remove, cut, damage or disturb any tree or vegetation on Council land.

Penalty for an Infringement Notice: 2 Penalty Units.

⚠️ Enforcement

23.3. An Authorised Officer may direct a person breaching this clause to:

23.3.1. Rectify the infrastructure assets to the satisfaction of Council; or

23.3.2. Forfeit the amount of the bond paid to rectify the infrastructure assets on behalf of the permit holder.

24. Works within a Road Reserve and Firewood Collection

Purpose

To regulate how works are undertaken, or firewood is collected, in a road reserve owned or managed by Council.

✅ Permit Required

24.1. A person must obtain a Works in Road Reserve permit to:

24.1.1. Undertake works within a Council Road Reserve;

24.1.2. Occupy, block or fence off any portion of a Council Road Reserve;

24.1.3. Build landscaping features or retaining walls on a Council Road Reserve; or

24.1.4. Excavate, bore, or backfill any section of Council Road Reserve.

24.2. A Firewood Collection permit is required collect any wood, for the purpose of fueling a fire, or for any other purpose, from a Council Road Reserve, or on land owned or managed by Council.

Penalty for an Infringement Notice: 2 Penalty Units.

❌ Prohibited

24.3. A person must not undertake works, or collect firewood, in a Road Reserve without a permit.

Penalty for an Infringement Notice: 2 Penalty Units.

📋 Exemptions

24.4. A utility company is not required to obtain a permit to undertake works in a Road Reserve for the purposes of service connections (e.g. water supply or sewer).

⚠️ Enforcement

24.5. An Authorised Officer may direct a person breaching this clause to reinstate the Road Reserve or return any wood collected.

25. Vehicle Crossovers

Purpose

To regulate how access to properties is created or maintained within a Council managed Road Reserve.

✅ Permit Required

25.1. A person must obtain a Vehicle Crossover permit to:

25.1.1. Construct a temporary vehicle crossover;

25.1.2. Construct a permanent vehicle crossover;

25.1.3. Relocate a vehicle crossover;

25.1.4. Close or discontinue a vehicle crossover; or

25.1.5. Repair or reconstruct a vehicle crossover.

Penalty for an Infringement Notice: 5 Penalty Units.

❌ Prohibited

25.2. A person must not:

25.2.1. Cause or allow or drive a motor vehicle from or onto land other than by an appropriate vehicle crossover; or

25.2.2. Access the land except via a designated crossover.

Penalty for an Infringement Notice: 5 Penalty Units.

📋 Exemptions

25.3. This clause does not apply to cleaning debris from crossover culverts.

Part D – Amenity and Safety

26. Property Numbering

Purpose

To ensure that all properties are appropriately numbered and are able to be identified.

Requirements

26.1. The owner or occupier of land must ensure that the property number assigned by Council is:

26.1.1. Clearly displayed in a location that ius visible from the adjoining road; and

26.1.2. Is made of materials that are durable and easy to read.

Penalty for an Infringement Notice: 5 Penalty Units.

✅ No Permit Required

26.2. A permit is not required to place and display a property number within the frontage of land.

⚠️ Enforcement

26.3. An Authorised Officer may direct a person breaching this clause to clearly display the property number.

27. Storage on Land and Condition of Land

Purpose

To regulate the condition of private land in the municipal district.

✅ No Permit Required

27.1. A permit is not required to store the following items on private land:

27.1.1. Unregistered vehicles;

27.1.2. Caravans, boats or trailers in a serviceable condition;

27.1.3. Machinery or vehicles that are stored, assembled or dismantled;

27.1.4. If no building permits have been issued, building materials for up to 90 days; or

27.1.5. If a valid building permit has been issued, building materials for the time that the permit is valid -

provided that the storage is managed to ensure the amenity, community safety, visual and noise impacts remain at an acceptable standard.

