Rural City of **Wangaratta**

Draft
LOCAL LAW No 1
Community Amenity 2025

DRAFT

Adopted by Council on ……
In operation from ……..

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PART A – INTRODUCTORY

TITLE

This is the Rural City of Wangaratta Local Law No. 1 – Community Amenity Local Law and is referred to below as "this Local Law".

1. PURPOSE OF THIS LOCAL LAW

The purpose of this Local Law is to:

1.1 revoke Local Law No. 1 of 2018 – Community Amenity made by Council;

1.2 provide for and assure equitable, orderly and enjoyable use by people of community facilities, including roads;

1.3 protect Council Property and other community assets from loss or unnecessary or avoidable damage;

1.4 support provision by Council of a safe, clean and healthy environment in areas under its control and management; and

1.5 provide generally for the peace, order and good government of the Municipal District.

2. ENABLING POWER AND COMMENCEMENT

This Local Law is made under section 71 of the *Local Government Act 2020* (Vic) and comes into operation on the day that it is made by Council.

3. DATE THIS LOCAL LAW CEASES OPERATION

Unless this Local Law is revoked sooner, its operation will cease on the day that is 10 years after it is made.

4. SCOPE AND STATUS OF THIS LOCAL LAW

4.1 This Local Law operates throughout the Municipal District.

4.2 Upon this Local Law coming into operation, Local Law No. 1 of 2018 – Community Amenity made by Council is revoked.

5. INCORPORATED DOCUMENTS

Pursuant to section 76 of the *Local Government Act 2020*, the Waste Management Policy is incorporated into this Local Law.

6. DEFINITIONS

In this Local Law, unless inconsistent with the context, the following definitions apply:

Act means the Local Government Act 2020;

Advertising Sign means any placard, board, sign, card, teardrop flag, partition or banner, whether electronic or mechanical, portable or affixed or attached to any land or building, that contains an advertisement;:

Animal means all vertebrate and invertebrate species and other mammals, birds, fish and shellfish, but does not include a human being;

Applicant means a person who applies for a Permit under this Local Law;

Appropriate Fee means the fee determined by Council from time to time in respect of a particular matter in accordance with this Local Law;

Approved Bin has the meaning given by the Waste Management Policy;

Approved Toilet System means an existing toilet facility connected to a sewerage or a temporary effluent system that does not cause odours or detriment to the amenity of the area in which the toilet facility is located and is kept in a clean and sanitary condition at all times;

Asset means any Council-owned infrastructure asset and other property vested in, or under the control of, Council. **Asset Protection Permit** means a Permit issued by Council under Clause 32 of this Local Law;

Asset Protection Permit Bond means a sum of money the amount of which has been determined by Council or an Authorised Officer after taking account of:

a. the nature of the Building Works;

b. likely costs that would be incurred for repairs to Council Infrastructure Assets if damage does occur to them, during or as a result of the Building Works;

c. requirements which are commonly applied in comparable situations; and

d. any relevant Commonwealth or State government legislation or policy directives;

Assistance Dog has the same meaning as in the *Equal Opportunity Act 2010*;

Authorised Officer means a person appointed by Council to be an Authorised Officer under section 224 of the *Local Government Act 1989*;

Barbeque means any structure or device erected outdoors, whether fixed, portable or mobile, which has as its primary purpose the cooking of food for human or animal consumption; **Bicycle Path** has the same meaning as in the *Road Safety Road Rules 2009*;

Bird means a warm-blooded egg-laying vertebrate animal distinguished by the possession of feathers, wings, a beak, and typically by being able to fly.

Building Waste Container means a waste container of a size and shape that is appropriate for the deposit of waste generated during Building Works which has solid walls and a lid that can be closed securely at all times;

Building Works means any works, whether or not a building permit is required under the *Building Act 1993* or equivalent legislation, and includes any work with respect to construction, demolition, renovation, alteration or removal of any building or structure;

Bulk Rubbish Container means a bin, skip or other container used for the deposit of waste (including trade waste, building waste and other bulk waste) but excludes a Garbage Bin used in connection with the Collection Service;

Charity Donation Bin means a receptacle used for the donation of clothing or household goods of a type which the organisation owning the bin indicates can be deposited there;

Chief Executive Officer means the person appointed to, or acting in, the position of Chief Executive Officer of Council;

Clause means a clause of this Local Law;

Collection Service has the meaning given by the Waste Management Policy;

Commercial Area means any part of the Municipal District which is zoned 'Commercial', including land which is zoned 'Mixed Use', 'Commercial 1' and 'Commercial 2', under the Municipal Planning Scheme;

Council means the Rural City of Wangaratta;

Council Infrastructure Asset means any physical asset owned by, vested in or under the care, control or management of Council, including but not limited to any Road, drain, tree, vegetation, pavement, kerb, street furniture, sign, pole, light, batter or retaining wall;

Council Land means any land, including a road reserve, owned by, vested in or under the care, control or management of Council, other than a Road;

Council Property includes any Road, Council Land**,** Council Infrastructure Asset and building or other structure, fixture, fitting, equipment or furnishing or other such asset, which is owned by or under the control or care or management of Council;

Designated Camping Area means an area designated by Council from time to time to be an area set aside for camping.

Droving of Livestock means the driving of Livestock from one location to another within or through the Municipal District for the purpose of:

a. changing their grazing area;

b. sale; or

c. relocation after sale;

across Council Land or Roads but does not include Movement of Livestock;

Floating Vessel means any kayak, canoe, boat, yacht, raft, tyre tube or any other object that can carry a person on or in water;

Floodlighting means any lighting designed for the purpose of providing exterior floodlighting for recreation, entertainment, sporting, security, car parking, advertising or display purposes and providing lighting output greater than 4,000 lumens;

Grazing of Livestock means the use of a Road within part of the Municipal District, as determined by Council from time to time, for the purpose of grazing livestock but does not include Droving of Livestock or Movement of Livestock;

Hard Waste has the meaning given by the Waste Management Policy;

Heavy Vehicle has the same meaning as in the *Heavy Vehicle National Law (Victoria)*;

Home Delivery means the delivery of goods or services to an Owner or Occupier of land, where the delivery takes place and is completed on that land;

Incinerator means a structure, device or contraption (not enclosed in a building), which is:

a. used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance;
b. not licensed or otherwise subject to control under the provisions of any Act; and
c. not a Barbeque;

Industrial Area means any part of the Municipal District which is zoned 'Industrial', including land which is 'Industrial 1' under the Municipal Planning Scheme;

Itinerant Trading means selling, or offering for sale, goods or services from a temporary location or from place to place or from a vehicle or other form of transport;

Licensed Premises means any hotel, tavern, bottle shop, bar, nightclub or other premises from which Liquor is sold;

Liquor has the same meaning as in the *Liquor Control Reform Act 1998*;

Litter Device means an apparatus designed for the purpose of removing animal excrement, and includes a paper or plastic bag;

Livestock has the same meaning as in the *Impounding of Livestock Act 1994*;

Motor Home means any vehicle designed for temporary accommodation purposes, including campervans;

Movement of Livestock means individual or regular movements of Livestock:

a. as part of normal farm management operations of a single farming enterprise;
b. from one property to another within the Municipal District; and
c. at a rate not less than one kilometer per hour in the direction of movement between the properties,

where:

a. the properties concerned are occupied by a single farming enterprise; and
b. the movement is completed on the same day that it commenced;

Municipal Building means any building owned, occupied or under the control of Council;

Municipal District means the area proclaimed under the Act to be under the local government of Council;

Municipal Planning Scheme means the Wangaratta Planning Scheme;

Municipal Reserve means any Council Land dedicated or used for environmental, cultural, recreational or entertainment purposes;

Notice to Comply is a notice prepared in accordance with Clause 96 of this Local Law;

Occupier means the person or persons in charge, or having the management or control, of or legally entitled to occupy any land (including premises) and includes, in relation to land which has a lot entitlement or lot liability in respect of common property, the Owners Corporation created on the registration of a Plan of Subdivision affecting that land;

Owner, in relation to any land (including a Site or premises) means the person who is registered on the certificate of title as the owner of the land or the person who is or is entitled to exercise any rights of ownership of the land;

Penalty Unit has the meaning ascribed to it by section 110 of the *Sentencing Act 1991*;

Permit means a permit issued under and in accordance with this Local Law;

Permit Holder means a person or persons in whose name or names a Permit has been issued;

Poultry means any chicken, duck, fowl, and other domestic fowl or similar sized bird but does not include a Rooster;

Property Address means the road name and street number allocated to a property within the Municipal District and may include, where there are multiple tenements within a property or multiple properties at one street number, the use of lot or unit numbers;

Public Place has the same meaning as in section 3 of the *Summary Offences Act 1966*;

Premises means the whole or part of any land, a lot on a plan of subdivision and a building or building under construction;

Racing Pigeon means a pigeon that is kept by a person who is a registered, current member of a recognised National or State Homing or Racing Pigeon Association;

Rail Trail means the multi-use recreational pathway developed on a former railway easement and set aside for recreational use and those areas of Council owned or managed land that links those areas of former railway reserve, forming a continuous sealed bike path from Wangaratta to Everton;

