



General Local Law No. 9 2022

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PART 1 - PRELIMINARY

1. Local Law

This General Local Law No. 9 2022 is a local law made under Part 3 Division 3 of the *Local Government Act 2020* and section 42 of the *Domestic Animals Act 1994*.

2. Objectives

The objectives of this Local Law are to provide for:

- (a) the peace, order and good governance of the municipal district;
- (b) a safe and healthy environment so that the community can enjoy a quality of life that meets its expectations;
- (c) the safe and equitable use and enjoyment of public places and council land;
- (d) the protection and enhancement of the amenity and environment of the municipal district;
- (e) the fair and reasonable use and enjoyment of private land; and
- (f) the uniform and fair administration of this Local Law.

3. Commencement

This Local Law commences on the day following the gazettal of the Local Law in the Victoria Government Gazette.

4. Revocation of Local Law

On the commencement of this Local Law, General Local Law No. 8 2015 is revoked.

5. Application of Local Law

- (1) This Local Law applies throughout the whole of the municipal district.
- (2) This Local Law does not apply where any act or thing is authorised by any Act, Rule, regulation or the Campaspe Planning Scheme.

6. Definitions

In this Local Law:

<i>authorised officer</i>	means a person appointed by Council under section 224 of the <i>Local Government Act 1989</i> .
<i>building site</i>	means any land prepared for and on which building works are carried out.
<i>building works</i>	includes any activities, events and practices for or in connection with the construction, alteration, demolition or removal of a building.
<i>bulk rubbish container</i>	includes a waste bin, mini-skip, shipping containers and pallet, but does not include a waste bin provided by Council for the purpose of a kerbside waste collection service provided by Council.
<i>busk</i>	to entertain by playing music, dancing, singing, or reciting on a road or on council land.
<i>camp</i>	means the encampment of lodging in a caravan, tent or other temporary structure or vehicle not permanently erected on land.
<i>caravan</i>	means and includes a caravan, motor home, bus and any object or structure having the general characteristics of a caravan, including when wheels or axles have been removed or if the

caravan is resting directly on the ground or is placed on blocks or other supports.

carriageway	means a portion of a road improved, designed or ordinarily used for vehicular traffic (but does not include a segregated footway, a shared footway or a bicycle path), and includes any shoulders and areas both at the sides or centre of the carriageway used for the standing or parking of vehicles and, if a road has 2 or more portions divided by a reservation, means each portion separately.
commercial area	means land within a Commercial 1 Zone or Commercial 2 Zone under the Campaspe Planning Scheme.
council	means Campaspe Shire Council.
council land	means land, buildings or facilities which are owned or occupied by or vested in the Council or in respect of which the Council has the care and management.
code	means a Code of Practice incorporated into and forming part of this Local Law.
domestic birds	means small birds such as canaries, finches, budgerigars and the like kept in a domesticated state or under the control of humans.
drain	means a system for the collection, storage and removal of stormwater developed, managed and / or maintained by council.
droving	means the movement of livestock during daylight hours only, either by driving them into the municipality or by driving them along any road or roads through the municipality a distance greater than can be achieved by travelling in one day.
e-cigarette	has the same meaning as defined in the <i>Tobacco Act 1987</i> .
event	means an organised recreational, cultural, commercial or social event or gathering of people which is held in a public place or on a public reserve.
festival	means an organised recreational, cultural, commercial or social event or gathering of people which is held on a road and includes a procession or party.
garden waste	means all discarded tree branches, leaves, prunings, lawn clippings and weeds.
goods	means merchandise or wares for sale or display.
graffiti	means any writing, painting or other defacement applied to the exterior surfaces of premises by a person without the prior consent of the owner and/or occupier.
grazing	means the holding of livestock in one area for the purpose of them feeding off roadside vegetation.
gross vehicle mass	of a vehicle has the same meaning as 'GVM (gross vehicle mass)' as defined in the <i>Road Safety Act 1986</i> .
hard waste	includes items that cannot fit in a regular bin and are usually quite large such as fridges, washing machines, couches, cupboards, wardrobes, televisions, furniture, computers, mattresses, and similar items.
household refuse	means all refuse and rubbish produced or accumulated in or about a dwelling but does not include bricks, chemicals, garden waste, medical waste, furniture, fittings or machinery.

<i>industrial area</i>	means land within an Industrial 1 Zone, Industrial 2 Zone or Industrial 3 Zone under the Campaspe Planning Scheme.
<i>land</i>	includes structures permanently fixed to the land.
<i>livestock</i>	has the same meaning as defined in the <i>Impounding of Livestock Act 1994</i> .
<i>minor building works</i>	means building work valued at less than \$10,000 excluding demolition and removal of buildings and structures and installation of swimming pools (regardless of value).
<i>motorised vehicles</i>	include all mini-bikes, trail bikes, motor bikes, motor cars, four-wheel drive vehicles, motor scooters, go-carts, skateboards, hover boards and other vehicles which may be propelled by a motor or by mechanical means, but does not include a motorised wheelchair or motorised mobility device used by a person with disability as an aid for their mobility.
<i>municipal district</i>	has the same meaning as defined in the <i>Local Government Act 2020</i> .
<i>occupier</i>	means the person who is for the time being in charge of the land.
<i>outdoor eating facility</i>	means any tables and/or chairs or other articles located out-of-doors, at which food or drink is served or intended to be served and may be consumed.
<i>permit</i>	means a permit issued under this Local Law.
<i>permanent livestock crossing</i>	means a site at which the movement of livestock either across and/or along a Council controlled road is carried out on more than 52 occasions in any 12-month period.
<i>penalty unit</i>	has the same meaning as defined in Section 110(1) of the <i>Sentencing Act 1991</i> .
<i>police officer</i>	has the same meaning as defined in the <i>Victoria Police Act 2013</i> .
<i>prohibited road</i>	means a road or parts of a road declared by Council on which droving or grazing or moving of livestock is not permitted.
<i>public place</i>	has the same meaning as defined in the <i>Summary Offences Act 1966</i> .
<i>public reserve</i>	means a municipal place which is outdoors and available for recreational purposes.
<i>refuse receptacle</i>	means a wheeled mobile refuse receptacle of the type issued or approved by Council.
<i>regular movement of livestock</i>	in excess of 52 separate movements in one 12-month period.
<i>residential area</i>	means land within a General Residential Zone, Township Zone or Low-Density Residential Zone under the Campaspe Planning Scheme.
<i>residual waste</i>	includes non-hazardous waste material that cannot be re-used or recycled and needs to be sent to energy recovery or disposal.
<i>road</i>	has the same meaning as defined in the <i>Local Government Act 1989</i> .
<i>road reserve</i>	means all of the area of land that is within the boundaries of a road.

roadside drainage	includes any area excavated, or any pipe culvert, lead wall, channel or natural depression in a road reserve that facilitates the flow of drainage water either along or across the roadway.
rural area	means land within a Farming Zone, and Rural Activity Zone under the Campaspe Planning Scheme.
rural living area	means land within a Rural Living Zone under the Campaspe Planning Scheme.
schedule maps	means the areas defined for the purposes of clause 10 of this Local Law as set out in the schedule to this Local Law.
sign	means any portable sign, notice, structure, banner or other similar device used for the purpose of soliciting goods or services or displaying information.
shopping trolley	means a wheeled container supplied by a retailer for enabling a customer to transport goods.
smoke	has the same meaning as defined in the <i>Tobacco Act 1987</i>
smoke free area	means an area designated to be a <i>smoke free area</i> in accordance with clause 11.
street furniture	means tables and chairs, stools and benches, umbrellas, wind frames or similar articles placed on any road or municipal place.
tobacco product	has the same meaning as defined in the <i>Tobacco Act 1987</i> .
trade waste	includes liquid wastewater from a food business or industrial entity that enters the sewer system. This includes all water that is used for the preparation or cooking of food, washing dishes or cleaning, that goes down the drain.
works	includes any change to the natural or existing condition or topography of land including but not limited to: <ul style="list-style-type: none"> (a) removal, destruction or lopping of trees (b) removal of vegetation (c) removal of topsoil (d) collection of seed (e) collection of firewood (f) preparation and construction of fire breaks (g) drainage works (h) construct an underpass under a road

7. Conflict with other legislation

This Local Law does not apply where any act or thing is authorised by or under any Act, rule, regulation or planning scheme.

8. Incorporation of Documents

- (1) The document titled "Compliance 11", as made by Council and published from time to time on Council's website, is hereby incorporated into this Local Law pursuant to section 76 of the *Local Government Act 2020*.
- (2) The document titled "Trading Activities Code of Practice", as made by Council and published from time to time on Council's website, is hereby incorporated into this Local Law pursuant to section 76 of the *Local Government Act 2020*.
- (3) The document titled "Protection of Council Assets During Construction Activities Code of Practice" as made by Council and published from time to time on Council's website, is hereby incorporated into this Local Law pursuant section 76 of the *Local Government Act 2020*.

- (4) The document titled “Livestock Code of Practice” as made by Council and published from time to time on Council’s website, is hereby incorporated into this Local Law pursuant to section 76 of the *Local Government Act 2020*.
- (5) The document titled “Waste Recycling and Food and Garden Waste Code of Practice” as made by Council and published from time to time on Council’s website, is hereby incorporated into this Local Law pursuant to section 76 of the *Local Government Act 2020*.

PART 2 – ROADS, PUBLIC PLACES AND COUNCIL LAND

9. Behaviour

(1) General

A person must not on council land or on a public place:

- (a) interfere with another person's reasonable use and enjoyment of the council land or public place, (including, but not limited to, using indecent language or fighting); or
- (b) endanger or be likely to endanger health, life or property; or
- (c) destroy, damage or interfere with any building, fence, property improvements, sign, structure, chattel, tree, shrub or plant, garden bed, bird or animal or bird/animal habitat thereon; or
- (d) enter on any area, road or track that is specifically designed for land or vegetation establishment and for which entry is prohibited.

Penalty: 15 Penalty Units

- (2) A person must not urinate or defecate in a public place other than in a toilet facility constructed for that purpose.

Penalty: 15 Penalty Units

(3) Rollerblades, Skateboards and Scooters

A person must not use rollerblades, skateboards, self-propelled scooters or other similar devices (motorised or not) in any area of the municipality at such times declared by resolution of Council as an area or a time so prohibited for that activity.