✅ Permit Required

27.2. A person must obtain a permit to:

27.2.1. Store any substance which is dangerous or is likely to cause danger to life or property, unless in accordance with accepted agricultural practices;

27.2.2. Store or use of temporary buildings, or other similar structures;

27.2.3. Assemble or dismantle machinery, materials or goods unless for personal or recreational use of the owner or occupier of the land and not for financial gain;

27.2.4. Store buildings in the process of being relocated, including removable houses;

27.2.5. Operate scare guns or similar devices for bird or wildlife control, unless in accordance with accepted agricultural practices and subject to noise management requirements;

27.2.6. Store caravans, boats or trailers that are in a dilapidated condition; or

27.2.7. Store parts of vehicles.

Penalty for an Infringement Notice: 5 Penalty Units.

❌ Prohibited

27.3. A person must not allow land to be kept in a condition that:

27.3.1. Is dangerous or likely to pose a risk to health, life, or property;

27.3.2. Is unsightly, offensive or detrimental to the amenity of the area; or

27.3.3. Interferes with the reasonable comfort of any person, including by:

27.3.3.1. The escape of dust, smoke or fine particulate matter;

27.3.3.2. The emission of light, noise or odours;

27.3.3.3. The harbouring of rubbish; or

27.3.3.4. The containment of disused excavation or waste material -

27.3.4. Harbours declared noxious weeds, other weeds or excessive vegetation;

27.3.5. Is a haven for vermin, insects, rodents, reptiles or European wasps.

Penalty for an Infringement Notice: 5 Penalty Units.

📋 Exemptions

27.4. This clause does not apply to agricultural activities carried out in accordance with accepted farming practices, provided that:

27.4.1. Noise and other impacts are managed to avoid unreasonable disturbance to neighbouring residential properties;

27.4.2. Activities comply with relevant state legislation and codes of practice; and/or

27.4.3. Scare guns or similar devices are operated in a manner that minimises noise impacts, in accordance with Environment Protection Authority guidelines and any local restrictions on use.

⚠️ Enforcement

27.5. An Authorised Officer may direct a person breaching this clause to rectify, remove or make good their property.

28. Placement of Shipping Containers

Purpose

To regulate the placement of shipping containers on private property.

✅ No Permit Required

28.1. A permit is not required to store, keep or place a shipping container on privately owned land in circumstances where:

28.1.1. The shipping container is placed solely to support current building works;

28.1.2. The placement meets the requirements of clause 62.02 of the Planning Scheme; and

28.1.3. The storage is managed to ensure the amenity, community safety and noise impacts remain at an acceptable standard.

✅ Permit Required

28.2. A person must obtain a permit to store, keep or place a shipping container on privately owned land where the conditions listed in this clause under the heading *'No Permit Required'* are not met.

Penalty for an infringement Notice: 5 Penalty Units.

⚠️ Enforcement

28.3. An Authorised Officer may direct a person breaching this clause to remove a shipping container from any land.

29. Protection of Substantial and/or Significant Trees

Purpose

To allow for the protection of substantial and/or significant trees in the municipal district.

✅ Permit Required

29.1. A person must obtain a permit to:

29.1.1. Remove, destroy, prune, or otherwise interfere with a substantial and/or significant tree on any land; or

29.1.2. Cut or interfere with overhanging branches from a substantial and/or significant tree located on another property.

Penalty for an Infringement Notice: 5 Penalty Units.

❌ Prohibited

29.2. A person must not remove, destroy, prune, ringbark, or otherwise interfere with a substantial and/or significant tree, unless a permit has been issued by Council.

Penalty for an Infringement Notice: 5 Penalty Units.

📋 Exemptions

29.3. This clause does not apply to works undertaken on substantial and/or significant trees where:

29.3.1. The action is authorised by a valid planning permit;

29.3.2. The tree is located within a designated Bushfire Prone Area or Bushfire Management Overlay (BMO) and removal complies with applicable bushfire exemptions within the Planning Scheme;

29.3.3. The action is required by law or directed by an Authorised Officer;

29.3.4. The tree meets any exemption criteria listed in the Procedure and Protocol Manual;

29.3.5. Council staff or contractors are acting under Council authority;

29.3.6. Emergency services are conducting official duties;

29.3.7. The activities are authorised by state or federal legislation; or

29.3.8. The trees have been planted for timber production.

⚠️ Enforcement

29.4. If a substantial and/or significant tree is interfered with unlawfully, both the offender and the owner or occupier of the land on which the tree is located may be held liable.