Rail Trail Reserve means the Crown land reserved for Public Purposes (Rail Trail) in the various Parishes in the Municipal Districts of Council and the Alpine and Indigo Shires as follows:

a. Bright and Porepunkah as shown red on the plan marked LEGL./98-52;
b. Barwidgee and Porepunkah as shown red on the plan marked LEGL./97- 191;
c. Barwidgee as shown red on the plan marked LEGL./97-190;
d. Myrtleford as shown red on the three plans marked LEGL./96-461;
e. Myrtleford and Murmungee as shown red on the plan marked LEGL./99-41;
f. Murmungee as shown red on the plan marked LEGL./99-40;
g. Everton and Murmungee as shown red on the plan marked LEGL./99-39;
h. Everton and Murmungee as shown red on the plan marked LEGL./99-42;
i. Beechworth as shown red on the plan marked LEGL./99-43;
j. Tarrawingee and Everton as shown red on the plan marked LEGL./99-38;
k. Carraragarmungee as shown red on the plan marked LEGL./99-37;
l. Carraragarmungee (Bowser)– additions to Murray to the Mountains Rail Trail 2007421 as shown red on Map C,

lodged in the Land Registry;

Recreational Vehicle includes any mini bike, trail bike, quad bike, motor bike, motor car, motor scooter, go cart and any other vehicle propelled by a motor which is used

for recreational purposes and not registered under the *Road Safety Act 1986* but does not include a motorised wheelchair or other aid used by persons with disabilities or motorised vehicles used for farming purposes;

Residential Area means any part of the Municipal District which is zoned 'Residential', including land which is zoned 'General Residential', 'Neighbourhood Residential', 'Residential Growth', 'Low Density Residential', and 'Township' and for this local law also includes 'Rural Living' under the Municipal Planning Scheme;

Retailer means a person who sells goods by retail and provides Shopping Trolleys to their customers;

Road has the same meaning as in the *Local Government Act 1989*;

Schedule means a Schedule to this Local Law;

Sediment Fencing/Barriers means a filter fence, sausage or other similar control measure, that prevents sediment, slurry, silt, soil and other materials being transported off Site by water;

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

Service Authority means any public authority or corporation other than Council, whether a government department, a government agency, a statutory body or a private sector corporation, responsible for providing infrastructure or utility facilities or services to the community;

Shared Pathway means an area open to the public (except a separated footpath) that is designated for, or has as one of its main uses, use by both the riders of bicycles and pedestrians, and includes a length of path for use by both bicycle riders and pedestrians beginning at a shared path sign or shared path road marking and ending at the nearest of the following:

a. an end shared path sign or end shared path road marking;
b. a no bicycles sign or no bicycles road marking;
c. a bicycle path sign or bicycles path road marking;
d. a Road (except a road related area);
e. the end of the path;

Shopping Trolley means a vehicle used primarily for the carriage of goods by customers of a Retailer;

Site means the land where Building Works are occurring and includes any land to which Building Works relate;

Site Fencing means a fence around the entire perimeter of a Site at the commencement and for the duration of the Building Works:

a. at a height of not less than eighteen hundred (1800) millimetres;
b. capable of preventing litter from being transported from a building Site by wind;
c. capable of preventing unauthorised persons accessing the Site; and
d. having not more than one access opening fitted with gates, which is located to correspond with the vehicle crossing for the Site;

Site Identification means a sign that is at least six hundred (600) millimetres in height and four hundred (400) millimetres in length, is erected at the entrance to the Site and is clearly visible from the road, and includes on the sign the:

a. lot number, as described on the Certificate of Title relevant to the land;

b. name of the Owner, developer or builder responsible for the Site;

c. relevant building surveyor's contact name and phone number; and

d. twenty-four (24) hour contact telephone number or numbers for the Owner, developer or builder responsible for the Site;

Stormwater System means the system that provides for the conveyance of stormwater runoff including kerb and channel, open channels, underground pipe systems and natural waterways;

Trade Waste means any refuse, rubbish, slops or other waste matter arising from or generated by any trade, industry or commercial undertaking;

Vehicle has the meaning as in section 3 of the *Road Safety Act 1986*;

VicRoads means the Roads Corporation; and

Waste Management Policy means the Waste Management Policy 2025 adopted by Council at the time of making this Local Law, as amended or replaced by Council from time to time, which is incorporated by reference into this Local Law.

PART B – MUNICIPAL BUILDINGS

7. ACCESS TO MUNICIPAL BUILDINGS

7.1 Council may from time to time determine:

7.1.1 the hours when any Municipal Building will be open to the public; and

7.1.2 conditions of, or limitations on, use of Municipal Buildings that apply to any Municipal Building or class of Municipal Buildings specified.

7.2 A person must not, without a Permit:

7.2.1 enter or remain in a Municipal Building during hours in which the Municipal Building is not open to the public;

7.2.2 organise any function or event in a Municipal Building;

7.2.3 hawk, sell, offer for sale or hire out or supply or promote any goods, articles or services in a Municipal Building;

7.2.4 enter or remain in any part of a Municipal Building not set aside for public use;

7.2.5 enter a Municipal Building other than through an entrance provided for the purpose of public entry;

7.2.6 bring any Animal, other than an Assistance Dog, into, or allow any Animal under their control to remain in, a Municipal Building;

7.2.7 bring any Vehicle or Recreational Vehicle into a Municipal Building, except for:

7.2.7.1 a pram or pusher being used by a parent to transport a child;

7.2.8 wheelchair being used by a person with a disability; or

7.2.8.1 a motorised mobility aid used by people with limited mobility;

7.2.9 bring into or deliver to a Municipal Building any Liquor;

7.2.10 bring into a Municipal Building any substance, liquid or powder which may:

7.2.10.1 be dangerous, injurious or offensive to health;

7.2.10.2 have the potential to foul, pollute or soil any part of the Municipal Building; or

7.2.10.3 cause discomfort to any persons; or

7.2.11 ride a bicycle, scooter, skateboard, or in-line or roller skates, or similar device.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

8. PROHIBITION ON ENTRY TO A MUNICIPAL BUILDING

8.1 An Authorised Officer may direct a person to leave a Municipal Building if the person is behaving in a manner that is threatening or harassing, or which interferes with the reasonable use and enjoyment of the Municipal Building by others.

8.2 A person to whom a direction is issued under Clause 8.1 must:

8.2.1 immediately leave the Municipal Building while; and

8.2.2 not re-enter the Municipal Building within twenty four (24) hours of the direction being issued under Clause 8.1, or for such longer period

as may be notified by an Authorised Officer in writing.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

9. CONDUCT IN A MUNICIPAL BUILDING

A person in a Municipal Building must not:

9.1 deposit any litter except in receptacles provided for that purpose; or

9.2 obstruct, hinder or interfere with any person employed by, or acting on behalf of, Council at the Municipal Building in the performance of their duties.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

PART C – COUNCIL LAND

10. ACCESS TO COUNCIL LAND

10.1 Council may from time to time:

determine:

10.1.1.1 conditions of, or limitations on, use that apply to any Council Land or a class of Council Land;

10.1.1.2 times during which certain Council Land will be open to the public; and

10.1.1.3 fees payable for entry onto certain Council Land; and

10.1.1.4 close certain Council Land or any part of it to the public for any purpose, including for maintenance.

10.2 A person must not, without a Permit:

10.2.1 act in a manner that is contrary to any Council Sign on the Council Land;

10.2.2 enter or remain on Council Land during hours in which the Municipal Reserve is not open to the public;

10.2.3 enter or remain on Council Land without paying any applicable fee for entry;

10.2.4 organise any function or sports event on Council Land;

10.2.5 being a person other than a player, official or competitor at any organised sports event, or an Authorised Officer, enter or remain within or upon the playing arena of Council Land during the progress of such event;

10.2.6 hawk, sell, offer for sale or hire out or supply or promote any goods (including a vehicle), articles or services on any Council Land;

10.2.7 conduct any business, including personal training, on any Council Land;

10.2.8 enter or remain in any part of Council Land not set aside for public use;

10.2.9 drive, ride or park any Vehicle or Recreational Vehicle on Council Land, except on a designated access Road or in a designated parking area within the Council Land, except for:

10.2.9.1 a pram or pusher being used to transport a child;

10.2.9.2 a wheelchair being used by a person with a disability; or

10.2.9.3 a motorised mobility aid used by people with limited mobility;

10.2.9.4 a bicycle, scooter, skateboard, or in-line or roller skates;

10.2.10 use or permit to be used any powered and/or remote control model aeroplane, drone, powered water craft, powered car or similar thing on any Council Land;

10.2.11 swim in, wade through, enter for recreation purposes, or use any Floating Vessel upon, any lake, pond or excavation containing water located on or in any Council Land;

10.2.12 install or permit to be installed a gateway or other means of access between any Council Land and private property;

10.2.13 use on any Council Land any amplifier, musical instrument or sound broadcasting equipment in a manner that interfereswith the reasonable use and enjoyment of the Council Land by others;

10.2.14 install, erect or place on or in any Council Land any item, equipment or thing which may damage the Council Land or interfere with the use or enjoyment of the Council Land or any part thereof by any other person; or