Penalty: 5 Penalty Units

10. Consumption and possession of liquor in a public place and on public reserves

(1) Consumption and Possession of Liquor in a Public Place (excluding public reserves)

A person must not, unless acting in accordance with a permit consume any liquor or have in their possession or control liquor other than in a container with an unbroken seal:

- (a) in a public place (excluding public reserves); or
- (b) in or on any stationary vehicle on a road or at a public place (excluding public reserves) situated within the areas defined on the schedule maps.

Penalty: 15 Penalty Units

(2) Consumption and Possession of Liquor on Public Reserves

Between sunset and sunrise, a person must not unless acting in accordance with a permit:

- (a) consume any liquor; or
- (b) have in their possession or control, any liquor other than liquor in a container with an unbroken seal;

in or on a public reserve, or in or on a stationary vehicle within a public reserve, located in any area defined in the schedule maps.

Penalty: 15 Penalty Units

(3) Consumption and Possession of Liquor following a direction

A person must not in a public place or in a stationary vehicle parked in or at a public place:

- (a) have in their possession or control any liquor after a police officer or an authorised officer has directed that person to dispose of the liquor; or
- (b) have in their possession or control any liquor in an unsealed container after a police officer or an authorised officer has directed that person to seal the container; or

- (c) consume any liquor, after a police officer or an authorised officer has directed that person to stop the consumption of liquor.

Penalty: 15 Penalty Units

(4) Power to Direct

If a police officer or an authorised officer believes on reasonable grounds that a person is in contravention of or has contravened clauses 10(1), (2) or (3), the police officer or the authorised officer may direct the person to surrender the liquor in any unsealed container to the police officer or authorised officer.

(5) Compliance with a Direction

A person to whom a direction is given under clause 10(4) must comply with that direction.

Penalty: 15 Penalty Units

(6) Seizure of Liquor

If a person to whom a direction is given under clause 10(4) does not immediately comply with that direction, the police officer or an authorised officer may seize any liquor in any unsealed container in that person's possession, and then keep, store, dispose of or otherwise deal with that liquor as they see fit.

(7) Exemptions

This clause does not apply to a person who consumes or possesses liquor in any licensed premises or authorised premises as defined in the *Liquor Control Reform Act 1998*.

(8) Permit for Consumption of Liquor

In determining whether to grant a permit for the consumption or possession of liquor Council must take into account the following:

- (a) the nature of the event or festival;
- (b) the duration of the event or festival;
- (c) the effect on the quiet enjoyment of people in the municipal district;
- (d) the comment in any submissions received; and
- (e) any other matters relevant to the application or circumstances.

11. No Smoking in Smoke Free Areas

Smoking prohibited

- (1) A person must not smoke a tobacco product or an e-cigarette in a smoke free area.

Penalty: 20 Penalty Units

- (2) If an authorised officer believes on reasonable grounds that a person is contravening or has contravened sub-clause (1), the authorised officer may direct the person to:

- (i) in the case of a tobacco product, extinguish and then dispose of the tobacco product; or
- (ii) in the case of an e-cigarette, cease using the device.

Offence to fail to comply with a direction

- (3) A person to whom a direction is given under sub-clause (2) must comply with that direction.

Penalty: 20 Penalty Units

Council may designate smoke free areas

- (4) Council may by resolution designate any area within the municipal district to be a smoke free area.

- (5) When determining whether to designate a smoke free area, Council must have regard to the following factors:
 - (a) the size of the proposed smoke free area;
 - (b) the opinions of any person who is the owner or occupier of any part of the proposed smoke free area;
 - (c) the proximity of the proposed smoke free area to a public place;
 - (d) the extent and outcome of any public consultation on the proposed smoke free area;
 - (e) any benefits to the community which would be achieved by Council designating the proposed smoke free area;
 - (f) any detriment to the community which would be caused by the Council designating the proposed smoke free area; and
 - (g) any other matter the Council considers relevant.

Power to erect signs

- (6) Council or an authorised officer must erect, or cause to be erected, an acceptable no smoking sign in each designated smoke free area.
- (7) This clause does not apply to any smoking that is prohibited by the *Tobacco Act 1987*.

12. Activities on roads and on council land

- (1) Without a permit a person must not on a road or on council land do any of the following:
 - (a) place any advertising sign; or
 - (b) display any goods; or
 - (c) place any outdoor eating furniture or associated facilities; or
 - (d) place any structure for the purpose of selling or offering to sell any goods or services; or
 - (e) sell or offer for sale any motor vehicle; or
 - (f) solicit the sale of goods or services;
 - (g) solicit or collect any waste materials, gifts of money, or subscriptions.

NOTE: For processions or festivals on roads controlled by VicRoads, prior consent must be obtained from the Chief Commissioner of the Victoria Police and VicRoads.

Penalty: 10 Penalty Units

- (2) A person who is issued a permit under this clause must: -
 - (a) comply with the Trading Activities Code of Practice; and
 - (b) comply with the *Disability Discrimination Act 1992*.

Penalty: 10 Penalty Units

- (3) In considering an application for a permit under sub-clause (1), Council must have regard to the requirements of:
 - (a) the Trading Activities Code of Practice;
 - (b) the Disability Discrimination Act 1992; and
 - (c) the Public Open Spaces Trading Guidelines

(4) Commercial and Charitable Activities on Roads and Council Land

A person must not, without a permit:

- (a) erect or place on any road or on council land, a vehicle, caravan, trailer, table, stall or similar structure for the purpose of selling or offering for sale any goods or services or conducting a raffle or lottery; or

- (b) sell or offer for sale on any road or on council land, any goods carried about on a person or animal; or
- (c) engage in spruiking or promoting goods or services or permit another person to engage in spruiking or promoting goods or services on any road or on council land; or
- (d) give or offer to the public on any road or on council land, any pamphlet or brochure advertising goods, services or events.

Penalty: 10 Penalty Units

(5) Murray Esplanade sign restrictions

A person must not on Murray Esplanade, Echuca between Leslie Street and Little Hopwood Place , without a permit, display or fix a sign or banner or message advertising or promoting any goods, services or event.

Penalty: 10 Penalty Units

13. Approval for events and festivals

- (1) A person must not, without a permit, conduct an event or festival.

Penalty: 10 Penalty Units

- (2) This clause does not apply to a funeral procession on a road or on council land.

14. Busking

- (1) A person must not, without a permit, busk on a road or on council land.

Penalty: 5 Penalty Units

- (2) In determining whether to grant a permit to allow busking, Council must have regard to the following:
- (a) the time and days it is proposed to busk;
 - (b) the roads or areas in which the busking will take place;
 - (c) the impact on pedestrians and traffic;
 - (d) the ability to obtain public liability insurance;
 - (e) whether the busking is part of the entertainment provided within a street trading area; and
 - (f) any other matter relevant to the circumstances of the application.

15. Placement of clothing bins

- (1) A person must not, without a permit, place a clothing bin on council land or on a road.

Penalty: 15 Penalty Units

- (2) A person who obtains a permit to place a clothing bin on council land or on a road must maintain the area surrounding the bin and not allow excess materials to overflow or cause a nuisance.

Penalty: 15 Penalty Units

16. Repair of vehicles

A person must not, without a permit, perform any work to a vehicle on a road or on council land, except to enable the vehicle to be removed from the road or council land.

Penalty: 15 Penalty Units

17. Placing bulk rubbish containers on a road

- (1) A person must not, without a permit leave a bulk rubbish container or a shipping container on any part of a road or in contravention of any conditions of a permit issued under this Local Law.

Penalty: 15 Penalty Units

- (2) Any bulk rubbish container or shipping container left on any part of a road in contravention of clause 17(1) may be impounded and removed by or at the direction of an authorised officer.
- (3) Clause 60 applies to any bulk rubbish container or shipping container that has been impounded and removed under this clause.

18. Vehicle crossings

- (1) A person who owns or occupies land must not permit vehicular access from a road onto that land, except where a properly constructed and Council approved vehicle crossing has been provided.

Penalty: 15 Penalty Units

- (2) A person must not, unless a permit has been obtained from Council, construct, install, remove or alter a vehicle crossing.

Penalty: 15 Penalty Units

- (3) A person responsible for undertaking any works on a property must maintain the vehicle crossing in an effective condition for the duration of the works as required.

Penalty: 15 Penalty Units

- (4) The Council may require the owner or occupier of a property to remove any part, or all of, a vehicle crossing for which there is no longer any point of vehicular access to the property.
- (5) A person who has obtained a permit under this clause for a vehicle crossing must maintain the vehicle crossing to a standard that is safe for all road users.

19. Abandoned Shopping trolleys

- (1) A person must not leave a shopping trolley on any road or on any council land other than an area specifically designated for the storage of shopping trolleys.

Penalty: 5 Penalty Units

- (2) Any shopping trolley left on any road or on council land in an area not designated for the storage of shopping trolleys may be removed by an authorised officer and impounded.
- (3) A release fee determined by resolution of Council will apply to the retrieval of goods so impounded pursuant to this clause.

20. Noise in a municipal district or on a road

A person must not on council land or on a road emit, or allow to be emitted, any noise which causes or is calculated to cause interference with a person's use or enjoyment of adjacent or nearby premises.

Penalty: 10 Penalty Units

21. Playing of golf on council land

A person must not drive or putt golf balls on any council land other than in an area specifically set aside for that purpose.

Penalty: 5 Penalty Units

22. Use of vehicles on council land

A person must not ride or drive any motor car, motor cycle, bicycle or other vehicle on council land other than in an area set aside for vehicle parking or any designated roadway or bicycle pathway.

Penalty: 15 Penalty Units

23. Property numbers to be displayed

The owner or occupier of a property that has been allocated a street or rural road number by Council must mark the property with the allocated number. The property number must be:

- (a) at least 90mm in height;
- (b) located on the front boundary alignment;
- (c) in a contrasting colour to its background;
- (d) located as near as practical to the driveway and / or letterbox; and
- (e) visible from vehicles on any adjacent road.

Penalty: 5 Penalty Units

24. Parked motor vehicles interfering with council functions

The owner of a motor vehicle parked on a road must move or cause the vehicle to be moved in accordance with a notice from Council served on the owner, if Council is of the opinion that the presence of the motor vehicle interferes with any Council function.

Penalty: 15 Penalty Units

25. Abandoned vehicles

Council may impound any abandoned or unregistered vehicle in accordance with the provisions of the *Local Government Act 1989*.