30. Nature Strip Landscaping

Purpose

To allow for landscaping on road reserves and nature strips where appropriate.

✅ Permit Required

30.1. A person must obtain a permit to undertake landscaping, (excluding planting of grass), on a nature strip or road reserve.

Penalty for an Infringement Notice: 2 Penalty Units.

❌ Prohibited

30.2. A person must not place or use loose stones, pavers, artificial turf or other hard surfaces that may pose safety risks on a road reserve or nature strip.

Penalty for an Infringement Notice: 2 Penalty Units.

⚠️ Enforcement

30.3. An Authorised Officer may direct a person breaching this clause to rectify, remove or make good the nature strip or road reserve.

31. Camping and Caravans in a Public Place

Purpose

To regulate the use of public land for camping.

✅ Permit Required

31.1. A person must obtain a permit to establish or make use of a campsite in either a public place, municipal reserve or on Council land in a caravan, tent, motor home, or any other temporary or makeshift structure.

Penalty for an Infringement Notice: 4 Penalty Units.

⚠️ Enforcement

31.2. An Authorised Officer may direct a person breaching this clause to leave immediately.

📋 Exemptions

31.3. This clause does not apply to designated camping areas under management of other government authorities.

32. Camping and Caravans on Private Land

Purpose

To regulate camping and the use of caravans on private land while allowing reasonable short-term stays that reflect the Shire's lifestyle and visitor economy.

✅ No Permit Required

32.1. No permit is required for camping or caravan use on privately owned land provided that:

32.1.1. A dwelling exists on the land;

32.1.2. Camping or caravan use does not exceed 28 consecutive days at any one time up to a maximum of 28 days per annum;

32.1.3. No rent, licence fee or charge is paid for the occupation;

32.1.4. Adequate toilet and wastewater facilities are available and do not cause a health risk, nuisance or environmental harm; and

32.1.5. The use is managed so that amenity, community safety and noise impacts are maintained to an acceptable standard.

✅ Permit Required

32.2. A person must obtain a permit when any of the conditions listed in this clause under the heading '*No Permit Required*' are not met.

Penalty for an Infringement Notice: 4 Penalty Units.

❌ Prohibited

32.3. A person must not undertake camping or the use of caravans on private land if compliance with the above conditions cannot be met.

Penalty for an Infringement Notice: 4 Penalty Units.

⚠️ Enforcement

32.4. An Authorised Officer may direct a person breaching this clause to leave immediately.

33. Open Air Burning

Purpose

To regulate open air burning in the municipal district.

✅ Permit Required

33.1. A person must obtain a permit to undertake Open Air Burning on land that is less than 0.4 hectares (1 acre/4000 sqm) in size.

Penalty for an Infringement Notice: 5 Penalty Units.

❌ Prohibited

33.2. A person must not undertake any Open Air Burning in the following circumstances:

33.2.1. During the Fire Danger Period or on Total Fire Ban days;

33.2.2. When the substance being burnt could be:

33.2.2.1. Dangerous to the health of any person; or

33.2.2.2. Offensive to any person - or

33.2.3. When it is undertaken in a manner that causes a hazard, risk or nuisance to another person or property.

Penalty for an Infringement Notice: 5 Penalty Units.

📋 Exemptions

33.3 No permit is required to undertake Open Air Burning in the following circumstances:

33.3.1 The fire is lit for the following purposes:

33.3.1.1 Cooking;

33.3.1.2 Heating when contained in a fire proof receptacle; or

33.3.1.3 Lit by a member of the Country Fire Authority or other approved agency, in the course of their duty.

33.3.2 The property is larger than 0.4 hectares and the Open Air Burning is for fuel reduction purposes, provided that the following requirements are met;

33.3.2.1 The land is not located in a Residential Zone (with the exception of land in the Low Density Residential Zone), Commercial Zone or Industrial Zone;

33.3.2.2 Burning does not take place during the Fire Danger Period or on Total Fire Ban days;

33.3.2.3 The burn is solely for fire prevention purposes;

33.3.2.4 Notification is made to Fire Permits Victoria;

33.3.2.5 Neighbours are given at least 24 hours' prior notice;

33.3.2.6 A minimum 3-metre wide fuel break is maintained around the burn site;

33.3.2.7 Wind speeds at the time and location of the burn do not exceed 19 km/h;

33.3.2.8 Only dry vegetation from the property is burned (no plastic, rubber, treated timber, or other prohibited materials); and