10.2.15 bring onto any Council Land any substance, liquid or powder which may:

10.2.15.1 be dangerous or injurious to health;

10.2.15.2 have the potential to foul, pollute or soil any part of the Council Land; or

10.2.15.3 cause discomfort to any persons.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

11. PROHIBITED CONDUCT ON COUNCIL LAND

A person on any Council Land must not:

11.1 engage in, play or practice golf, archery or any like activity that is likely to interfere with public saety;

11.2 ride or lead a horse, except in areas designated and signposted for horse riding or leading;

11.3 interfere with any structure, notice, building or part thereof, fence, seat, tree or plant;

11.4 use any lifesaving or firefighting device unless during an emergency;

11.5 walk on flower beds or borders, damage native vegetation, dig or disturb the ground, climb steep banks or cliff faces, or enter any prohibited areas delineated as such by Council from time to time;

11.6 behave in a disorderly manner;

11.7 remain at any time when directed to leave by an Authorised Officer, notwithstanding that a fee or charge for admission may have been paid;

11.8 obstruct, hinder or interfere with the duties of any person employed by Council in the performance of their duties;

11.9 light a fire or allow any fire to remain alight except in a barbeque provided by Council

11.10 leave unextinguished or unattended a fire which they have lit or maintained; or

11.11 dump rubbish, green waste and/or grass clippings.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

PART D – USE OF COUNCIL LAND AND ROADS

12. COLLECTION OF FIREWOOD

12.1A person must not collect any wood, for the purpose of fuelling a fire or for any other purpose, from any Council Land or Road.

12.2A person must not, without a Permit, collect firewood from Council firewood depots.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

13. DROVING OF LIVESTOCK

A person must not, without a Permit, undertake Droving of Livestock on Council Land or a Road.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

14. GRAZING OF LIVESTOCK

A person must not, without a Permit, undertake Grazing of Livestock on Council Land or a Road.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

15. STREET ACTIVITIES

15.1A person must not, without a Permit, on any Council Land or Road:

15.1.1 display or permit to be displayed any goods;

15.1.2 place or allow to be placed an Advertising Sign;

15.1.3 place or allow to be placed any table, chair, barrier, stall or other street trading item.

15.2A person must not, without a Permit, undertake Itinerant Trading:

15.2.1 on any Road, Council Land or Public Place;

15.2.2 from land adjacent to any Road, Council Land or Public Place;

15.2.3 within 300 metres of a permanent business that is selling the same or a similar product, except as an approved trader being part of a stall, festival or other event approved by Council;

15.2.4 within 500 metres of a festival or other event approved by Council;

15.2.5 in a way that obstructs or restricts pedestrian or vehicular traffic;

15.2.6 in a way that obstructs or interferes with entry to or exit from any buildings or land;

15.2.7 in a way that obstructs or restricts the use of any footpath or Road;

15.2.8 in an area other than the area specified by Council in their Permit; or

15.2.9 in an area designated by Council as belonging to another Itinerant Trader under their Permit.

15.3 Nothing in this Clauses 15 applies to;

15.3.1 Home Delivery of:

15.3.1.1 magazines or newspapers;

15.3.1.2 goods purchased at another location; or

15.3.1.3 goods where the delivery has been requested by the Occupier; or

15.3.2 the sale of fundraising products by persons duly authorised by a cultural, recreational, educational, welfare or charity-based facility or organisation which is established within the Municipal District.

15.4 A person must not, without a Permit, busk on any Road, Council Land or Public Place with the object, or apparent object, of collecting money, except in an area designated by Council from time to time.

15.5 A person must not, without a Permit, solicit or collect on any Road or on any Council Land or from house to house any gifts of money or subscriptions for any purpose other than fundraising for an educational or registered charitable organisation or a cultural or recreational facility or organisation established within the Municipal District.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

16. ITEMS ON COUNCIL LAND

16.1 A person must not, without a Permit or otherwise in accordance with this Local Law, place or keep or allow to be kept any thing, item, structure or goods of any kind on or over a Road or Council Land.

16.2 An Owner of any land must ensure that no gate, door or other means of access from that land to a Road or Council Land opens outwards onto a Road or Council Land.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

17. ADVERTISING AND ADVERTISING SIGNS

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

17.2 A person must not, without a Permit, erect or place an Advertising Sign on a Road or Council Land or any Council Property or cause or authorise another person to do so.

17.3 A person must not, without a Permit, erect or place any structure, banner or the like, on or across any Council Land or any Road.

17.4 Nothing in this Clause 17 applies to an activity or act that is authorised under a Municipal Planning Scheme or State or Commonwealth legislation.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

18. SHOPPING TROLLEYS

18.1 A person must not leave a Shopping Trolley on a Road or in a Public Place except in an area designated for the leaving of shopping trolleys.

18.2 A retailer who provides shopping trolleys for the use of customers must not leave a shopping trolley on a on a Road or in a Public Place except in an area

designated for the leaving of shopping trolleys.

18.3A retailer who provides shopping trolleys intended for the use of customers must ensure that their name and trading name are clearly marked on the shopping trolley.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

19. CHARITY DONATION BINS

A person must not, without a Permit, place, or allow to be placed, a Charity Donation Bin on a Road or Council Land or in any Public Place.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

20. STREET PARTIES, FESTIVALS AND PROCESSIONS

A person must not, without a Permit, conduct, organise or otherwise hold a function in the nature of a street party, street festival or procession on a Road.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

21. FLOODLIGHTING

Where Floodlighting is installed on land which may spill light onto adjoining property, it must be installed so that:

21.1it is shielded with devices to prevent glare causing a nuisance outside the boundary of the site on which the Floodlighting is installed; and

21.2the level of illumination emitted by the Floodlighting does not exceed 8 lux when measured at a height of 1.3 metres and a distance of 1.5 metres from the boundary of the property on which the Floodlighting is installed, whether the illumination is the result of direct, reflected or other incidental light.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

PART E – VEHICLES

22. USE OF VEHICLES ON COUNCIL LAND

A person must not, without a Permit, use a Vehicle or Recreational Vehicle on any Council Land unless the land has been designated and signposted for that purpose.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

23. USE OF RECREATIONAL VEHICLES ON PRIVATE LAND

A person must not, without a Permit, use a Recreational Vehicle on any land in a Residential Area.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

24. REPAIR AND DISPLAY FOR SALE OF VEHICLES

24.1 A person must not, without a Permit on any Road or Council Land:

24.1.1 paint, service, dismantle or make any major repairs to any Vehicle; or;

24.1.2 display any Vehicle for sale,

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

24.2 This Clause 24.1 does not apply to any minor repairs carried out to a Vehicle which has broken down and which are reasonably necessary to allow the Vehicle to be removed under its own propulsion.

25. VEHICLES ON ROADS AND COUNCIL LAND

25.1 A person must not allow any Vehicle not currently registered with or having a permit from VicRoads or any other relevant authority to be left standing on any Road or Council Land.

25.2 A person must not, without a Permit, allow any trailer, caravan, boat or other Vehicle unable to move on its own accord to be left standing on any Road or Council Land, other than a Designated Camping Area or in accordance with applicable parking restrictions, for longer than forty-eight (48) hours.

25.3 A person must not abandon, leave or allow to be left on a Road or Council Land any Vehicle, including a trailer, caravan or Recreational Vehicle, that is in a state of disrepair that prevents it from being able to move under normal means, whether registered or not.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

PART F – CONDUCT GENERALLY

26. DAMAGING, DEFACING OR INTERFERING WITH COUNCIL PROPERTY

26.1 Subject to Clause 26.2, a person must not alter, destroy, damage, write on, affix anything to, remove, or interfere with any Council Property.

26.2 A person must not, without a Permit:

26.2.1 plant, remove or interfere with any trees or plants (dead or alive) on or in any Council Land or Road;

26.2.2 alter, destroy, damage or interfere with a watercourse, ditch, creek, swale, gutter, drain, tunnel, bridge, levee, culvert or fence which belongs to or is under the control of Council;

26.2.3 alter, destroy, damage, interfere with or remove any thing belonging to Council in, on or from any Council Land or Road;

26.2.4 alter, destroy, damage, tamper or interfere with any parking meter or ticket machine;

26.2.5 take, destroy or damage any lair or nest or take any fauna or its lair or nest or take any skeletal remains on or in any Council Land or Road.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

27. VEHICLE CROSSINGS

27.1 A person must not, without a Permit, install, construct, alter, or reconstruct a vehicle crossing, whether permanent or temporary.

27.2 Each point of Vehicle access from any land to a Road must have a vehicle crossing constructed and maintained to the standard approved by Council from time to time.

27.3 A person must not, without a Permit, allow any Vehicle to enter or leave any land except by way of a vehicle crossing constructed in accordance with this Clause 27.

27.4 Where a vehicle crossing is no longer required, the Owner must remove the vehicle crossing and reinstate the Road to its original condition, to the satisfaction of an Authorised Officer.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

28. CONSUMPTION OF LIQUOR OR POSSESSION IN UNSEALED CONTAINER AND BEHAVIOUR NEAR LICENSED PREMISES

28.1 A person must not, without a Permit, in any place or area designated by Council from time to time:

28.1.1 consume or ingest any Liquor; or

28.1.2 have in their possession a bottle, can, wine cask or other receptacle, which contains Liquor and has been opened.