26. Trees and plants on private property

The owner or occupier of land on which any tree or plant is growing must not allow the tree or plant to obstruct or interfere with the passage of traffic by:

- (a) overhanging any footpath or other part of a road used by pedestrians so that it gets in the way of pedestrians or is likely to cause injury or damage to them;
- (b) extending over any part of the road in such a way that it obstructs the view between vehicles at an intersection; or
- (c) obstructing the view between vehicles and pedestrians where they come close to one another; or
- (d) obscuring a traffic control item from an approaching vehicle or pedestrian; or
- (e) obscuring street lighting; or
- (f) obstructing the view between vehicles and trains at a railway level crossing that does not have gates, booms or flashing lights; or
- (g) otherwise constituting a danger to vehicles or pedestrians, or compromising the safe and convenient use of the road.

Penalty: 5 Penalty Units

27. Trees and plants on roads

A person must not without having first obtained a permit from Council, plant any trees or other vegetation on any part of a road.

Penalty: 5 Penalty Units

28. Signs and objects

A person must not place any sign or other object on any land in such a way that it causes an obstruction or interferes with the passage of traffic by:

- (a) overhanging a footpath or other part of a road used by pedestrians so that it gets in the way of pedestrians or is likely to cause injury or damage to them; or
- (b) extending over any part of the road in such a way that it obstructs the view between vehicles at an intersection; or
- (c) obstructing the view between vehicles and pedestrians where they come close to one another; or
- (d) obscuring a traffic control item from an approaching vehicle or pedestrian; or
- (e) obscuring street lighting; or
- (f) obstructing the view between vehicles and trains at a railway level crossing that does not have gates, booms or flashing lights; or
- (g) otherwise constituting a danger to vehicles or pedestrians or compromising the safe and convenient use of the road.

Penalty: 10 Penalty Units

29. Fences at intersections

A person must not construct or allow to remain in place a boundary fence near any road intersection that reduces visibility or causes an obstruction and interferes with the safe passage of vehicles or pedestrians.

Penalty: 5 Penalty Units

PART 3 - ENVIRONMENT

30. Dangerous and unsightly land

- (1) An owner or occupier of land in a residential area, commercial area or industrial area must not allow or permit the land to be kept in a manner that constitutes a fire hazard.

Penalty: 15 Penalty Units

- (2) An owner or occupier of land in a residential area must not allow, or permit the land to be kept in a manner, that:

is unsightly or detrimental to the general amenity of the neighbourhood by the appearance of any of the following:

- (i) stored unregistered motor vehicles or vehicles undergoing repairs;
- (ii) machinery or any parts of them, including motor vehicle parts;
- (iii) scrap metal;
- (iv) second-hand timber, furniture and or building materials;
- (v) waste paper;
- (vi) household refuse not contained in a refuse receptacle;
- (vii) rags;
- (viii) bottles;
- (ix) overgrown vegetation;
- (x) grass or weeds in excess of 150mm in height (residential area only); or
- (xi) is not kept free of graffiti.

Penalty: 15 Penalty Units

31. Open air burning

- (1) A person must not burn or cause to burn any offensive materials in any part of the municipality, including any substance which contains:

- (a) any manufactured chemical; or
- (b) any rubber or plastic; or
- (c) any petroleum or oil (other than in an internal combustion engine); or
- (d) any paint or receptacle which contains or contained paint; or
- (e) food waste, fish, or other offensive or noxious matter; or
- (f) any other materials determined by Council from time to time.

Penalty: 15 Penalty Units

- (2) A person must not burn or cause to burn any dead animal so as to create a nuisance except when the burning of a dead animal has been ordered by the Department of Jobs, Precincts and Regions.

Penalty: 15 Penalty Units

- (3) A person, including an owner or occupier of land, must not allow to be lit or remain alight, a fire in an incinerator unless on private land of more than 2 hectares which is located in a rural area.

Penalty: 15 Penalty Units

- (4) A person must not light a fire in the open air unless the fire is lit:
- (a) for the purpose of cooking food with/or at a barbeque; or
 - (b) on private land of more than 2 hectares located in a rural area; or
 - (c) by an Aboriginal or Torres Strait Islander person for the purpose of engaging in a cultural practice.

Penalty: 15 Penalty Units

- (5) An owner or occupier of land on which a fire has been lit in breach of this Local Law, must immediately on becoming aware of the fire take all steps necessary to extinguish the fire.

Penalty: 15 Penalty Units

32. Interference with council land, drains, pits or footpaths

- (1) An owner or occupier of land must not allow a tree, shrub, bush, vegetation or any other object on that land to hinder, obstruct, or interfere with the operation of any drain, pit or footpath vested in or under Council's management or control. This includes but is not limited to dirt mounds and skate ramps.

Penalty: 15 Penalty Units

- (2) An owner or occupier of land that abuts the nature strip to that property must not allow vegetation to encroach or interfere with the operation of any drain, pit or footpath.

Penalty: 15 Penalty Units

- (3) A person must not in any manner:

- (a) interfere with access to any pit; or
- (b) construct or place any material, dirt, soil or other matter on a pit lid so as to conceal its location or accessibility; or
- (c) obstruct the flow of stormwater to a drain or pit; or
- (d) obstruct or interfere with a water flow in a table drain.

Penalty: 15 Penalty Units

33. Caravans and camping on Council land

- (1) A person must not, without a permit, camp on any council land or on any public place.

This subclause does not apply to Aysons Reserve, Lockington Travellers Rest and Girgarre Rest Point.

Penalty: 15 Penalty Units

- (2) A person who camps or who occupies a campsite with a permit under this clause must:

- (a) at all times maintain the campsite in a clean and tidy condition;
- (b) prior to vacating the campsite remove all litter and other waste from the site to a council authorised disposal point;
- (c) not camp within 20 metres of any river, stream, spring, creek, dam, bore or watercourse;
- (d) not dispose of any soap, detergent or similar substance less than 50 metres from any river, stream, spring, creek, dam, bore or watercourse;
- (e) provide approved toilet facilities, including a facility for the burying of any faeces at least 100 metres from any river, stream, creek, dam, bore or watercourse; and
- (f) if directed by an authorised officer provide and maintain an approved chemical toilet for use of all persons occupying or visiting the campsite.

Penalty: 15 Penalty Units

- (3) The disposal of the contents of any chemical toilet must only be at a Council designated disposal point.

Penalty: 15 Penalty Units

- (4) In determining whether to grant a permit under this clause the Council must take into account:

- (a) the location of the land;

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

(5) **Campfires**

On any council land or in any public place a person must not light or maintain any campfire or barbeque using solid fuel in the open air unless all of the following requirements are complied with.

All fires must:

- (a) be located in a 30cm deep trench;
- (b) be no larger than 1 square metre;
- (c) have vegetation cleared 3 metres above and around the outer perimeter and uppermost point of the fire;
- (d) have an adult in attendance at all times;
- (e) have sufficient water on hand to extinguish fire;
- (f) only be lit if wind speed is below 10kph;
- (g) not be within 7.5 metres of a log or stump;
- (h) only use dry solid fuel;
- (i) be fully extinguished before being left unattended.

Penalty: 15 Penalty Units

34. Aysons Reserve Camping

- (1) A person must not camp at Aysons Reserve for a period longer than three days (two nights) without obtaining a permit.

Penalty: 5 Penalty Units

- (2) A person must not park more than one caravan on Aysons Reserve.

Penalty: 5 Penalty Units

- (3) A person must not camp on Aysons Reserve for a period of more than 28 days in a 12-month period.

Penalty: 5 Penalty Units

- (4) A person who camps or who occupies a campsite on Aysons Reserve must:

- (a) at all times maintain the campsite in a clean and tidy condition;
- (b) prior to vacating the campsite remove all litter and other waste from the site to a Council authorised disposal point;
- (c) not camp within 20 metres of the Campaspe River or a bore or watercourse;
- (d) not dispose of any soap, detergent or similar substance less than 50 metres from any river, stream, spring, creek, dam, bore or watercourse; and
- (e) when directed by an authorised officer or Council, provide and maintain an approved chemical toilet for use of all persons occupying or visiting the campsite.

Penalty: 5 Penalty Units

- (5) The disposal of the contents of any chemical toilet must only be at a Council designated disposal point.

Penalty: 5 Penalty Units

35. Lockington Travellers Rest

- (1) A person must not camp at the Lockington Travellers Rest for a period longer than three days (two nights) without obtaining a permit.

Penalty: 5 Penalty Units

- (2) A person must not park more than one caravan at the Lockington Travellers Rest.

Penalty: 5 Penalty Units

- (3) A person must not camp at the Lockington Travellers Rest for a period of more than 28 days in a 12-month period.

Penalty: 5 Penalty Units

- (4) A person who camps or who occupies a campsite at the Lockington Travellers Rest must:

- (a) at all times maintain the campsite in a clean and tidy condition;
- (b) prior to vacating the campsite remove all litter and other waste from the site to a Council authorised disposal point;
- (c) not camp within 20 metres of a bore or watercourse;
- (d) not dispose of any soap, detergent or similar substance less than 50 metres from any river, stream, spring, creek, dam, bore or watercourse; and
- (e) when directed by an Authorised Officer or Council, provide and maintain an approved chemical toilet for use of all persons occupying or visiting the campsite.

Penalty: 5 Penalty Units

- (5) The disposal of the contents of any chemical toilet must only be at a Council designated disposal point.

Penalty: 5 Penalty Units

36. Girgarre Rest Point

- (1) A person must not camp at the Girgarre Rest Point for a period longer than three days (two nights) without obtaining a permit.

Penalty: 5 Penalty Units

- (2) A person must not park more than one caravan at the Girgarre Rest Point.

Penalty: 5 Penalty Units

- (3) A person must not camp at the Girgarre Rest Point for a period of more than 28 days in a 12-month period.

Penalty: 5 Penalty Units

- (4) A person who camps or who occupies a campsite at the Girgarre Rest Point must:

- (a) at all times maintain the campsite in a clean and tidy condition;
- (b) prior to vacating the campsite remove all litter and other waste from the site to a Council authorised disposal point;
- (c) not camp within 20 metres of a bore or watercourse;
- (d) not dispose of any soap, detergent or similar substance less than 50 metres from any river, stream, spring, creek, dam, bore or watercourse; and
- (e) when directed by an Authorised Officer or Council, provide and maintain an approved chemical toilet for use of all persons occupying or visiting the campsite.

Penalty: 5 Penalty Units

- (5) The disposal of the contents of any chemical toilet must only be at a Council designated disposal point.

Penalty: 5 Penalty Units

37. Caravans and Camping on Private Property

- (1) An owner or occupier of land in a residential area must not park more than one caravan on the land without obtaining a permit from Council.

Penalty: 10 Penalty Units

- (2) An owner or occupier of vacant private land in a residential area must not camp on the land for a period longer than 3 days without obtaining a permit from Council.