33.3.2.9 Adequate tools and a water supply, to control the fire are available on-site at all times during the burn.

⚠ Enforcement

33.4 An Authorised Officer may direct a person breaching this clause to extinguish the fire immediately.

34. Use of Recreational Vehicles

Purpose

To regulate the use of recreational vehicles within the municipal district, ensuring safety and amenity while allowing reasonable use on private land.

✅ No Permit Required

34.1. A permit is not required to use a recreational vehicle (including dirt bikes, ATV's or buggies) on private land within a Rural Zone, as defined by the Planning Scheme, for personal or recreational purposes provided that the use:

34.1.1 Does not cause unreasonable detriment to the amenity of the neighbourhood, including excessive dust or ongoing noise;

34.1.2 Does not occur during prohibited times, including late-night hours; and

34.1.3 Does not pose a safety risk to any person.

✅ Permit Required

34.2 A person must obtain a permit to:

34.2.1 Use a recreational vehicle (including dirt bikes, all-terrain vehicles, or buggies), on private land within Residential, Commercial or Industrial Zones, as defined by the Planning Scheme;

34.2.2 Use, or organize the use of a recreational vehicle on rural land where the activity is for commercial purposes or organized events other than farming; or

34.2.3 Use a recreational vehicle on rural land where the conditions in this clause under the heading '*No Permit Required'* are not met.

Penalty for an Infringement Notice: 5 Penalty Units.

❌ Prohibited

34.3 A person must not:

34.3.1 Ride an unregistered recreational vehicle on Council land or a municipal road reserve; or

34.3.2 Knowingly allow another person to ride an unregistered recreational vehicle on Council land or a municipal road reserve.

Penalty for an Infringement Notice: 5 Penalty Units.

⚠️ Enforcement

34.4 An Authorised Officer may direct a person to cease use and may impound a recreational vehicle being used in contravention of this local law.

Part E – Animals, Birds and Livestock

35. Number of Animals that may be kept on any Land

Purpose

To regulate the number of animals that may be kept on private land in the municipal district.

✅ Permit Required

35.1. A person must obtain a permit to keep, or allow to be kept, or remain on any private land, more animals or birds above those listed in the table of exemptions below.

Penalty for an Infringement Notice: 2 Penalty Units.

📋 Exemptions

35.2. A permit is not required to keep, or allow to be kept, or remain on any land, the following number of animals:

Type of animal *	Land less than 1000m^2 *	Between 1000 – 4000m^2 *	Land greater than 4000m^2 *
Dogs	2	2	4
Cats	2	2	4
Poultry	5	15	Not limited by this Community Local Law
Roosters, peacocks and donkeys	Not permitted	Not permitted	Not limited by this Community Local Law
Pigs	Not permitted	Not Permitted	Not limited by this Community Local Law
Other large birds (excluding peacocks, poultry and roosters)	5	15	Not limited by this Community Local Law
Livestock	Not permitted	Maximum density of one animal every 2000m2 of open land (excluding buildings)	Not limited by this Local Law
Maximum total number of animals of any kind	14	20	Not limited by this Community Local Law

35.3 A permit is not required to keep or allow to be kept or remain, the following animals on land

in a Rural Zone under the Planning Scheme:

35.3.1 A total of 4 or less dogs;

35.3.2 A total 4 or less cats;

35.3.3 Any large bird or poultry (excluding roosters) that is less than 12 weeks old; or

35.3.4 Any dog or cat that is less than three months old.

35.3.5 The above limits do not apply to working dogs on rural land where the owner or occupier:

35.3.6 Can show the dogs are actively used to herd or manage livestock;

35.3.7 Meets the requirements set out by Agriculture Victoria under the Farm Working Dogs guidelines; and

35.4 Provides evidence of eligibility to Council upon request.

Note: This clause does not apply to a Domestic Animals Business registered under the Domestic Animals Act 1994.