28.2 Clause 28.1 does not apply:

28.2.1 to a person in licensed premises or authorised premises under the

Liquor Control Reform Act 1998; or

28.2.2 where the consumption of Liquor is taking place at an organised function conducted with a Permit or as part of a picnic with family and/or friends within a Municipal Reserve between sunrise and sunset, or such other hours as are determined by Council from time to time, provided that no nuisance is being caused in connection with the consumption of the Liquor.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

29. BICYCLES, SCOOTERS, SKATEBOARDS, IN-LINE AND ROLLER SKATES

29.1 Council may from time to time designate areas of Council Land other than a road reserve in which the riding of a bicycle, scooter, skateboard, in-line or roller skates or similar device is prohibited.

29.2 Areas under Clause 29.1 will have Council Signs displayed advising of the prohibition.

29.3 A person must not ride a bicycle, scooter, a skateboard, or in-line or roller skates or similar device in an area designated by Council under Clause 29.1.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

29.4 This Clause 29 does not apply to a person with a disability or infirmity who is using a motorised mobility aid for its intended purpose.

30. PROPERTY ADDRESS AND NUMBERS

30.1 Council may allocate a Property Address to each property in the Municipal District and, from time to time, may make changes to Property Addresses.

30.2 For each property that has been allocated a Property Address under Clause 30.1, the Owner must mark the property with the street number allocated, which number must be of sufficient size, in such a position, made of such material and kept in such state of repair as to be clearly readable from the Road, which the property fronts, under all normal lighting conditions.

30.3 An Owner or Occupier must not use an address other than a Property Address for any property in the Municipal District.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

31. INCINERATORS AND BURNING

31.1 A person must not, without a Permit, light, allow to be lit, or allow to remain alight any fire in the open air or in an Incinerator in a Residential Area, Commercial Area or Industrial Area.

31.2 This Clause 31 does apply to a fire that is:

31.2.1 authorised or directed to be lit under the provisions of any Act or Regulations or the Municipal Planning Scheme;

31.2.2 in a Barbeque, pizza oven or other properly constructed appliance while it is being used for the exclusive purpose of cooking food;

31.2.3 lit by a Service Authority carrying out training or fire hazard reduction activities; or

31.2.4 lit for the purpose of the person enjoying their culture or practicing

their religion,

31.3 provided that the fire is at all times appropriately located and managed so as to reduce, to the extent reasonably possible, any nuisance to neighbouring properties.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

32. BURNING OF MATERIALS

32.1 A person must not, without a Permit, burn any of the following materials in the Municipal District:

32.1.1 plastic;

32.1.2 waste petroleum oil or any waste containing petroleum oil;

32.1.3 paints or empty paint containers;

32.1.4 pressurised cans;

32.1.5 textile fabrics;

32.1.6 rubber;

32.1.7 food waste; or

32.1.8 any other noxious or offensive material.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

33. CONDITION OF LAND

33.1 An Owner or Occupier of land must not keep that land or allow that land to be kept in a manner which causes the land to become:

33.1.1 unsightly;

33.1.2 dangerous; or

33.1.3 detrimental to the general amenity of the area in which it is located.

33.2 Without limiting the generality of Clause 33.1, land may be unsightly or detrimental to the general amenity of the area in which it is located by the presence of:

33.2.1 unconstrained rubbish;

33.2.2 grass or undergrowth that exceeds 100mm in height;

33.2.3 machinery, Vehicle parts, scrap metal or other refuse being stored on the land;

33.2.4 noxious weeds or other invasive plants or vermin; or

33.2.5 offensive odours discernible beyond the land.

33.3 An Authorised Officer may direct an Owner to secure the Owner's land to prevent unauthorised entry.

33.4 An Owner of land to whom a direction is given under Clause 33.2 must comply with that direction.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

34. STORAGE OF DANGEROUS OR HAZARDOUS SUBSTANCES ON LAND

An Owner or Occupier of any land must not, without a Permit, cause or allow their land to be used for storage of any dangerous or hazardous substances in a manner or in quantities which is or are dangerous or is or are likely to cause danger to life or property.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

35. STORAGE, VEHICLES AND MACHINERY

35.1 A person must not, without a Permit, use any land within a Residential Area or a Commercial Area for the storage of Vehicles or machinery or for the dismantling or breaking up of Vehicles or machinery.

35.2 A person must not, without a Permit, use land which is used or intended to be used primarily for residential purposes for the repair or servicing of any Vehicle other than a Vehicle registered or normally housed at the address of that land.

35.3 Nothing in Clauses 35.1 or 35.2 applies to a person who is using land in a manner permitted under the Municipal Planning Scheme.

35.4 Nothing in Clause 35.1 and 35.2 applies to a person who, for recreational purposes, repairs, services, assembles, dismantles or stores old or second hand Vehicles or machinery provided that such activity is not conducted:

35.4.1 for financial gain or reward;

35.4.2 on more than two (2) Vehicles at any one time such that there are no more than two (2) Vehicles that are not registered with VicRoads on the land at any one time; or

35.4.3 in a manner which is unsightly or detrimental to the general amenity of the area.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

36. SHIPPING CONTAINERS AND TEMPORARY STRUCTURES

A person, must not, without a Permit, place or keep or allow to be kept a shipping container or other like temporary structure on any land which is used or intended to be used primarily for residential purposes for any period longer that twenty eight (28) days.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

37. CAMPING

37.1 A person must not, without a Permit, camp on Council Land or a Road in a tent, caravan, motor home or any other temporary or makeshift structure other than in a Designated Camping Area.

37.2 A person must not, without a Permit, occupy or cause to be occupied a tent, caravan, motor home, annex or similar structure on any land other than a Designated Camping Area

37.3 Clause 37.2 does not apply to:

37.3.1 the storage of a caravan or similar facility on any private property other than a Designated Camping Area, provided that:

37.3.1.1 there is a dwelling on the land; or

37.3.1.2 the caravan, motor home or tent is not set up for ready use as overnight accommodation; and

37.3.1.3 an annex is not attached to caravan or motor home; and

37.3.1.4 the caravan, motor home or tent is not within 6 metres of the front of the land.

37.3.2 the reasonable use of a caravan, motor home or tent on private property other than a Designated Camping Area, provided that:

37.3.2.1 there is a dwelling on the land;

37.3.2.2 the occupation does not exceed 28 days;

37.3.2.3 no rent, licence fee or charge is paid by any person in respect of the occupation;

37.3.2.4 the toilet, bathing and laundry facilities provided in the dwelling are made available without charge to the occupant/s of the caravan, motor home or tent;

37.3.2.5 waste water from the caravan, motor home or tent is discharged to an approved waste water system and does not cause a nuisance or an offensive condition; and

37.3.2.6 the caravan, motor home or tent is not located within 6 metres of the front of the property or 1.2 metres of any other boundary of the land, not more than 20 metres from the dwelling and no closer than 30 metres to a watercourse.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

38. TREES AND VEGETATION

An Owner or Occupier of land must not allow any tree or part of a tree or any plant or part of a plant or other vegetation to grow on that land, so that it:

38.1 overhangs onto or over any footpath, naturestrip or Road abutting that land at a height of less than 2.5 metres from the level of the adjacent footpath, nature strip or Road;

38.2 obstructs or impairs the vision of the driver of a Vehicle travelling along a Road adjacent to or near the land or approaching the intersection adjacent to or near the land;

38.3 otherwise interferes with the safe and convenient use of any footpath, naturestrip or Road adjacent to or near the land; or

38.4 causes damage to or interference with any:

38.4.1 fixture or other structure in a Road, or on Council Land; or

38.4.2 drain vested in or under the control of Council.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

39. WASP NESTS AND BEES

Upon becoming aware of the existence of a:

39.1 a European wasp nest; or

39.2 bee hive that is not suitably constructed and maintained, in accordance with any current relevant Code of Practice;

on land, the Owner or Occupier of the land must immediately take steps to cause the nest or hives to be destroyed.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

PART G – ANIMAL MANAGEMENT

40. APPLICATION OF THIS PART

40.1 This Part does not apply to:

40.1.1 an Animal Shelter owned or contracted by Council;

40.1.2 a registered Animal Hospital or Veterinary Surgeon Practice;

40.1.3 any Animal keeping permitted by the Municipal Planning Scheme; or

40.1.4 any Animal in respect of which a Permit has been issued by another public authority.