Penalty: 10 Penalty Units

- (3) A person must not, without a permit, camp on any other private land within the municipality for more than 28 days in a 12-month period.

Penalty: 10 Penalty Units

- (4) In determining whether to grant a permit under this clause, the Council must have regard to:

- (a) any relevant standards, guidelines or codes;
- (b) whether a building permit for a dwelling has been granted in respect to the land;
- (c) the adequacy of the standard of habitation on the site;
- (d) the means by which effluent from the camp or facilities is to be treated and the method of disposal;
- (e) whether any rent or charge is being paid by any person occupying the land for the camp to any person in respect of the occupation;
- (f) whether the establishment of a camp will have any effect on the amenity of the area on which it is situated; and
- (g) any other matter relevant the circumstances associated with the application.

- (5) A permit issued under this clause will expire one year after the date it was granted. A permit must not be granted if the effect of the permit entitles the camp to be in existence for more than four years.

38. Motorised Vehicles

- (1) A person must not, without a permit, use a motorised vehicle for recreational purposes on any land (including council land) within a residential area.

Penalty: 10 Penalty Units

- (2) An owner or occupier of land within a residential area must not, without a permit, allow another person to use a motorised vehicle for recreational purposes on that land.

Penalty: 10 Penalty Units

- (3) The parent or guardian of a person under the age of 17 years, who permits use of a motorised vehicle for recreational purposes on any residential land without a permit, is guilty of an offence unless the Court is satisfied that the motorised vehicle was being used without the knowledge or consent of that parent or guardian.

Penalty: 10 Penalty Units

39. Heavy and unregistered vehicles

- (1) A person must not, without a permit:
 - (a) park, keep or repair a vehicle weighing more than 4.5 tonnes gross vehicle mass on land:
 - (i) in a residential area; or
 - (ii) on land adjacent to a residential area if vehicle access is provided through a residential area; or
 - (b) keep more than two (2) unregistered vehicles in a residential area.

Penalty: 15 Penalty Units

40. Protection of Council Assets During Construction Activities

- (1) A person carrying out building works on a building site for which a building permit or planning permit has been issued and is not considered minor building works, must:
 - (a) obtain an Asset and Amenity Protection Permit from the Council before commencing, or allowing to be commenced, any such building works; and
 - (b) comply with the Protection of Council Assets During Construction Activities Code of Practice as amended from time to time.

Penalty: 20 Penalty Units

- (2) In determining whether to grant an Asset and Amenity Protection Permit, Council must have regard to the Protection of Council Assets During Construction Activities Code of Practice.

41. Regulation of household refuse for council operated services

- (1) A person must not place out for collection any residual waste, recycling and/or garden waste, unless contained within an approved refuse receptacle in accordance with the Waste, Recycling and Food and Garden Waste Code of Practice which:
 - (a) has been adopted by Council for the purposes of this Local Law; and
 - (b) has the objective of providing an environment where activity related to waste, recycling and food and garden waste complements the safety and amenity of the community

Penalty: 20 Penalty Units

- (2) A person must not place household refuse or industrial refuse into municipal bins located in parks and recreational reserves and streetscapes.

Penalty: 20 Penalty Units

- (3) A person must not remove or interfere with any waste, recycling and/or garden organics that is placed into municipal bins located in parks and recreational reserves and streetscapes.

Penalty: 5 Penalty Units

- (4) A person must not place, or remove residential waste, recycling and/or garden organics into another person's waste receptacle without their permission.

Penalty: 20 Penalty Units

PART 4 - ANIMALS

42. Dogs and cats

(1) An owner or occupier of land in a residential area must not, without a permit, keep or allow to be kept on that land:

- (a) more than two dogs; or
- (b) more than two cats.

Penalty: 10 Penalty Units

(2) For the purpose of calculating the maximum number of dogs or cats kept, any progeny may be lawfully kept, without a permit, for 12 weeks after birth.

(3) Council may by resolution exempt any class of dog or cat from the requirement to be kept with a permit under Clause 42(1).

43. Keeping animals in the residential areas

(1) An owner or occupier of land in a residential area must not keep, or allow to be kept, without a permit more than four different types of animal on that land at any time.

Penalty: 10 Penalty Units

(2) For each type of animal set out in the table below, an owner or occupier of land must not without a permit allow to be kept on that land any more in number of that type of animal than as set out in the table:

Type of Animal	Maximum allowed in residential areas	Maximum allowed in rural living areas	Maximum allowed in rural areas
Dogs	2	2	5
Cats	2	2	5
Poultry (other than turkeys and geese)	8 Fowl 2 Ducks. This includes chicks and ducklings.	8 Fowl 2 Ducks This includes chicks and ducklings	No limit. No Local Law permit required
Turkeys and Geese	None	None	No limit. No Local Law permit required
Pigs	None	None	No limit. No Local Law permit required
Horses, Donkeys, Camels, Cattle, Sheep, Goats	None	None	No limit. No Local Law permit required

Type of Animal	Maximum allowed in residential areas	Maximum allowed in rural living areas	Maximum allowed in rural areas
Ferrets	None	No limit. No Local Law permit required	Not limit. No Local Law permit required
Guinea Pigs	6	6	No limit. No Local Law permit required
Domestic Birds	6	6	No limit. No Local Law permit required
Pigeons	50	50	No limit. No Local Law permit required
Domestic Rabbits	10	10	No limit. No Local Law permit required
Any other livestock or agricultural animal	None	None	No limit. No Local Law permit required
Roosters	None	2	No limit. No Local Law permit required

Penalty 10 Penalty Units

- (3) Sub clause (1) applies to animal keeping under the Planning Scheme which is ancillary to the use of a dwelling on the land.
- (4) Sub clause (1) does not apply when a planning permit has been obtained for land used for the purposes of animal husbandry.
- (5) Keeping of additional animals

In determining whether to grant a permit for the keeping of animals when the number exceeds that which is set out in the Table to clause 43(2), the Council must take into account:

- (a) the zoning of the land;
- (b) the proximity of the area to adjoining properties;
- (c) the amenity of the area to that of adjoining properties;

- (d) the type and additional number of animals to be kept;
- (e) the area of land available for keeping the animals;
- (f) the likely effects on adjoining owners or occupiers;
- (g) whether the animals are being temporarily homed under an approved community foster care network;
- (h) the adequacy of animal shelters;
- (i) whether the animals have been desexed; and
- (j) any other matter relevant to the circumstances associated with the application.

(6) Accommodation for Animals - Shelters

In determining what may be reasonable shelter, consideration is given using the Code of Practice for the Private Keeping of Dogs and Cats to:

- (a) the type of animal to be kept;
- (b) the height of the shelter;
- (c) the distance from the street frontage of the property;
- (d) the distance from any other street or road;
- (e) the distance from the boundary of any adjoining property; and
- (f) the distance from any dwelling.

(7) Animal shelter standards

All animal shelters must be constructed in accordance with the following standards:

- (a) The floor area of any animal shelter must be sized to allow 0.7 square metres of floor area for each head of poultry kept or be of a size approved by Council for keeping of any other animal.
- (b) An animal shelter must be located in a position approved by Council.
- (c) Animal shelters must be constructed of approved materials and be roofed so as to exclude all rainwater. Roof drainage must be connected to an approved stormwater system.
- (d) The floor of an animal shelter must be constructed in an approved material and the finished floor level shall be a minimum of 80mm above surrounding ground level.
- (e) Shelters for poultry and domestic birds must be constructed so as to be rodent proof.
- (f) Poultry houses must be constructed with a minimum 200mm plinth directly above and around the edge of the floor capable of holding a bed of litter of a minimum depth of 200mm.

Penalty: 20 Penalty Units

(8) Animal shelter maintenance and cleaning

All animal shelters must be maintained in accordance with the following standards so that:

- (a) all manure, litter and other waste is removed and / or treated as often as necessary so that it does not cause a nuisance or offensive condition;
- (b) all manure, litter and other waste to be stored in a fly and vermin proof receptacle until removed from the premises or otherwise disposed of to the satisfaction of an authorised officer;
- (c) the ground surrounding the shelter is drained to the satisfaction of the authorised officer;
- (d) the area of land within three (3) metres of the area or structure in which the animal is kept must be kept free from dry grass, weeds, refuse, rubbish or other material capable of harbouring vermin;
- (e) all animal food, grain or chaff is kept in vermin proof receptacles;

- (f) the area where animals are kept must be thoroughly cleaned and maintained at all times in a clean and sanitary manner so as not to give rise to any nuisance and to the satisfaction of the authorised officer.

Penalty: 10 Penalty Units

44. Keeping of livestock

A person must not keep livestock on land that is less than one (1) hectare in area without a permit.

Penalty: 10 Penalty Units

45. Exercising Pigeons

A person must not exercise pigeons in a residential area, except within the time periods defined as the 2 hours after sunrise and the 2 hours before sunset.

Penalty: 5 Penalty Units

46. Adequate fencing to prevent the escape of animals or livestock

An owner or occupier of land, on which an animal or livestock is kept, must ensure that the land is adequately fenced so as to prevent the escape of the animal or livestock from the land.

Penalty: 10 Penalty Units

47. Protection of other animals and native fauna and flora

An owner of an animal, or an owner or occupier of land on which an animal is kept, must ensure that the animal does not harm or kill, or destroy, any native fauna or flora, or any other animal.

Penalty: 10 Penalty Units

48. Domestic animal nuisance to neighbours

An owner or occupier of land must ensure that any animal or bird kept on the land does not cause a nuisance to surrounding or neighbouring landowners.

Penalty: 10 Penalty Units

49. Dog excrement

- (1) A person in charge of a dog on a road or on council land must:
- (a) not permit the excrement of the dog to remain on that road or on that council land; and
 - (b) carry a device suitable for the removal of any excrement that may be deposited by the dog; and
 - (c) produce the device on the request of an authorised officer.

Penalty: 10 Penalty Units

50. Livestock Code of Practice

- (1) The requirements of the Livestock Code of Practice must be complied with.

Penalty: 15 Penalty Units

- (2) A permit may be granted to vary a requirement of the Livestock Code of Practice.

51. Livestock being moved between parts of one farm

- (1) The owner of any farm property where livestock are being regularly moved either between two contiguous parts of one farm, or between parts of one farm separated only by parts of the same farm, must drive the livestock through the farm and not along any road or roads.

Penalty: 15 Penalty Units

- (2) Where a farm property abuts both sides of a dividing road, the owner or occupier of the farm property must drive livestock directly across the dividing road, and not along any road or roads.