⚠ Enforcement

35.5 An Authorised Officer may direct a person breaching this clause to reduce the number animals in accordance with the table or to seek permission to retain additional animals.

36. Keeping of Animals on Private Property

Purpose

To regulate how animals are kept on private property.

Requirements

36.1. The owner or occupier of any land on which any animal is kept must ensure that:

36.1.1. The place where the animal is kept is:

36.1.1.1 Maintained so as not to cause any nuisance to any other person or create a condition which is offensive or injurious to health from noise or smell or any other nuisance which interferes with neighbours comfort or enjoyment of their property; and

36.1.1.2 Adequately fenced or has other adequate confinement or restraint system to prevent the animal from being at large or escaping;

36.1.2 The animal is provided with adequate clean drinking water at all times, and

36.1.3 The animal is provided with adequate sustenance.

Penalty for an Infringement Notice: 5 Penalty Units.

⚠ Enforcement

36.2 An Authorised Officer may direct a person breaching this clause to ensure that the animal is kept in a reasonable manner or remove the animal from the property.

37. Animal Waste in Public Places

Purpose

To regulate how people manage animal waste in public places.

❌ Prohibited

37.1. Outside the land on which it is normally kept, a person who has the care or control of an animal must:

37.1.1. Immediately remove the animal's excrement and lawfully dispose of it as litter;

37.1.2. Carry a litter device suitable for cleaning up and removing animal excrement and must produce that device upon request by an Authorised Officer;

37.1.3. Remove any livestock excrement from any surface designed for, and used by, pedestrians; and

37.1.4. Not sweep, wash, or place animal excrement onto a public place.

Penalty for an infringement Notice: 2 Penalty Units.

⚠️ Enforcement

37.2. An Authorised Officer may direct a person to clean up and remove any animal excrement from public places.

38. Livestock on Roads

Purpose

To ensure the safe and controlled movement and grazing of livestock in the municipal district on Council managed roads and public spaces, and to prevent hazards, damage, or nuisance arising from livestock on Council roads, reserves, or land.

✅ Permit Required

38.1. A permit is required to allow livestock to graze on any Council road, municipal reserve, or Council managed land.

Penalty for an Infringement Notice: 10 Penalty Units.

❌ Prohibited

38.2. A person must not allow livestock to:

38.1.1 Be at large or not securely confined;

38.2.2 Be present on any Council road; or

38.2.3 Be present on land not owned or occupied by the person.

📋 Penalty for an Infringement Notice: 10 Penalty Units.

⚠ Enforcement

38.2 A person in charge of livestock must immediately comply with any lawful direction given by an Authorised Officer or emergency service for the management, relocation, or removal of livestock. An Authorised Officer may seize and impound any livestock found in breach of this clause in accordance with Council's impounding procedures.

Part F – Waste Collection Service

39. Kerbside Bin Collection

Purpose

To ensure appropriate use of kerbside bins across the municipal district.

❌ Prohibited

39.1 A person must not:

39.1.1 Place waste or other materials into a Council issued bin belonging to another person without their permission;

39.1.2 Place any of the following prohibited materials in a Council-issued bin:

39.1.2.1 Hazardous waste or chemicals;

39.1.2.2 Hot ashes or smouldering materials;

39.1.2.3 Gas cylinders or pressurised containers;

39.1.2.4 Building or renovation waste (e.g. bricks, soil, rubble);

39.1.2.5 Medical or veterinary waste (including syringes);

39.1.2.6 E-waste (e.g. computers, E-cigarettes/vapes, batteries, electrical items); or

39.1.2.7 Tyres -

39.1.3 Damage, destroy, or remove a bin issued by Council;

39.1.4 Interfere with materials placed out for collection by Council or its contractors; and/or

39.1.5 Place bins in a position that:

39.1.5.1 Obstructs vehicle traffic; or

39.1.5.2 Blocks safe pedestrian access along a footpath.

Penalty for an Infringement Notice: 3 Penalty Units.