41. LIMITS ON NUMBER OF ANIMALS KEPT

41.1 A person must not, without a Permit, on any land in a Residential Area or a Commercial Area:

41.1.1 keep or allow to be kept any more of each species or group of Animals than is stated in Table 1 in this Clause 41; or

41.1.2 keep or allow to be kept any more than three (3) different species or groups of Animals listed in Table 1 in this Clause 41, at any time.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

TABLE 1

Type of Animal or Bird	On land Less than 399m² In Townhouse, Apartments, Flats, Units	On Land 400-999m²	On Land 1000-3999m²	On Land 4000m² and Over (excludes Farm Zone)
Dogs	2	2	2	2
Cats	2	2	2	2
Poultry (except Roosters)	Prohibited	3	10	10
Roosters	Prohibited	Prohibited	Prohibited	0
Caged Birds (excluding Racing Pigeons)	3	5	10	20
Rabbits	1	2	4	4
Guinea Pigs, Ferrets and Hamsters	2	5	5	5
Reptiles	2	5	5	5
Racing Pigeons	Prohibited	20	20	100
Horse, Donkey, Alpacas or Similar	Prohibited	Prohibited	0	1 per 4,000m²
Cattle	Prohibited	Prohibited	0	1 per 4,000m²
Sheep & Goats	Prohibited	Prohibited	2	2 per 4,000m²
Pigs	Prohibited	Prohibited	Prohibited	1 per 4,000m²
Other Agricultural Animals	Prohibited	Prohibited	2	2 per 4,000m²

*where (0) is nominated animal allowed but permit required.

42. RACING PIGEONS

42.1A person must not keep or allow to be kept any Racing Pigeons on any land in a Residential Area or a Commercial Area unless the Racing Pigeons are housed in a properly constructed pigeon loft or similar structure which is:

a) of a height not exceeding 2 metres;

b) at least 1.5 metres from the boundary of any adjoining premises; and

c) at least 10 metres distance from any dwelling whether on the same or on adjoining premises.

42.2A person must not, on any land in a Residential Area or a Commercial Area, construct or use or cause or suffer or permit to be constructed or used any pigeon loft unless it has adequate roofing, drainage and a floor paved with impervious material to the satisfaction of an authorised officer and is constructed in such a way as to be rat proof.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

43. REMOVAL OF ANIMAL FAECES

43.1A person in charge of an Animal must:

43.1.1 remove any of that Animal's faeces that is deposited on any Road or Council Land; and

43.1.2 dispose of the Animal's faeces in a manner which does not cause any nuisance or health hazard to any person or detriment to the environment.

43.2A person in charge of an Animal on any Road or Council Land must carry a Litter Device suitable to clean up any faeces left by any Animal under their care or control and must produce such device upon being requested to do so by an Authorised Officer**.**

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

44. ANIMAL HOUSING

44.1The owner of an Animal and the Owner or Occupier of the land on which the Animal is housed must ensure that:

44.1.1 the animal housing is kept in a clean and sanitary condition to the satisfaction of an Authorised Officer;

44.1.2 the size of the enclosure or other form of housing is adequate to house the number of animals;

44.1.3 the animal housing meets the welfare needs of the Animal;

44.1.4 the animal housing is maintained in good repair so as to not cause nuisance to neighbouring premises;

44.1.5 the animal housing is constructed to prevent wastewater from entering into the stormwater system or discharging to adjoining premises; and

44.1.6 the land surrounding the animal housing is kept clear of materials which may harbour vermin.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

45. PROVISION OF EFFECTIVE FENCING TO CONTAIN ANIMALS

The owner of an Animal and/or Livestock and the Owner of the land upon which that Animal is kept must ensure that the land is adequately fenced so as to prevent any and all Animals and/or Livestock being kept on the land from escaping from that land and straying onto any Council Land or Road or otherwise being at large.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

46. POWER TO IMPOUND ADDITIONAL ANIMALS

Where a Magistrate has found a person to be in breach of Clause 41 and a Permit for additional Animals has not been granted, Council may enter the land on which the Animals are being kept and seize and dispose of any Animals being kept on land in breach of Clause 41 for the purpose of sale, re-homing or destruction.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

47. WANDERING ANIMALS

47.1 The owner and person in charge of an animal must not allow that animal to wander from the property it is normally kept.

47.2 The owner and person in charge of an animal must ensure that the land in which the animal is normally kept is adequately fenced to prevent the animal from wandering at large.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

PART H – BUILDING SITE MANAGEMENT

48. PROTECTION OF COUNCIL INFRASTRUCTURE ASSETS DURING BUILDING WORKS

48.1 The Owner of land must, at least seven (7) days before commencing or causing or allowing Building Works to commence on the land:

48.1.1 obtain an Asset Protection Permit; and

48.1.2 advise Council in writing of any existing damage to Council Infrastructure Assets adjacent to the Site.

48.2 An Asset Protection Permit may be subject to such conditions as Council or an Authorised Officer determines, including conditions:

48.2.1 requiring the payment of an Asset Protection Permit Bond;

48.2.2 requiring that certain works be done on or around the Site to protect Council Infrastructure Assets, the health and safety of the public, the environment and the amenity of the area or to be in accordance with the relevant legislative framework;

48.2.3 requiring that any or all Council Infrastructure Assets damaged in connection with the Building Works be repaired, replaced or re-instated within a specified time and to the satisfaction of Council or an Authorised Officer; and

48.2.4 requiring a temporary vehicle crossing to be installed to Council's or an Authorised Officer's specification before commencement of any Building Works or delivery of any equipment or materials to the Site.

48.3 If Council does not receive advice in writing as required under Clause 53.1.2, it will be presumed that there was no prior damage to any Council Infrastructure Assets prior to the commencement of the Building Works.

48.4 The Owner of land on which Building Works are being or have been carried out must repair to the satisfaction of Council or an Authorised Officer any damaged Council Infrastructure Assets adjacent to the land where the Building Works are taking or have taken place.

48.5 Upon completion of the Building Works, the amount of the Asset Protection Permit Bond:

48.5.1 may be retained by Council to offset the costs of carrying out any works in accordance with the Act and this Local Law;

48.5.2 may be refunded to the person who lodged it, upon Council's or an Authorised Officer's satisfaction that no damage has been caused, or that any damage caused has been repaired by, or on behalf of, that person to Council's or an Authorised Officer’s satisfaction; and

48.5.3 must be supplemented by a further payment equal to the difference between the cost of carrying out any works in accordance with the Act and this Local Law and the amount of the Asset Protection Permit Bond, if Council or an Authorised Officer is satisfied that the amount of the Asset Protection Permit Bond is insufficient to meet such cost and it makes a demand for such payment in writing.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

49. CONTAINMENT OF BUILDING SITES

The Owner or Occupier of a Site must ensure that:

49.1 the Building Works being carried out on the Site are contained entirely within the Site;

49.2 all materials used in the Building Works are contained entirely within the Site;

49.3 the Site is provided with Site Fencing; and

49.4 gates or access points in the Site Fencing do not open out onto a Road or Council Land.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

50. ENTRY TO BUILDING SITES

Subject to any conditions of an Asset Protection Permit, the Owner or Occupier of a Site must ensure that:

50.1 there is only one point of entry to the Site;

50.2 the point of entry to the Site is by way of a vehicle crossing, whether temporary or permanent;

50.3 any temporary or permanent vehicle crossing is constructed to the reasonable satisfaction of an Authorised Officer; and

50.4 no person enters or exits the Site other than by way of the specified vehicle crossing.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

51. BUILDING SITE IDENTIFICATION

51.1 The Owner or Occupier of a Site must ensure that the Site is provided with clearly legible and clean Site Identification.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

52. APPROVED TOILET SYSTEMS

52.1 The Owner or Occupier of any land on which Building Works are to occur must ensure than an Approved Toilet System is installed on the land prior to any Building Works commencing and is thereafter maintained for the duration of the Building Works to the satisfaction of the Authorised Officer.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

53. BUILDING SITE WASTE

53.1 The Owner or Occupier of a Site must ensure that waste produced as a result of Building Works on the Site is:

53.1.1 stored in a Building Waste Container;

53.1.2 contained entirely within the Site;

53.1.3 stored in a manner that does not attract the depositing of waste from

sources other than the Site;

53.1.4 stored in a manner that does not cause detriment to the visual amenity of the area in which the Site is located; and

53.1.5 disposed of regularly, and, where that waste is in the form of stormwater, to a legal point of discharge, in accordance with Clause 56.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

54. PEDESTRIAN AND TRAFFIC HAZARDS, AND SAFETY

54.1 The Owner or Occupier of a Site must ensure that Building Works on the Site do not interfere with the free and safe use by others of any Road or Council Land.

54.2 Without limiting the generality of Clause 59.1, the Owner or Occupier of a Site must adopt reasonable measures to:

54.2.1 minimise the amount of mud, dirt, sand, soil and stones deposited on the adjoining Roads or washed into the stormwater system;

54.2.2 prevent building clean-up, wash-down or other wastes being discharged offsite or allowed to enter the stormwater system;

54.2.3 prevent public access to any excavation works on or immediately adjacent to a Road; and

54.2.4 where pedestrians are diverted from a footpath, provide:

54.2.4.1 adequate signage advising of that diversion; and/or

54.2.4.2 an alternative route on a stable surface, protected from vehicular traffic.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

55. SOIL STOCKPILES

55.1 The Owner or Occupier of a Site must ensure that soil that is stripped from the Site is stockpiled on the Site for re-use or is transported to a legal place of disposal.

55.2 Where soil is stockpiled on the Site, it must, unless otherwise advised by an Authorised Officer, be protected by Sediment Fencing/Barriers to ensure the retention of silt, sand and waterborne particles within the stockpile.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

56. DRAINS

56.1 The Owner or Occupier of a Site must ensure that Building Works on the Site do not cause detriment to any Stormwater System or Asset.