Penalty: 15 Penalty Units

- (3) The owner of any farm property where livestock are being regularly moved between parts of one farm, separated by other land or between two different farms that are separated by other land must drive the livestock through the farm and only use the road for the shortest distance as determined by Council.

Penalty: 15 Penalty Units

- (4) A person may apply for a permit to vary the requirements of sub clauses (1), (2) and (3)
- (5) In determining whether to grant a permit under this clause the Council must take into account:
 - (a) the impact on any road;
 - (b) the length of the route between the properties;
 - (c) the type and number of livestock to be moved;
 - (d) the likely effects on adjoining owners or occupiers;
 - (e) the proposed duration of the movement; and
 - (f) any other matter relevant to the circumstances associated with the application

52. Livestock movement on a road reserve without a permit

- (1) A person is not required to obtain a permit when moving livestock on a Council controlled road (other than droving or grazing or regular movement) provided that they ensure:
 - (a) all livestock reach their destination by the most direct route consistent with the requirements of this Local Law and any direction of an authorised officer;
 - (b) livestock are only on the road for the time it takes for the movement to their destination;
 - (c) livestock are only moved in daylight between the hours of sunrise and sunset, unless specific approval is granted by Council for movement outside of these hours;
 - (d) a minimum of one responsible person must be in attendance and supervising the movement at all times;
 - (e) there is no traffic delay that exceeds 5 minutes in any one crossing;
 - (f) the provision, display and function of all signs, poles and other warning devices required by this Local Law, the Road Safety Act (as amended) or any other legislation are displayed; and
 - (g) the number of livestock being moved does not exceed the limits within the Live Stock Code of Practice.

Penalty: 15 Penalty Units

- (2) A person must comply with any direction from an authorised officer with regard to:
 - (a) the route to be followed;
 - (b) protection of the road, road reserve, roadside vegetation;
 - (c) any construction on the road;

- (d) roadside drainage;
- (e) to avoid damage caused by livestock movement.

Penalty: 15 Penalty Units

53. Livestock movement, droving and grazing on a road reserve with a permit

- (1) A permit is required for a person to do any of the following:
 - (a) move livestock on any Council controlled road if the requirements of clause 52 are not able to be complied with;
 - (b) ride or lead a horse on a footpath or nature strip in a residential area;
 - (c) drive livestock on any Council controlled road;
 - (d) graze the livestock on a Council controlled road.

Penalty: 15 Penalty Units

- (2) In determining whether to grant a permit under this clause, the Council must take into account:
 - (a) whether the application for a permit is accompanied by a certificate from a registered veterinarian declaring the condition of the livestock to be in suitable health and fitness to be driven;
 - (b) the route to be followed;
 - (c) protection of the road, road reserve, roadside vegetation;
 - (d) any construction on the road;
 - (e) roadside drainage; and
 - (f) the requirements of the Livestock Code of Practice.

54. Prohibited droving, grazing, moving of livestock on a road reserve

- (1) Council may, by resolution, prohibit a road or part of a road within the municipal district from being used for the droving, grazing or moving of livestock.
- (2) Notice of resolutions made by Council pursuant to clause 54(1) must be available at Council offices;
- (3) A person who is responsible for or who owns livestock that are being driven, grazed or moved on any prohibited road under this clause commits an offence.

Penalty: 15 Penalty Units

55. Permanent livestock crossing approval

- (1) A person must not establish a permanent livestock crossing on any Council controlled road unless an approval for the crossing has been granted by Council.

Penalty: 15 Penalty Units

- (2) An application for a permanent livestock crossing approval must be made in writing.
- (3) An application for an approval must be lodged with Council not less than 28 days prior to the date that is planned to commence to use the permanent livestock crossing.
- (4) Approval will be subject to conditions including that the permanent livestock crossing must comply with the Livestock Code of Practice;

56. Responsibility of owners or occupiers of farm properties

- (1) The owner or occupier of any farm property, to or from which livestock are being moved, must ensure that:

- (a) adequate surface treatment measures in accordance with Council's requirements are applied to the road reserve between the carriageway and each property access point; and
- (b) a vehicular crossing, constructed in accordance with Council's requirements, is provided and maintained at points where livestock either enter or exit the farm property.

Penalty: 15 Penalty Units

- (2) In considering an application for a permit, Council must have regard to the requirements of the Livestock Code of Practice.

PART 5 - ADMINISTRATION

57. Issue of Permits

- (1) Where a clause in this Local Law allows a permit to be issued, an application for a permit must be made on an approved form and accompanied by the appropriate fee prescribed by resolution of Council.
- (2) Council may waive, reduce or alter any fee payable under this clause.
- (3) Council may require an applicant to supply additional information or to give public notice of the application.
- (4) Council may:
 - (a) issue a permit, with or without conditions; or
 - (b) refuse to issue a permit.
- (5) Council may exempt a person from the requirement under this Local Law to obtain a permit.
- (6) Council may revoke a permit if it considers that:
 - (a) there has been a breach of a condition of the permit; or
 - (b) a notice to comply issued under clause 67 has not been complied with within the time specified in the notice to comply; or
 - (c) there was a significant error or misrepresentation made in the application for the permit; or
 - (d) it is appropriate in the circumstances to revoke the permit.
- (7) Before making a decision under clause 57(6) to revoke a permit, Council must, if it is practicable to do so, provide the permit holder with an opportunity to make submissions on the proposed revocation of the permit.
- (8) A permit expires on whichever of the following dates occurs first:
 - (a) an expiry date specified in the permit; or
 - (b) the date on which this Local Law sunsets or is revoked.

58. Conditional permits

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

Penalty: 20 Penalty Units

59. Power of authorised officer – urgent circumstances

- (1) An authorised officer may act to remedy any circumstance that threatens a person's life, health or property, or an animal, without serving a notice under clause 67, provided that:
 - (a) the circumstance arises out of a person's use of council land or failure to comply with a provision of this Local Law;
 - (b) the action taken is no more than the minimum reasonably necessary to remedy the urgent circumstance; and
 - (c) the person on whom a notice under clause 67 would have otherwise been served is notified as soon as possible of the urgent circumstance and the action taken to remedy it.

60. Impounding

- (1) An authorised officer may seize and impound any item which has been or is being used or possessed in contravention of this Local Law.
- (2) If an authorised officer impounds an item under this Local Law they must serve a notice of impoundment on the person who appears to be the owner of the item as soon as possible after the impounding.
- (3) Council may:
 - (a) release the item to its owner on the payment of a fee determined by Council, which is not to exceed an amount that reasonably represents the cost to Council of impounding, keeping and releasing the item; or
 - (b) sell, destroy, dispose of or give away the impounded item if the owner of the item has not paid the fee within 14 days of service of the notice under clause 60(2) or in the case of where the identity or whereabouts of the owner of the item is unknown Council has complied with clause 60(4).
- (4) If the identity or whereabouts of the owner of an item impounded under this Local Law is unknown, Council must take reasonable steps to ascertain the owner's identity and/or whereabouts prior to exercising its powers under clause 60(3)(b).
- (5) Council is entitled to retain from the proceeds of sale of any impounded item, its reasonable costs incurred in impounding, keeping and selling the item.

61. Internal review

A person may make an application for an internal review of an order, direction, notice or decision made under this Local Law in relation to them within 14 days of the order, direction, notice or decision being made.

62. Bonds

- (1) In deciding to grant a permit, Council may require the applicant to lodge with Council a bond of such amount and in such a manner as Council deems reasonable in the circumstances.
- (2) Council may use a permit bond to remedy a breach of that permit or repair any damage caused by any work under a permit.
- (3) On satisfactory completion of any works under a permit, Council must release any applicable bond.
- (4) If after 12 months Council cannot locate a person entitled to the release of any bond, Council may retain the bond and pay the money into its general revenue.

63. Delegation

- (1) Council delegates to its Chief Executive Officer the power to:
 - (a) issue, refuse or revoke a permit under this Local Law;
 - (b) require an applicant for a permit to lodge with Council a bond for such amount and in such a manner as deemed reasonable in the circumstances;
 - (c) exempt a person from the requirement to obtain a permit under this Local Law;
 - (d) exempt a person from paying any fee required to be paid under this Local Law or reduce the fee required to be paid under this Local Law;
 - (e) administer this Local Law;
 - (f) enforce this Local Law, including to commence proceedings for an offence against this Local Law; and
 - (g) use a permit bond to remedy a breach of that permit or repair any damage caused by any work carried out under that permit.
- (2) The Chief Executive Officer may delegate to a member of Council staff any power delegated to the Chief Executive Officer under subclause (1).

64. Fees

- (1) The Council may, from time to time by resolution, determine fees for the purposes of this Local Law.
- (2) In determining fees and charges, the Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge.

65. Service of notices and other documents

Any notice or other document under this Local Law required or authorised to be given or served to or upon any person may be served by:

- (a) giving it or serving it personally on the person; or
- (b) sending it by post or electronic communication to the person at that person's usual or last known place of residence or business; or
- (c) leaving it at that person's usual or last known place of residence or business with a person who is apparently at least 16 years old; or
- (d) in the case of a company or registered body, serving it in accordance with section 109X or 601CX of the *Corporations Act 2001* (Cth).

PART 6 - ENFORCEMENT

66. Offences

- (1) A person is guilty of an offence if the person:
 - (a) does something that a provision of this Local Law prohibits to be done or makes an offence; or
 - (b) fails to do something that a provision of this Local Law requires to be done; or
 - (c) engages in an activity without a current permit where a provision of this Local Law requires that person to obtain a permit before engaging in that activity; or
 - (d) breaches or fails to comply with a condition of a permit issued under this Local Law; or
 - (e) fails to comply with a notice to comply or a direction of an authorised officer under this Local Law.

67. Notice to comply

- (1) If an authorised officer believes that a person has contravened or failed to comply with a clause in this Local Law or has contravened or failed to comply with a permit issued under this Local Law, the authorised officer may in accordance with this clause serve on that person a written notice to comply to remedy the contravention or failure to comply.
- (2) A notice to comply must:
 - (a) specify the act, matter or thing which is required to cease or specify the act, matter or thing which is required to be done;
 - (b) specify the time within which the person receiving the notice is required to carry out or cease carrying out any such act, matter or thing;
 - (c) be signed by the authorised officer; and
 - (d) be served on the person named therein in the manner required by this Local Law.
- (3) The time required by a notice to comply issued under this clause must be reasonable in the circumstances. What will be reasonable will vary depending on the matters to be remedied, but should take into account (if applicable):
 - (a) the amount of work involved;
 - (b) the degree of difficulty;
 - (c) the availability of necessary materials or other necessary items;
 - (d) climatic conditions;
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant factor.
- (4) If a person on whom a notice to comply is served, fails to comply with the requirements of that notice, Council may:
 - (a) revoke any permit issued pursuant to clause 57(6); and
 - (b) carry out any work required by the notice to comply in accordance with the procedure set out in section 117 of the *Local Government Act 2020*.
- (5) A person who fails to comply with a notice to comply issued under this clause is guilty of an offence.