Requirements

39.2 The owner or occupier of land to which Council supplies a Council issued bin must:

39.2.1 Place the bin out the night prior to collection day;

39.2.2 Keep bins clean, in good working condition, and free from offensive odours;

39.2.3 Store bins on the property to which they are assigned;

39.2.4 Not overfill bins so that the lid cannot close;

39.2.5 Immediately clean up any waste spilled onto the road or footpath; and

39.2.6 Return the bin to within the property boundary within 24 hours of collection or arrange for its return.

⚠ Enforcement

39.3 An Authorised Officer may direct an owner or occupier, in writing to:

39.3.1 Install, repair, or replace screening or fencing; or

39.3.2 Modify bin storage arrangements if the bins are considered unsightly, hazardous or detrimental to neighbourhood amenity.

40. Misuse of Public Rubbish Bins

Purpose

To ensure appropriate use of public bins across the municipal district.

❌ Prohibited

40.1 A person must ensure that the following items are not placed in a rubbish bin in a public place:

40.1.1 Household rubbish or recyclable goods generated in a household;

40.1.2 E-waste (e.g. computers, E-cigarettes/vapes, batteries, electrical items); and

40.1.3 Rubbish or recyclable goods generated by camping activities.

Penalty for an Infringement Notice: 2 Penalty Units.

Requirements

40.2 A person must ensure that any rubbish or recyclable goods generated by camping activities are disposed of at the persons normal place of residence or at a Council Resource Recovery centre.

⚠ Enforcement

40.3 An Authorised Officer may direct the person to remove the refuse or recyclable goods.

41. Bulk Rubbish Containers on Private Land

Purpose

To regulate the placement of skips bins and other bulk waste containers on private land.

Requirements

41.1 The owner or occupier of private land that contains a skip bin or bulk rubbish container must:

41.1.1 Keep the land free of unsightly refuse in or around the bulk rubbish container;

41.1.2 Place the bulk rubbish container in a location which avoids the possibility of illegal dumping due to ease of access to the bulk rubbish container from a public place;

41.1.3 Appropriately screen the bulk rubbish containers so that it is not in public view; and

41.1.4 Install a suitable cover to the bulk rubbish container to prevent rubbish being blown out by wind.

Penalty for an Infringement Notice: 2 Penalty Units.

⚠ Enforcement

41.2 An Authorised Officer may direct a person breaching this clause to remove the skip bin or other bulk waste container.

42. Conduct at the Resource Recovery Centre

Purpose

To regulate behaviour of persons at Council's Municipal Resource Recovery Centres.

❌ Prohibited

42.1 A person must not do any of the following at the Resource Recovery Centres:

42.1.1 Deposit any hazardous, dangerous or infectious materials;

42.1.2 Do anything contrary to any sign or act contrary to any lawful direction given by an Authorised Officer; or

42.1.3 Remove, scavenge, or take without authorisation, any goods or materials.

Penalty for an Infringement Notice: 3 Penalty Units.

⚠ Enforcement

42.2 An Authorised Officer may direct a person breaching this clause to remove the waste or return the goods or materials.

Part G – Building Sites

43. On-Site Toilet Facilities

Purpose

To ensure building sites have appropriate facilities provided.

Requirements

43.1. Prior to any buildings works commencing on any land, the owner, builder or appointed agent must provide:

43.1.1. Either a sewered toilet, a septic system or a fresh water flushing portable toilet, ensuring it is serviced and available for the use of the people on that site; or

43.1.2. A sewered toilet, septic system or fresh water flushing portable toilet on an adjacent site under the control of the owner, builder or appointed agent providing that:

43.1.2.1 No more than three adjacent building sites rely on the same sewered toilet or fresh water flushing toilet; and

43.1.2.2 Access to the sewered toilet, septic system or fresh water flushing toilet is available for any person working on all three adjoining building sites.

Penalty for an Infringement Notice: 2 Penalty Units.

⚠ Enforcement

43.2 An Authorised Officer may direct a person breaching this clause to ensure appropriate facilities are provided.

44. Stormwater Protection

Purpose

To ensure that there is no negative impact on Council's Stormwater system as a result of building works.

❌ Prohibited

44.1 Where any building work is being carried out on any land, the owner, builder or appointed agent must not allow any contaminated water generated during building works to enter the stormwater system.