56.2 For the purposes of Clause 62.1 detriment to a Stormwater System or Asset occurs if:

material, equipment, litter, waste, mud, silt, sand or another product emanating from Building Works enters or interferes with the Stormwater System or Asset; or

there is any alteration to or interference with a Stormwater System or Asset for which a Permit has not been issued.

56.3 The Owner or Occupier of a Site must ensure that the Site is provided with

Sediment/Fencing Barriers that ensure the retention of silt and soil on site, and the retention of other water borne particles and pollutants for later transportation to a legal place of disposal.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

PART I – WASTE MANAGEMENT

57. COLLECTION SERVICES

57.1 The Occupier of all land to which Council provides a Collection Service must comply with the Waste Management Policy.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

57.2 A person must not remove or interfere with an Approved Bin or its contents when the Approved Bin is left on a Road, or at any other collection point, without written authority from an Authorised Officer.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

57.3 Clause 57.2 does not apply to:

57.3.1 a person authorised by Council to remove an Approved Bin, or an employee of such person in the course of their employment;

57.3.2 the person placing the Approved Bin out for collection; or

57.3.3 an Authorised Officer in the course of their employment.

58. SUSPENSION OF COLLECTION SERVICE

58.1 If an Occupier of land to which a Collection Service or other waste service is provided:

58.1.1 has persistently contravened; or is persistently contravening,

58.1.2 any provision of this 'Part I Waste Management' and/or the Waste Management Policy, Council may suspend the provision of any Collection Service to the land.

58.2 Any suspension under clause 58.1 will:

58.2.1 be effected by written notice given, either personally or by post, to each Occupier of the land; and

58.2.2 be for such period, and subject to such conditions, as are specified in the notice.

58.3 If Collection Services to any land are suspended under clause 58.1, the Owner and the Occupier of the land must provide for waste generated from the premises to be disposed of:

58.3.1 in the manner required by the Waste Management Policy; or

58.3.2 if exempted from compliance with the Waste Management Policy, in the manner required by the conditions, if any, attached to that exemption.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

59. BULK RUBBISH CONTAINERS

59.1 A person must not, without a Permit, place, cause or allow to be placed a Bulk Rubbish Container on a Road or Council Land.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

60. USE OF DRAINS AND LEGAL POINTS OF DISCHARGE

60.1 A person must not, without a Permit:

60.1.1 connect to;

60.1.2 alter;

60.1.3 interfere with;

60.1.4 excavate;

60.1.5 damage;

60.1.6 destroy; or

60.1.7 obstruct the function of, any drain under the control of Council unless Council has certified a plan of subdivision which necessitates that activity or otherwise permitted that activity under another Act.

60.2 The Owner of land must ensure that all drainage servicing their land is maintained in sound working order and does not cause damage or nuisance to any other property, including Council Property.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

PART J – MURRAY TO THE MOUNTAINS RAIL TRAIL

61. APPLICATION

61.1 This Part applies to land and activities within the Rail Trail Reserve.

61.2 This Part does not apply to:

61.2.1 an Authorised Officer or an employee of Council when acting in the course of their duties; or

61.2.2 a person acting in accordance with a lease, license, tenancy or permit granted or issued under an Act that is not subject to this Part, to the extent that the activities authorised by that lease, license, tenancy or permit are inconsistent with this Local Law.

61.3 Parts K and L of this Local Law apply to land and activities within the Rail Trail Reserve.

62. POWERS OF COUNCIL OVER THE RAIL TRAIL

62.1 Council may determine that a specified area or areas in the Rail Trail Reserve be set aside and permitted to be used for one or more of the following uses:

62.1.1 protection or management of Flora, Fauna, geological or geomorphological features or cultural values;

62.1.2 re-establishment or planting of Vegetation;

62.1.3 amenities or facilities for public use;

62.1.4 camping;

62.1.5 the playing of games or sport;

62.1.6 the lighting or maintaining of fires;

62.1.7 the riding, driving or leading of a horse or a mule or a donkey or a camel or the drawing of a Vehicle by any of those animals;

62.1.8 the parking of any Vehicle or Vehicles of a particular class or classes;

62.1.9 the passage of any Vehicle or Vehicles of a particular class or classes;

62.1.10 a Bicycle Path;

62.1.11 a Footway;

62.1.12 a Separated Footpath;

62.1.13 a Shared Pathway;

62.1.14 the conducting of a community event;

62.1.15 a commercial venture;

62.1.16 for the Droving and/or Grazing of Livestock (Exceptional circumstances only);

62.1.17 to cut and bale grass for hay; and

62.1.18 to conduct fuel reduction burns.

62.2 A determination under Clause 62.1 must specify the times or periods during which the areas set aside may be used, the use for which the area has, or areas have, been set aside and any conditions of use.

62.3 If Council has determined that an area be set aside under Clause 62.1, it must cause a notice to be displayed in a conspicuous place in such a manner that

the notice is reasonably likely to be seen by the persons about to enter the areas, indicating:

62.3.1 the area(s) so set aside;

62.3.2 the use for which the area has, or the areas have, been set aside; and

62.3.3 the conditions on, and times or periods during, which the use is permitted.

62.4 Council may determine that a specified area or areas in the Rail Trail Reserve be set aside as an area where access or entry is prohibited or restricted for:

62.4.1 a person who is in possession of Liquor;

62.4.2 a person who is in possession of any glass;

62.4.3 reasons of public safety;

62.4.4 the protection of Flora, Fauna, geological or geomorphological features or cultural values;

62.4.5 a person who is control of an animal including horses, camels, donkeys and other animals; and

62.4.6 the Droving of Livestock.

62.5 A determination under Clause 62.4 must specify:

62.5.1 the times or periods during which entry or access is prohibited or restricted to an area or the conditions of entry to that area; and

62.5.2 the reasons why entry or access is prohibited or restricted.

62.6 If Council has determined that an area be set aside under Clause 62.4, it must cause a notice to be displayed in a conspicuous place in such a manner that the notice is reasonably likely to be seen by the persons about to enter the areas, indicating:

62.6.1 the areas so set aside;

62.6.2 any conditions of entry to the areas; and

62.6.3 the times or periods during which entry or access is prohibited or restricted.

62.7 Council may from time to time fix fees payable for entry to any part of the Rail Trail or the use of any facilities within the Rail Trail.

62.8 If Council has determined that fees are payable under Clause 62.8, it must cause notice of those fees to be displayed in a conspicuous place in such a manner that the notice is reasonably likely to be seen by the persons about to enter the areas.

62.9 A person must not:

62.9.1 enter any part of the Rail Trail; or

62.9.2 use any facilities within the Rail Trail, without paying any applicable fees, or otherwise in contravention of any conditions, fixed by Council.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

63. VEHICLES

63.1 A person must not, without a Permit:

63.1.1 use, control or drive a Vehicle; or

63.1.2 park or leave a Vehicle standing, unless in an area set aside by Council for that purpose.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

63.2 Clause 63.1 does not apply to:

63.2.1 a bicycle, unicycle, tricycle or scooter;

63.2.2 a battery powered bicycle or scooter with a power source of less than 200 watts;

63.2.3 a wheelchair being used by a person with a disability;

63.2.4 a motorised mobility aid used by people with limited mobility, provided that no damage to the Rail Trail will result from the use of the mobility aid and the maximum speed travelled by the mobility aid does not exceed 20km/per hour; or

63.2.5 any motorised Vehicle used in any part of the Rail Trail Reserve signed as a Shared Zone, provided that the maximum speed travelled by that Vehicle does not exceed 20km/per hour and all traffic signals are obeyed.

64. AIRCRAFT, HELICOPTERS AND AIRBORNE CRAFT

A person must not, without a Permit, launch, fly, land, control or operate any model aircraft, model helicopter, drone, aircraft, helicopter, glider, hang glider or similar flying machine, kite, hot air balloon or parachute.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

65. CAMPING

A person must not, without a Permit, camp unless in an area set aside by Council for that purpose.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

66. FIRE

66.1 A person must not, without a Permit, light or maintain a fire unless :

66.1.1 in a place provided by Council for that purpose; or

66.1.2 in an area set aside by Council for that purpose.