Penalty: 20 Penalty Units

68. Infringement notice

- (1) If an authorised officer believes that a person has committed an offence against this Local Law, the authorised officer may issue to that person an infringement notice.

- (2) An offence for which an infringement notice may be served is an infringement offence within the meaning of the *Infringements Act 2006*.
- (3) The penalty fixed in respect of an infringement notice is the amount set out in the Infringement Penalty Schedule.

69. Application for injunction

An authorised officer may apply to a court of competent jurisdiction for a declaration or an injunction to prevent any act or threatened act which is or would be contrary to this Local Law.

70. Additional penalty

- (1) In addition to any penalty imposed pursuant to this Local Law a penalty not exceeding 2 penalty units shall apply for each day after conviction for an offence during which a contravention of this Local Law continues.

The General Local Law No. 9 2022 was adopted on 20 July 2022

The Common Seal of the Campaspe)
Shire Council was hereunto affixed)
on the 17 August, 2022)



A. Weston Councillor

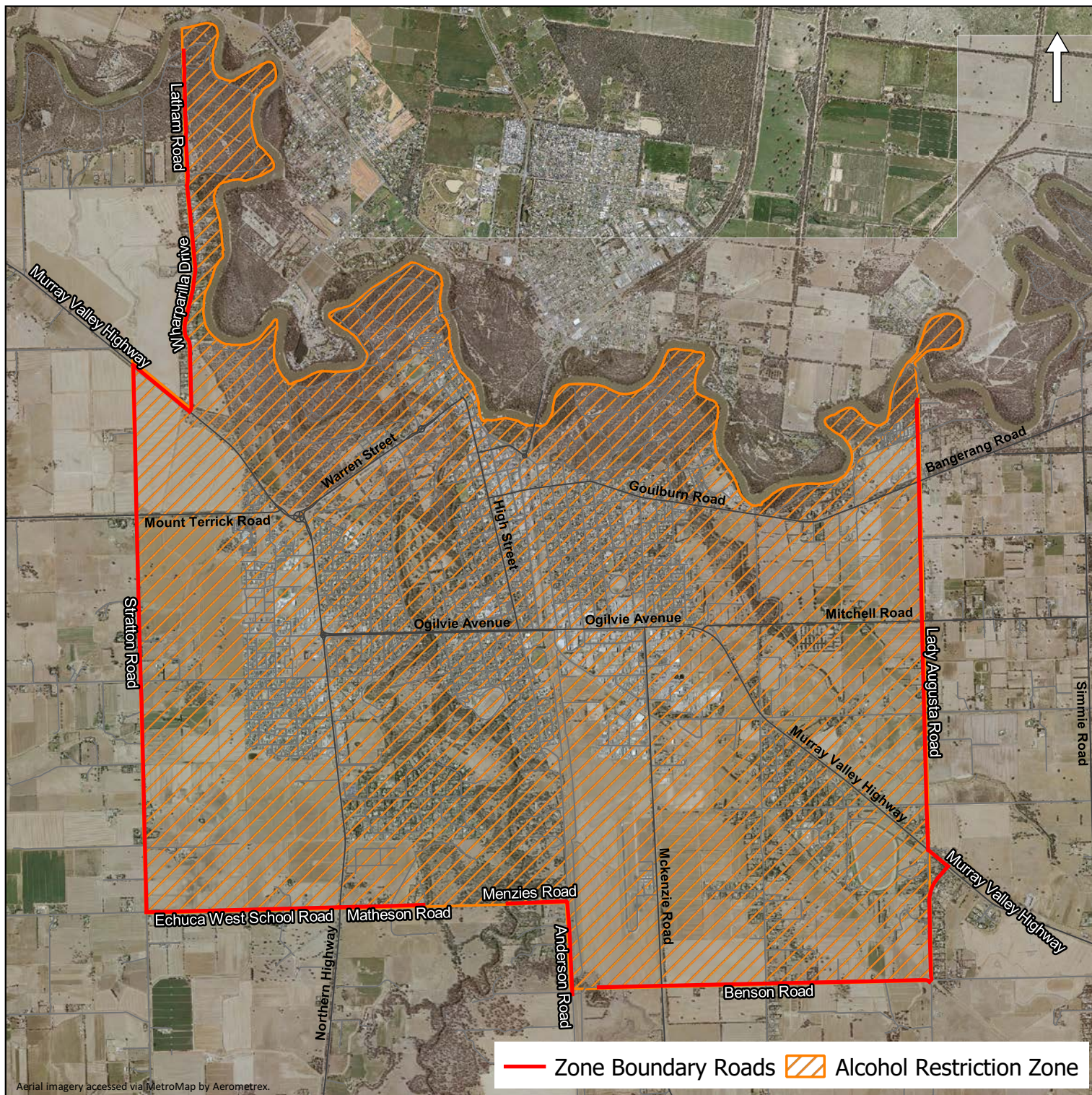
[Signature] Councillor

J. J. H. Chief Executive Officer

SCHEDULES

DESIGNATED AREAS

Echuca Alcohol Restriction Zone Schedule 1



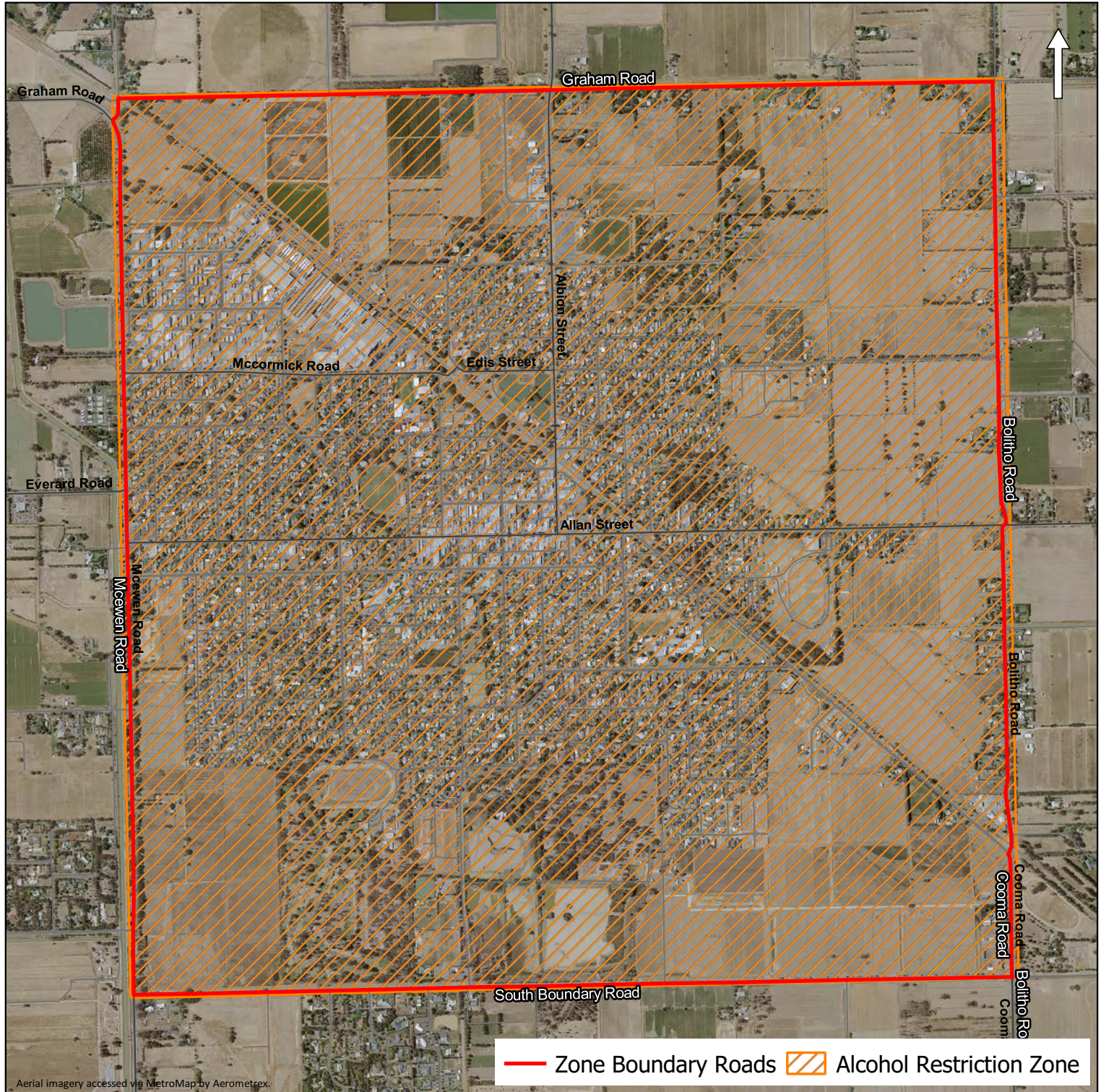
Consumption of Liquor in Public Places - Echuca District

Within the area surrounded by the orange hatched area on the map and described as:-

The area bounded by the southern side of the Murray River from the junction of Lady Augusta Road and the Murray River, West along the Murray River to the northern point of the junction of Wharparilla Drive and the Murray River, South to Murray Valley Highway, North West along the Murray Valley Highway to Stratton Road, South along Stratton Road to Echuca West School Road, East along Echuca West School Road and continuing a line joining Matherson Road to the junction of Matherson and Anderson Road, South to Benson Road, East along Benson Road to Lady Augusta Road, North along Lady Augusta Road to the Murray River commencement point.

All parts of any roads named as bounding the area are included.