44.2 For the purposes of sub-clause 44.1 this includes:

44.2.1 Runoff containing chemicals, sediment, concrete, soil, wash-down residues, or animal waste; and/or

44.2.2 Water used to clean tools, equipment, or vehicles.

Penalty for an Infringement Notice: 5 Penalty Units.

⚠ Enforcement

44.3 An Authorised Officer may direct a person breaching this clause to rectify the situation immediately.

45. Builders Refuse Management

Purpose

To ensure building sites have appropriate waste management onsite.

Requirements

45.1 Prior to any buildings works commencing on any land, and for the full duration of the construction, the owner, builder or appointed agent must:

45.1.1 Provide a waste container suitable for containing wind-blown refuse;

45.1.2 Keep the container on the property, except when it is being emptied;

45.1.3 Not place the container on Council land or a road without a permit;

45.1.4 Empty or replace the container when full;

45.1.5 Ensure all loose waste is properly secured within the container; and

45.1.6 Have the container removed from the site within 21 days of completion of the building

works.

Penalty for an Infringement Notice: 5 Penalty Units.

⚠️ Enforcement

45.2 An Authorised Officer may direct a person breaching this clause to ensure appropriate waste management is provided.

Part H - Administration

46. Council May Issue Permits

Purpose

To detail what Council may do in relation to Local Law permit applications.

✅ Permit Required

46.1 Where a permit is required, Council may:

46.1.1 Issue a permit;

46.1.2 Refuse to issue a permit;

46.1.3 Issue a permit subject to conditions;

46.1.4 Renew or extend a permit; or

46.1.5 Determine that a permit is not required for a particular activity.

Requirements

46.2 Permit applications must be submitted in the form, and with the information, outlined in the Policy and Procedure Manual.

46.3 Unless otherwise stated, a permit applies only to the person(s) named in the permit; and is not transferable to another party.

Authority

46.4 The Council may:

46.4.1 Set the conditions or criteria for issuing a permit, licence, authority or approval, and determine the application process;

46.4.2 Set or amend any applicable fee for the grant, renewal or transfer of a permit or registration;

46.4.3 Adopt policy statements relevant to the issuing or refusal of permits;

46.4.4 Determine any additional requirements relating to permits under this Local Law;

46.4.5 Request additional information before deciding whether to issue or refuse a permit; or

46.4.6 Require that notice of a permit application be given or advertised at the applicant's expense.

46.5 The Council can issue a permit that may include any conditions it considers appropriate and reasonable, including but not limited to:

46.5.1 Payment of a bond, indemnity, or security;

46.5.2 Notification to Council of the timing or location of the activity;

46.5.3A specific time limit for the activity or approval;

46.5.4 Terms for renewal or extension;

46.5.5 Compliance with specified standards or benchmarks;

46.5.6 Conditional triggers, such as the occurrence of an event;

46.5.7 Requirements to rectify, remedy, or restore a site or situation; or

46.5.8 Provision of written consent from the property owner, if the applicant is not the owner.

Expiry

46.6 Unless otherwise specified, a permit will expire:

46.6.1 On the date stated in the permit; or

46.6.2 If no date is specified, 12 months from the date of issue.

47. Decision Guidelines for Permits

Purpose

To detail what Council will consider in an application for a Local Law permit.

Requirements

47.1 Council must give consideration to all permit applications submitted in accordance with the Community Local Law.

47.2 Council must notify the permit applicant, and any relevant submitter, in writing of its determination on the permit application.

Authority

47.3 When considering a permit application, Council can consider the following:

47.3.1 Any decision guidelines as detailed in the Policy and Procedure Manual.

47.3.2 Any other Council policy or guidelines that relate to the permission(s) sought by the application for the permit;

47.3.3 Any submission that may be received in respect of the application;

47.3.4 Any comments that may be made in respect to the application by any public authority, Government department, community organisation, emergency service or any other body or person;

47.3.5 The risk posed to public safety, property or Council assets by the proposed activity;

47.3.6 Any anticipated impact on other persons of the proposed activity;

47.3.7 Whether the concerns or issues raised regarding the proposed activities can be adequately controlled or mitigated by permit conditions;

47.3.8 The objectives of this Local Law; and

47.3.9 Any other relevant matter.

48. Amending or Cancelling Permits

Purpose

To detail when Council may amend or cancel a Local Law permit.