66.2 A person must not leave unextinguished or unattended a fire which that person has lit or maintained.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

67. ERECTING OR USING BUILDINGS AND STRUCTURES

A person must not, without a Permit:

67.1 erect or place any building or structure, including a fence; or

67.2 enter, occupy or use the whole or any part of any building or structure except a building or structure set aside by Council for that purpose and in accordance with any applicable conditions.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

68. GAMES OR SPORTS

A person must not, without a Permit, engage in any game or sport unless in an area set aside by Council for that purpose.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

69. ORGANISED FUNCTION, FETE OR PUBLIC MEETING

A person must not, without a Permit, participate in an organised function, concert, festival, tour, fete or public meeting or similar event unless in an area set aside by Council for that purpose.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

70. PUBLIC ADDRESS

A person must not, without a Permit, preach or deliver an address or use any amplifier, public address system, loud hailer or similar device.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

71. COMMERCIAL ACTIVITIES

A person must not, without a Permit:

71.1 sell or offer any article for sale;

71.2 ply any Vehicle for hire or carry any passengers for fee or reward;

71.3 conduct any school or provide any form of instruction for gain;

71.4 display or advertise for sale, trade or hire any article, device, service or thing;

71.5 solicit or collect money or orders for goods, services or other purposes;

71.6 take part in or advertise any entertainment for gain;

71.7 give out, distribute, erect, leave, set up or display any handbill, placard, notice, pamphlet, book, paper, advertising matter or any like thing;

71.8 offer for hire any article, device or thing;

71.9 conduct a tour for gain or for commercial purposes; or

71.10 cultivate and/or plant any crops,

unless in an area set aside by Council for that purpose.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

72. MACHINERY AND POWER TOOLS

A person must not, without a Permit, operate any portable or stationary generator, air-compressor, chainsaw, oxy-acetylene or electrical cutting or welding apparatus or other machinery in the Rail Trail Area.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

73. BICYCLE PATHS AND FOOTPATHS

A person must not, without a Permit, enter or use a Bicycle Path, Footpath, Separated Footpath or Shared Pathway unless in an area set aside by Council for that purpose.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

74. HORSES

A person must not, without a Permit, ride, drive or lead a horse, mule, donkey or camel, whether in a vehicle or not, within the Rail Trail Reserve unless in an area set aside by Council for that purpose.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

75. LIVESTOCK

A person must not, without a Permit:

75.1 undertake Droving of Livestock or Grazing of Livestock; or

75.2 erect any temporary or permanent fencing with respect to such activities.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

76. HAY MAKING

A person must not, without a Permit, cut and bale hay.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

77. FIRE MINIMISATION

A person must not, without a Permit, undertake fuel reduction burning.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

78. NATURAL, CULTURAL AND OTHER ASSETS

78.1 A person must not:

78.1.1 take, cut, damage, displace, deface or interfere with any timber, tree, shrub, plant, wildflower or other vegetation;

78.1.2 enter any area which is set aside by Council for the:

78.1.2.1 re-establishment or planting of trees, shrubs, grass or other vegetation; or

78.1.2.2 protection of flora or fauna, geological or geomorphological features or cultural values;

78.1.3 plant or knowingly introduce any seed, tree, shrub, fern or other vegetation or any part of any tree, shrub or other vegetation;

78.1.4 take, destroy or damage any lair or nest or take any fauna or its lair or nest or take any skeletal remains;

78.1.5 move or interfere with any sign, notice-board, equipment, seat, table, gate, post, fence, bridge, facility, building or structure;

78.1.6 take any stone including any soil, sand or gravel or bricks from

bridge or drainage structures; or

78.1.7 disturb the soil for activities such as cropping.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

78.2 Clause 78.1 does not apply to a person acting in accordance with a lease, license, permit or other authority under the *Extractive Industries Development Act 1995*, the *Mineral Resources (Sustainable Development) Act 1990* or the *Petroleum Act 1998*.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

79. GATES

A person must leave any gate open except where the gate is already open, or otherwise in accordance with any directions displayed by Council.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

PART K – LOCAL LAW PERMITS

80. PERMITS

80.1 Council or an Authorised Officer may issue a permit under this Local Law with or without conditions, or may refuse to issue the same.

80.2 Council or an Authorised Officer may from time to time determine:

80.2.1 the manner and form in which applications for permits under this Local Law should be made;

80.2.2 the manner in which any Permit under this Local Law should be issued; and

80.2.3 the fee for any application for a Permit.

80.3 Council or an Authorised Officer may waive, reduce or alter any fee for a Permit.

80.4 Council or an Authorised Officer may require a person making an application for a Permit to give public notice of the application in a manner specified from time to time by Council or the Authorised Officer.

80.5 Council or an Authorised Officer may require an applicant for a Permit to provide additional information before the application is determined.

80.6 A person who provides any false or misleading information in connection with an application for a Permit is guilty of an Offence.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

81. ISSUING OR REFUSING PERMITS

81.1 In considering an application for a Permit, Council or an Authorised Officer may take into account any:

81.1.1 Council policy or guideline relevant to the subject matter of the application for the Permit;

81.1.1.1 submission that may have been received where the application for the Permit has been notified to the public;

81.1.1.2 comment on the application for the Permit that may have been made by any Service Authority, community organisation or other person; and

81.1.1.3 other relevant matter.

81.2 Council or an Authorised Officer may decide:

81.2.1 to issue a Permit;

81.2.2 to issue a Permit subject to conditions; or

81.2.3 to refuse to issue a Permit.

82. BREACH OF PERMIT CONDITIONS

A person who fails to comply with a Permit or any condition of a Permit is guilty of an Offence.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

83. CANCELLATION AND AMENDMENT OF PERMITS

83.1 Council or an Authorised Officer may cancel or amend a Permit if there has been a:

83.1.1 material misstatement or concealment of facts in relation to the application for the Permit;

83.1.2 material change in circumstances that has occurred since the Permit was issued; or

83.1.3 failure to comply with any condition or conditions subject to which the Permit was issued.

83.2 Council or the Authorised Officer must notify the Permit Holder of the Permit of the intention to amend or cancel the Permit and give the Permit Holder an opportunity to make a written submission before the Permit is amended or cancelled.

83.3 Despite Clause 83.2, where Council or an Authorised Officer determines that the activity authorised by the Permit will adversely affect the environment, the amenity of the area, or the health or safety of any person or property, the Permit may be suspended immediately pending consideration of any written submissions, and the Permit Holder must immediately cease all activities or things that would otherwise be allowed by the Permit.

84. CORRECTION OF PERMITS

84.1 Council may correct any Permit in relation to:

84.1.1 a clerical mistake or other error arising unintentionally or an omission; or

84.1.2 an evident material miscalculation of figures or an evident material mistake in the description of any person, thing or property referred to in the Permit.

84.2 Council must give notice of any correction of a Permit to the Permit Holder.

PART L – OTHER ADMINISTRATIVE AND ENFORCEMENT MATTERS

85. INCORPORATION OF POLICIES

85.1 The following Policies are incorporated into this Local Law:

85.1.1 Local Law Policy LLP11 Droving of Livestock;

85.1.2 Local Law Policy LLP12 Grazing of Livestock; and

85.1.3 Local Law Policy LLP23 Using Footpaths.

86. EXEMPTIONS

86.1 No Permit is required under this Local Law where a person undertakes an activity or does any act or thing pursuant to and in accordance with a lease, licence or some other form of written consent given by Council or an Authorised Officer.

86.2 Council or an Authorised Officer may exempt a person or a class of persons from the application of, or need to comply with, this Local Law or any part of it, either generally or in a particular instance.

86.3 Any exemption:

86.3.1 must be in writing; and

86.3.2 may be subject to conditions.

87. NOTICES TO COMPLY

87.1 Council or an Authorised Officer may, by serving a Notice to Comply, direct any Owner, Occupier or other person to remedy any thing which constitutes a breach of this Local Law.

87.2 A Notice to Comply issued under this Local Law must:

87.2.1 specify the thing in breach of the Local Law;

87.2.2 specify the thing to be done or the work to be carried out to remedy the thing in breach of the Local Law; and

87.2.3 state the time and date by which the thing must be remedied.

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

87.3.1 the amount of work involved;

87.3.2 the degree of difficulty;

87.3.3 the availability of necessary materials or other necessary items;

87.3.4 climatic conditions;

87.3.5 the degree of risk or potential risk; and

87.3.6 any other relevant matter.

87.4 Any person who fails to remedy a thing in accordance with a Notice to Comply within the time specified is guilty of an offence.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

87.5 Nothing in this Local Law:

87.5.1 obliges Council or an Authorised Officer to serve a Notice to Comply; or

87.5.2 precludes Council or an Authorised Officer from both serving a Notice to Comply and also serving an Infringement Notice or prosecuting for an offence.

88. POWER OF AN AUTHORISED OFFICER TO ACT IN URGENT CIRCUMSTANCES

88.1 If:

88.1.1 a person has breached any provision of this Local Law in respect of which a Notice to Comply may be issued;

88.1.2 the breach threatens a person's or an animal's life or health, any property or the natural environment;

88.1.3 the circumstances are sufficiently urgent and the time necessary to serve and ensure compliance with a Notice to Comply may exacerbate that threat; and

the Authorised Officer has taken reasonable steps to obtain the approval of the Chief Executive Officer, an Authorised Officer may take such action as they consider necessary to abate or minimise the danger without serving a Notice to Comply if notice is given of:

88.1.4 the reasons for taking the action; and

88.1.5 the action taken,

to the person in breach of the provision of this Local Law in respect of which the action was taken as soon as practicable afterwards.

88.2 The action taken by an Authorised Officer under this Clause 88 must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.

88.3 Any costs incurred by Council to remove, remedy or rectify a situation under this Clause 88 may be recovered by Council from the person responsible.

89. IMPOUNDING

89.1 An Authorised Officer may seize and impound any thing which has been or is being used or possessed in contravention of this Local Law.

89.2 Where any thing has been impounded under Clause 89, Council or an Authorised Officer must, if it is practicable to do so, serve written notice of the impounding personally, by pre-paid mail or by email on the person who appears to be the Owner of the impounded thing.