Kyabram Alcohol Restriction Zone Schedule 2



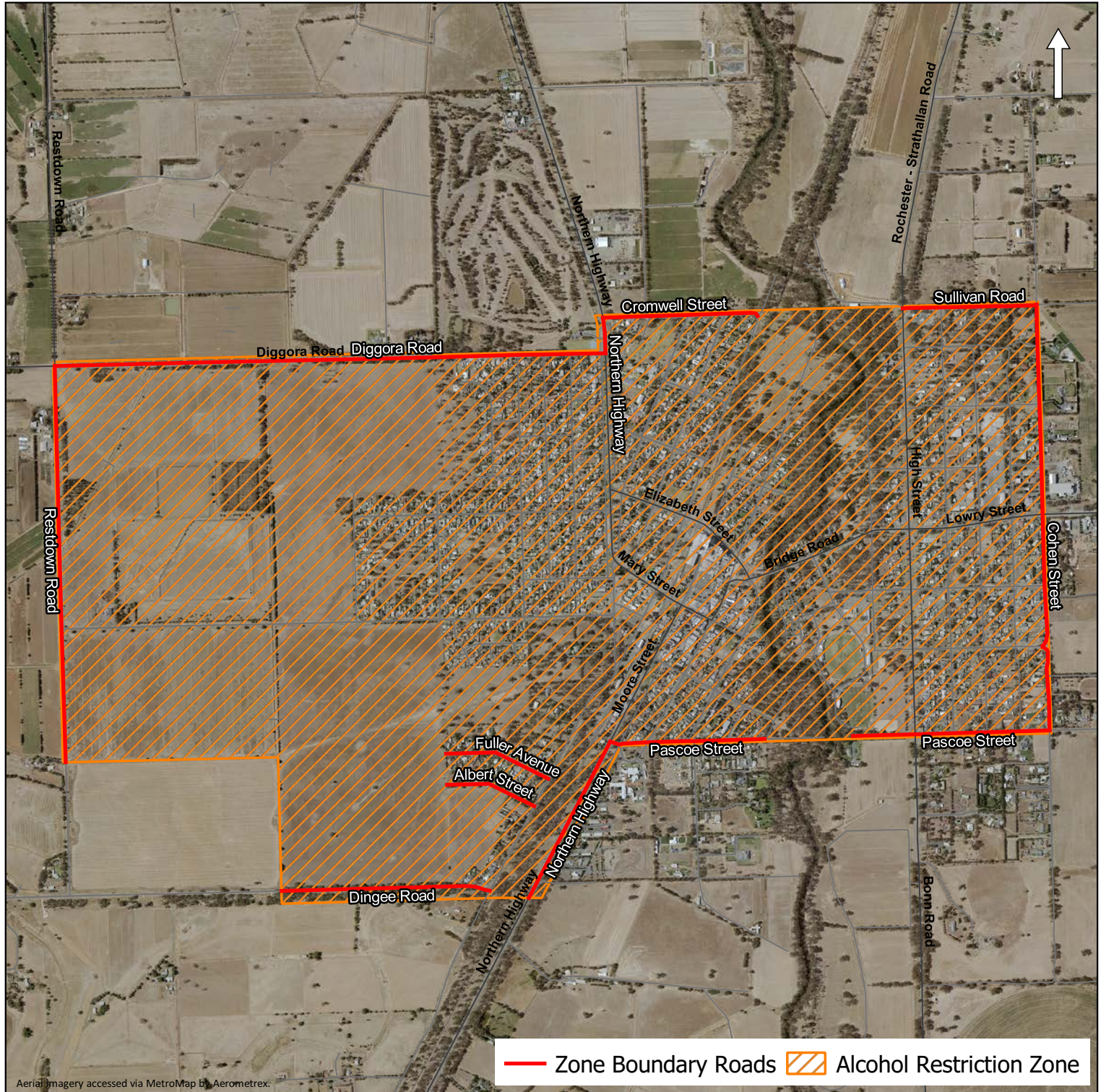
Consumption of Liquor in Public Places - Kyabram District

Within the area surrounded by the orange hatched area on the map and described as:-

The area bounded in the west by McEwan Road, in the north by Graham Road, in the east by Bolitho Road and in the south by South Boundary Road.

All parts of any roads named as bounding the area are included.

Rochester Alcohol Restriction Zone Schedule 3



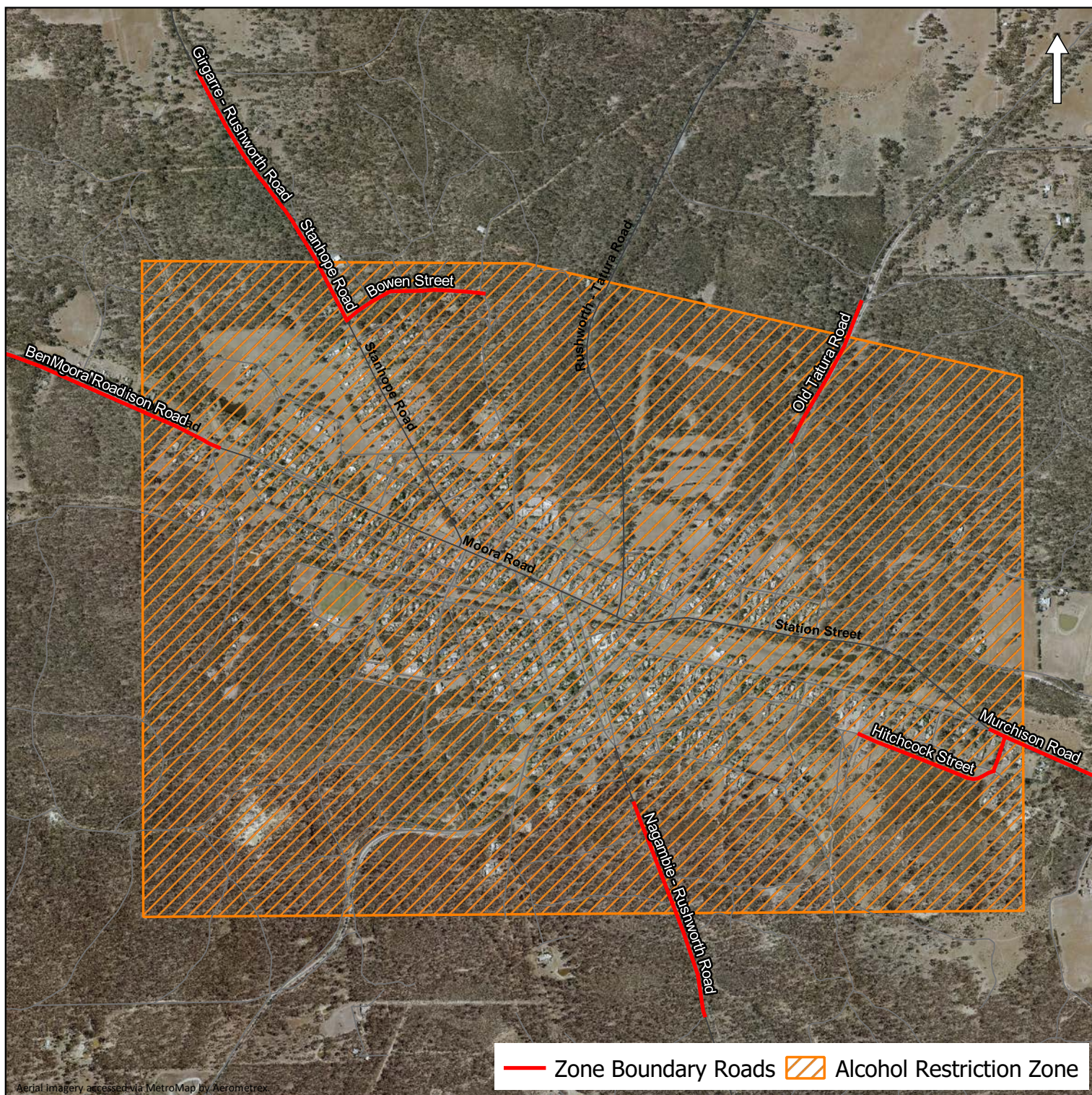
Consumption of Liquor in Public Places - Rochester District

Within the area surrounded by the orange hatched area on the map and described as:-

The area bounded in the north by Diggora Road, east across the Northern Highway to Cromwell Street, east across the Campaspe River to Sullivan Street, bounded in the east by Cohen Road, in the south by Pascoe Street and including Morton Street to Doyle Street, including Doyle Street, west across the railway line to include the south, Fuller Avenue and Albert Street, the western boundary being Restdown Road.

All parts of any roads named as bounding the area are included.

Rushworth Alcohol Restriction Zone Schedule 4



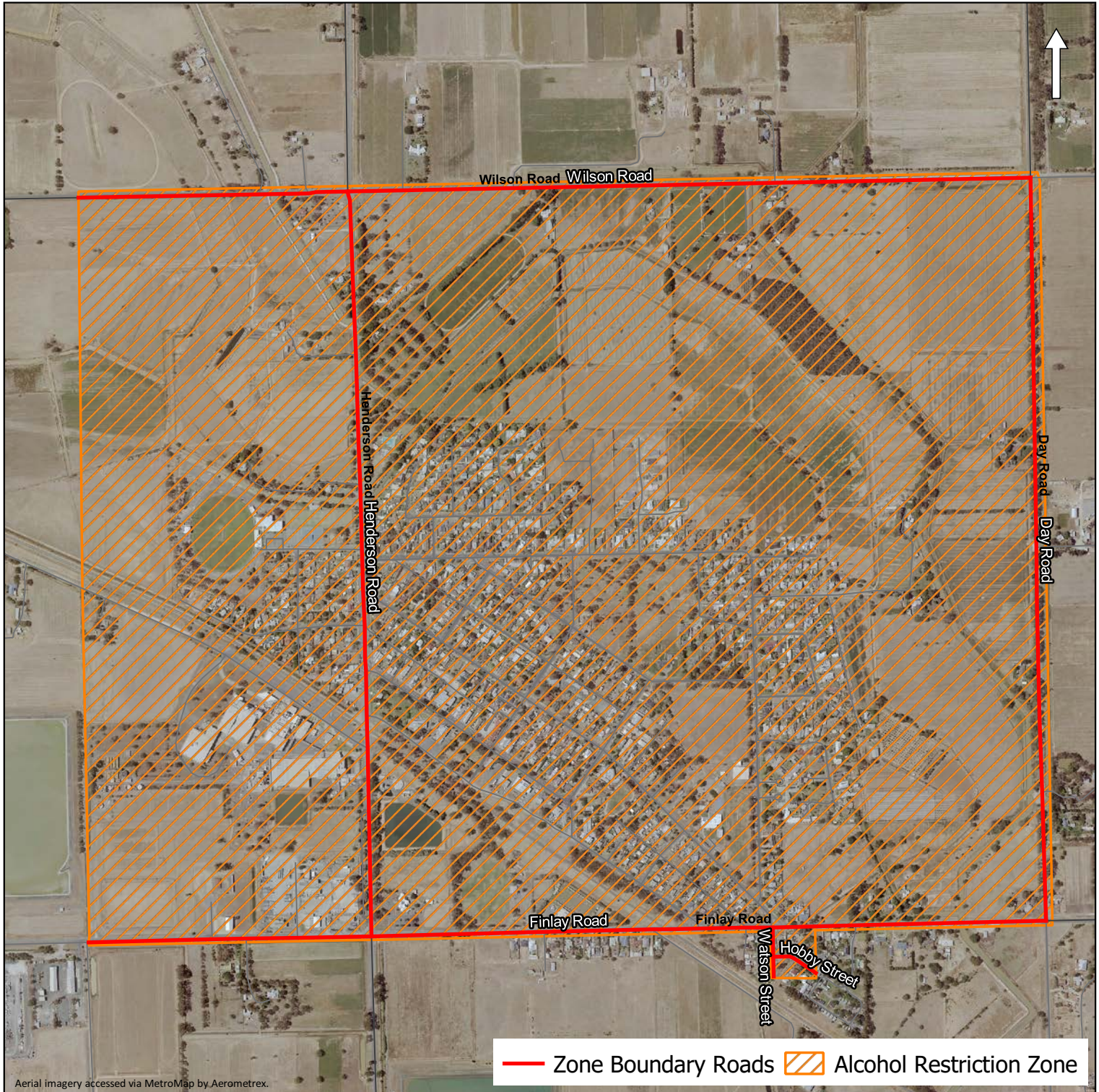
Consumption of Liquor in Public Places - Rushworth District