Requirements

48.1 Prior to cancelling or amending a permit, Council must notify the permit holder of its intention and reasoning for this action.

48.2 Council must provide the permit holder the right to make a written submission to the Chief Executive Officer within the specified time. Any such submission must be considered by the Chief Executive Officer before a final decision is made.

48.3 Council must provide the permit holder, and any relevant submitter, a copy of any corrected permit.

48.4 Council must advise the permit holder of any cancelled permits.

48.5 Council must note all corrections and cancellations in the permit register.

Authority

48.6 Council can amend a condition on a permit or cancel a permit, at any time, if Council considers there has been:

48.6.1 A clerical mistake or an error arising from any error, slip or omission;

48.6.2 A material misstatement or concealment of fact in the application for the permit;

48.6.3 A material change of circumstances since the permit was issued;

48.6.4 An evident and material miscalculation of figures or any evident and material mistake in the description of any person, thing or property referred to in the permit; or

48.6.5 A failure to comply with a permit condition or notice to comply relating to the permit.

Part I – Enforcement

49. Offences

Purpose

To detail when an offence under this Community Local Law has occurred.

⚠ Enforcement

49.1 A person is guilty of an offence under this Community Local Law if they:

49.1.1 Do something which a provision of this Local Law prohibits;

49.1.2 Fail to do something which a provision of this Local Law requires to be done, including action required to be undertaken in accordance with the Policy and Procedure Manual;

49.1.3 Fail to comply with a Notice to Comply by the date specified in the Notice;

49.1.4 Do something without a current permit where a provision of this Local Law requires a permit;

49.1.5 Fail to comply with a condition of a permit issued under this Local Law; or

49.1.6 Fail to comply with a direction of an Authorised Officer.

49.2 A person is guilty of an offence if they, directly or indirectly:

49.2.1 Give, offer or promise to give any bribe (pecuniary or otherwise) to an Authorised Officer;

49.2.2 Make any agreement with an Authorised Officer to induce that person to forego their duty, or

49.2.3 Give information to an Authorised Officer that they know or believe to be false.

49.3 If a person is guilty of an offence, an Authorised Officer of Council may exercise their discretion and take the following action:

49.3.1 Serve an official warning;

49.3.2 Issue an infringement notice; and / or

49.3.3 Issue a Notice to Comply.

49.4 A person who is found guilty of an offence committed under this Local Law, may be fined:

49.4.1 A maximum penalty of 20 penalty units for a first offence;

49.4.2 A further penalty of 1 penalty unit for each day after a finding of guilt or conviction for an offence during which the contravention continues; and

49.4.3 Upon conviction for a subsequent offence, 20 penalty units.

50. Urgent Circumstances

Purpose

To provide authority to act in urgent circumstances arising as a result of a failure to comply with this Local Law.

Authority

50.1 An Authorised Officer may take action to remove, remedy or rectify a situation without first serving a Notice to Comply, or where a Notice to Comply has been served but that person has not complied with the Notice, under the following circumstances:

50.1.1 The Authorised Officer considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of or compliance with a notice, may place a person, animal, property or thing at risk or in danger;

50.1.2 The action taken is no more than the minimum that is reasonable necessary to remedy the urgent circumstance; and

50.1.3 The person to whom a Notice would have otherwise been served, or who has been served, is, as soon as possible, notified of the urgent circumstance and the action taken by the Authorised Officer to remedy it.

51. Appeal Mechanisms

Purpose

To detail how an appeal may be lodged in relation to any action taken under this Community Local Law.

Requirements

51.1 A person issued with an official warning or Notice to Comply can appeal that action and request a withdrawal, in writing to the Chief Executive Officer within 28 days of the date of issue of the official warning or notice to comply.

51.2 The decision of the Chief Executive Officer must be provided in writing, signed by the Authorised Officer, to the appellant as soon as practicable.

51.3 A person who makes a request is not relieved of their obligation to comply with the official warming or Notice to Comply, unless or until the official warning or Notice to Comply is withdrawn by the Chief Executive Officer