89.3 An impounded thing must be surrendered to:

89.3.1 its Owner; or

89.3.2 a person acting on behalf of its Owner who provides evidence to the

satisfaction of an Authorised Officer of their authority from the Owner,

89.4 if:

89.4.1 evidence to the satisfaction of the Authorised Officer is provided of the Owner's right to the thing; and

89.4.2 any fee, determined by Council or an Authorised Officer from time to time, is paid.

89.5 If an impounded item is not retrieved within fourteen (14) days of the notice of impounding being served or, if no notice of impounding was served, of the act of impounding, Council or an Authorised Officer may:

89.5.1 sell;

89.5.2 give away; or

89.5.3 destroy,

the impounded thing.

89.6 Proceeds of any sale of an impounded thing, less any costs incurred by Council in impounding and selling the thing and complying with the requirements of this Local Law, are to be held by Council pending any claim by the Owner. If the Owner at any time provides reasonable proof of entitlement to the net proceeds of the sale of an impounded item, within six (6) months of the sale, payment of such must be made to that person.

89.7 If no valid claim is made with the six (6) months period under Clause 89.6, any surplus proceeds of the sale may be used for municipal purposes.

90. OFFENCES

90.1 A person who contravenes or fails to comply with:

90.1.1 any provision of a Local Law;

90.1.2 any condition contained in a Permit issued under a Local Law; or

90.1.3 a Notice to Comply issued under Clause 89,

is guilty of an Offence and is liable to the penalty stated under the provision that is contravened.

90.2 Where a person is found guilty of an offence under this Local Law they will be liable to:

90.2.1 a further penalty of one (1) penalty unit for each day during which the contravention continues; and

90.2.2 upon being found guilty of a second or subsequent offence, a penalty that is double the penalty stated under the provision that is contravened or twenty (20) penalty units, whichever is the lesser.

91. INFRINGEMENT NOTICES

91.1 An Authorised Officer may issue an Infringement Notice for an Offence, as an alternative to prosecution.

91.2 The penalties fixed for Infringement Notices:

91.2.1 are set out in Schedule 1; or

91.2.2 where no penalty for an Infringement Notice is stated in Schedule 1, the penalty is two (2) Penalty Units.

92. PENALTIES UNDER THIS LOCAL LAW GENERALLY

92.1 If no penalty is fixed for an offence against this Local Law, the maximum penalty is twenty (20) Penalty Units.

93. REQUIREMENT TO ACT FAIRLY AND REASONABLY

93.1 In exercising any power under this Local Law, Council and an Authorised Officer must act fairly and reasonably and in proportion to the nature and extent of the breach of this Local Law.

94. DELEGATION

94.1 Pursuant to section 78 of the Act, Council:

94.1.1 delegates to the Chief Executive Officer all of its powers under this Local Law; and

94.1.2 authorises the Chief Executive Officer to delegate those powers to the holder of an office or position as a member of Council staff.

SCHEDULE 1

PENALTIES PRESCRIBED UNDER CLAUSE 75 OF THIS LOCAL LAW, FOR INFRINGEMENT NOTICE PURPOSES

RELEVANT CLAUSE		Penalty for a natural person	Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise
7	Access to Municipal Buildings	Two (2) Penalty Units	--
8	Prohibition on entry to a Municipal Building	Two (2) Penalty Units	--
9	Conduct in a Municipal Building	Two (2) Penalty Units	--
10	Access to Council Land	Two (2) Penalty Units	--
11	Prohibited conduct on Council Land	Two (2) Penalty Units	--
12	Collection of Firewood	Two (2) Penalty Units	
13	Droving of Livestock	Two (2) Penalty Units	--
14	Grazing of Livestock	Two (2) Penalty Units	--
15	Street Activities	One (1) Penalty Unit	--
16	Items on Council Land	Two (2) Penalty Units	--
17	Advertising and Advertising Signs	Two (2) Penalty Units	--
18	Shopping trolleys	Two (2) Penalty Units	--
19	Charity Donation Bins	Two (2) Penalty Units	--

RELEVANT CLAUSE		Penalty for a natural person	Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise
20	Street parties, festivals and processions	One (1) Penalty Unit	--
21	Floodlighting	Two (2) Penalty Units	Five (5) Penalty Units
22	Use of Vehicles on Council Land	Two (2) Penalty Units	--
23	Use of Recreational Vehicles on private land	Two (2) Penalty Units	--
24	Repair and Display for sale of Vehicles	Two (2) Penalty Units	Ten (10) Penalty Units
25	Vehicles on roads and Council Land	Two (2) Penalty Units	--
26	Damaging, defacing or interfering with Council Property	Four (4) Penalty Units	--
27	Vehicle crossings	Two (2) Penalty Units	Five (5) Penalty Units
28	Consumption of Liquor or possession in unsealed container and behaviour near Licensed Premises	Three (3) Penalty Units	--
29	Bicycles, scooters, skateboards, in-line and roller skates	One (1) Penalty Unit	--
30	Property address and numbers	Two (2) Penalty Units	--
31	Incinerators and burning	Five (5) Penalty Units	--
32	Burning of materials	Five (5) Penalty Units	

RELEVANT CLAUSE		Penalty for a natural person	Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise
33	Condition of land	Five (5) Penalty Units	Ten (10) Penalty Units
34	Storage of dangerous or hazardous substances on land	Five (5) Penalty Units	--
35	Storage, vehicles and machinery	Two (2) Penalty Units	--
36	Shipping containers and temporary structures	Two (2) Penalty Units	--
37	Camping	One (1) Penalty Unit	--
38	Trees and vegetation	Two (2) Penalty Units	Five (5) Penalty Units
39	Wasp nests and bees	Two (2) Penalty Units	--
41	Limits on number of animals kept	Two (2) Penalty Units	--
42	Racing Pigeons	Two (2) Penalty Units	Five (5) Penalty Units
43	Removal of animal faeces	One (1) Penalty Unit	--
44	Animal housing	Two (2) Penalty Units	Ten (10) Penalty Units
45	Provision of effective fencing to contain animals	Two (2) Penalty Units	--
46	Power to Impound Additional Animals	Two (2) Penalty Units	--
47	Wandering Animals	Two (2) Penalty Units	--
48	Protection of Council Infrastructure Assets During Building Works	Five (5) Penalty Units	Ten (10) Penalty Units
49	Containment of building sites	Five (5) Penalty Units	Ten (10) Penalty Units

RELEVANT CLAUSE		Penalty for a natural person	Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise
50	Entry to building sites	Five (5) Penalty Units	Ten (10) Penalty Units
51	Building site identification	One (1) Penalty Unit	Five (5) Penalty Units
52	Approved toilet systems	Five (5) Penalty Units	Ten (10) Penalty Units
53	Building site waste	Five (5) Penalty Units	Ten (10) Penalty Units
54	Pedestrian and traffic hazards, and safety	Five (5) Penalty Units	Ten (10) Penalty Units
55	Soil stockpiles	Five (5) Penalty Units	Ten (10) Penalty Units
56	Drains	Five (5) Penalty Units	Ten (10) Penalty Units
57	Collection Services	Two (2) Penalty Units	Five (5) Penalty Units
58	Suspension of Collection Services	Two (2) Penalty Units	--
67	Bulk Rubbish Containers	Two (2) Penalty Units	Five (5) Penalty Units
68	Use of drains and legal points of discharge	Ten (10) Penalty Units	--
63	Vehicles on the Rail Trail Reserve	Two (2) Penalty Units	--
64	Aircraft, helicopters and airborne craft on the Rail Trail Reserve	Two (2) Penalty Units	--
65	Camping on the Rail Trail Reserve	Two (2) Penalty Units	--
66	Fire in the Rail Trail Reserve	Five (5) Penalty Units	--
67	Erecting or using buildings and structures on the Rail Trail Reserve	Two (2) Penalty Units	--
68	Games or sports on the Rail Trail Reserve	Two (2) Penalty Units	--

RELEVANT CLAUSE		Penalty for a natural person	Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise
69	Organised functions on the Rail Trail Reserve	Two (2) Penalty Units	--
70	Public address systems on the Rail Trail Reserve	Two (2) Penalty Units	--
71	Commercial activities on the Rail Trail Reserve	Two (2) Penalty Units	Ten (10) Penalty Units
72	Machinery and power tools on the Rail Trail Reserve	Two (2) Penalty Units	--
73	Bicycle Paths and footpaths on the Rail Trail Reserve	Two (2) Penalty Units	--
74	Horses on the Rail Tail Reserve	Two (2) Penalty Units	--
75	Livestock on the Rail Trail Reserve	Two (2) Penalty Units	--
76	Hay making on the Rail Trail Reserve	Two (2) Penalty Units	--
77	Fire minimisation on the Rail Trail Reserve	Two (2) Penalty Units	--
78	Natural, cultural and other assets on the Rail Trail Reserve	Two (2) Penalty Units	--
79	Gates on the Rail Trail Reserve	Two (2) Penalty Units	--
80.6	False representation to Council	Two (2) Penalty Units	Five (5) Penalty Units
82	Breach of Permit conditions	Five (5) Penalty Units	--
87.4	Non-compliance with Notice to Comply	Five (5) Penalty Units	Ten (10) Penalty Units