Within the area surrounded by the orange hatched area on the map and described as:-

The area bounded by north along Girgarre-Rushworth Road to and including Bowen Street and Old Tatura Road north – 1 kilometre, east along Bendigo-Murchison Road to and including Hitchcock Street, south along Rushworth-Nagambie Road south 1 kilometre, west along Bendigo-Murchison Road west 2 kilometres.

All parts of any roads named as bounding the area are included.

Tongala Alcohol Restriction Zone Schedule 5



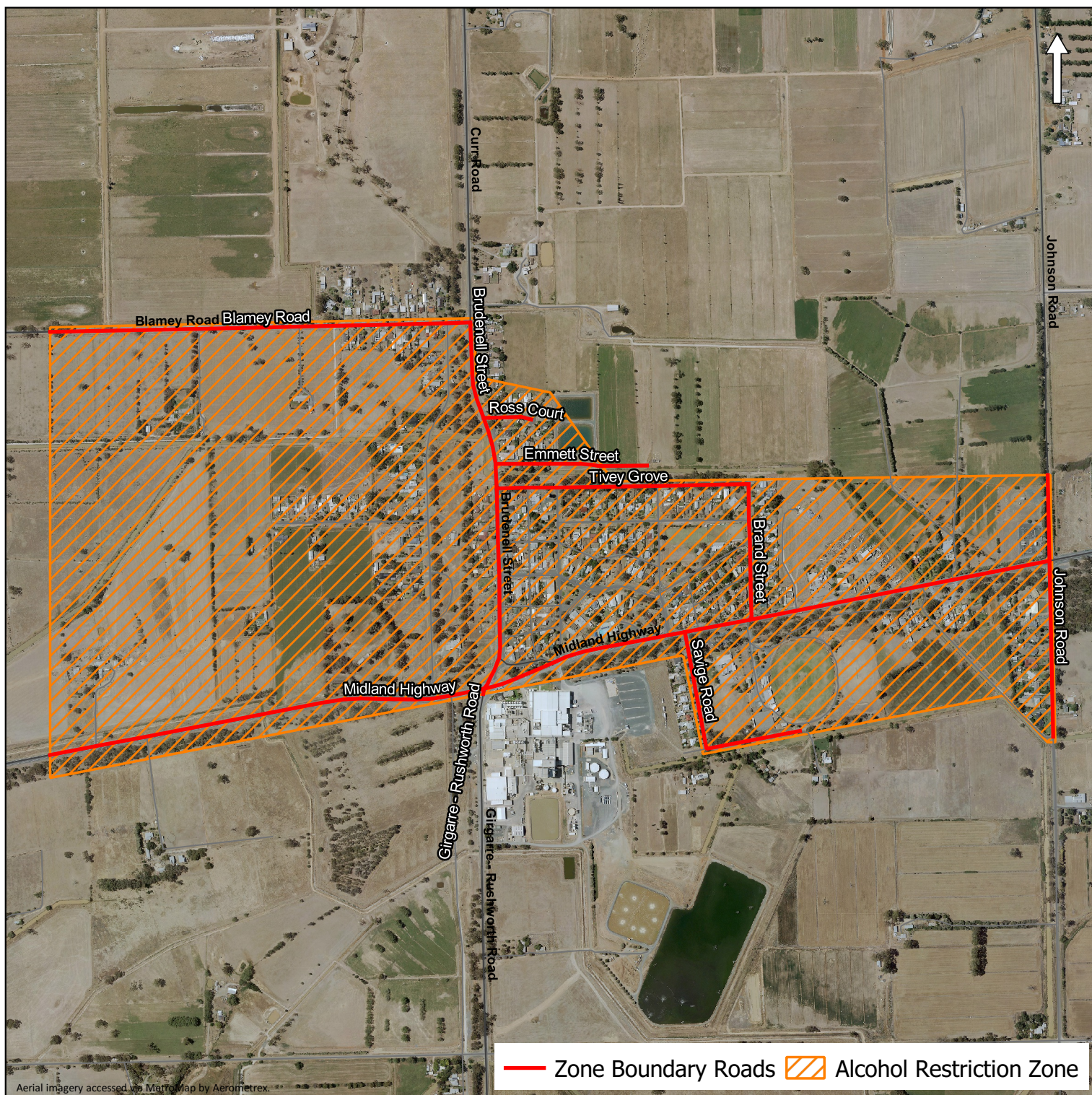
Consumption of Liquor in Public Places - Tongala District

Within the area surrounded by the orange hatched area on the map and described as:-

The area bounded by north along Wilson Road, east along Day Road, south along Finlay Road and including Watson Street and Hobby Street, west along 500 metres west of Henderson road.

All parts of any roads named as bounding the area are included.

Stanhope Alcohol Restriction Zone Schedule 6



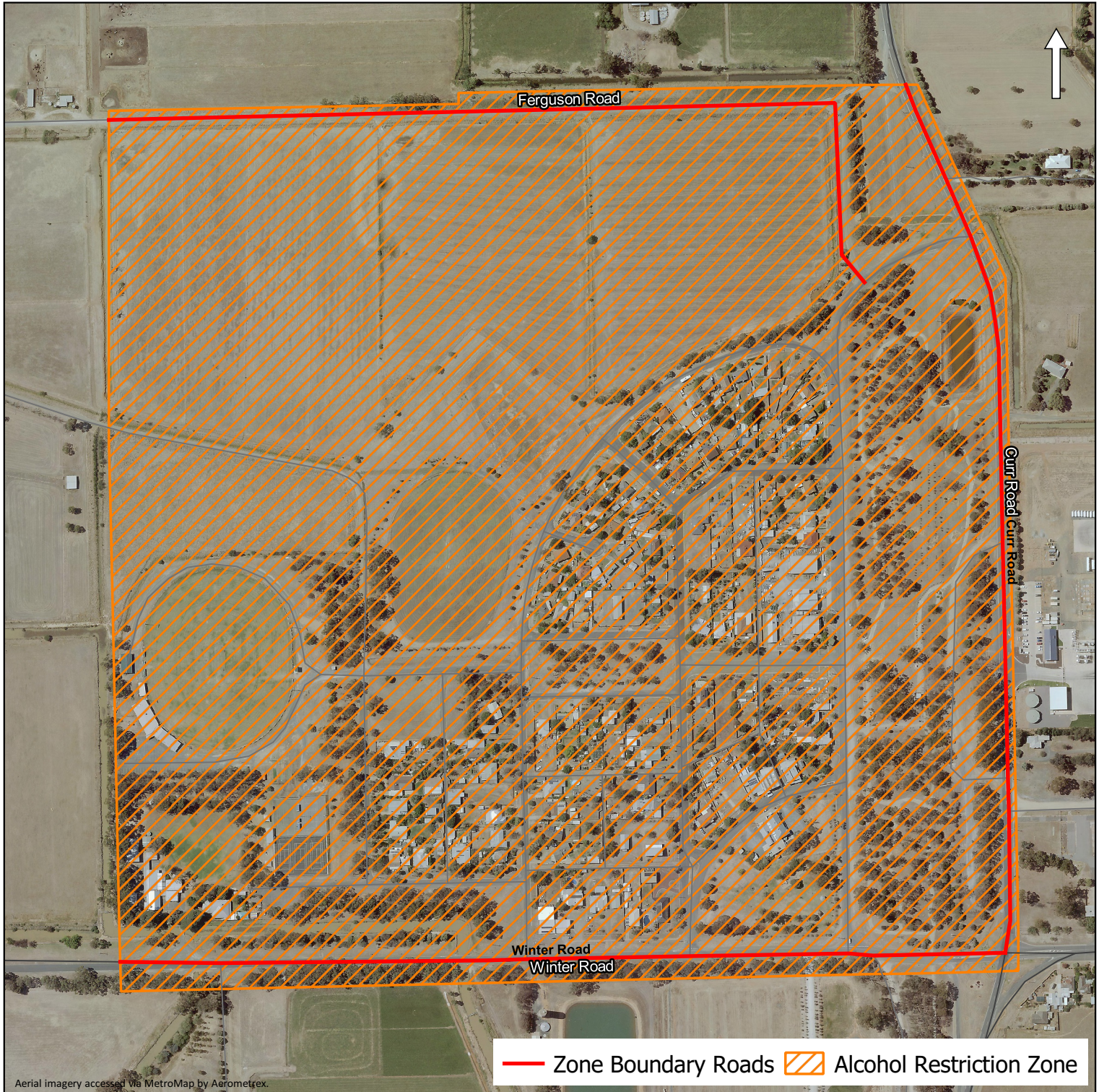
Consumption of Liquor in Public Places - Stanhope District

Within the area surrounded by the orange hatched area on the map and described as:-

The area bounded by Tivey Grove, Johnson Road, Midland Highway including Savage Road, then one (1) kilometre west of Gigarre-Rushworth Road on Midland Highway, to one (1) kilometre west of Gigarre-Rushworth Road and including Ross Street, Brett Place and Emmett Street, Blamey Road and Gigarre-Rushworth Road.

All parts of any roads named as bounding the area are included.

Girgarre Alcohol Restriction Zone Schedule 7



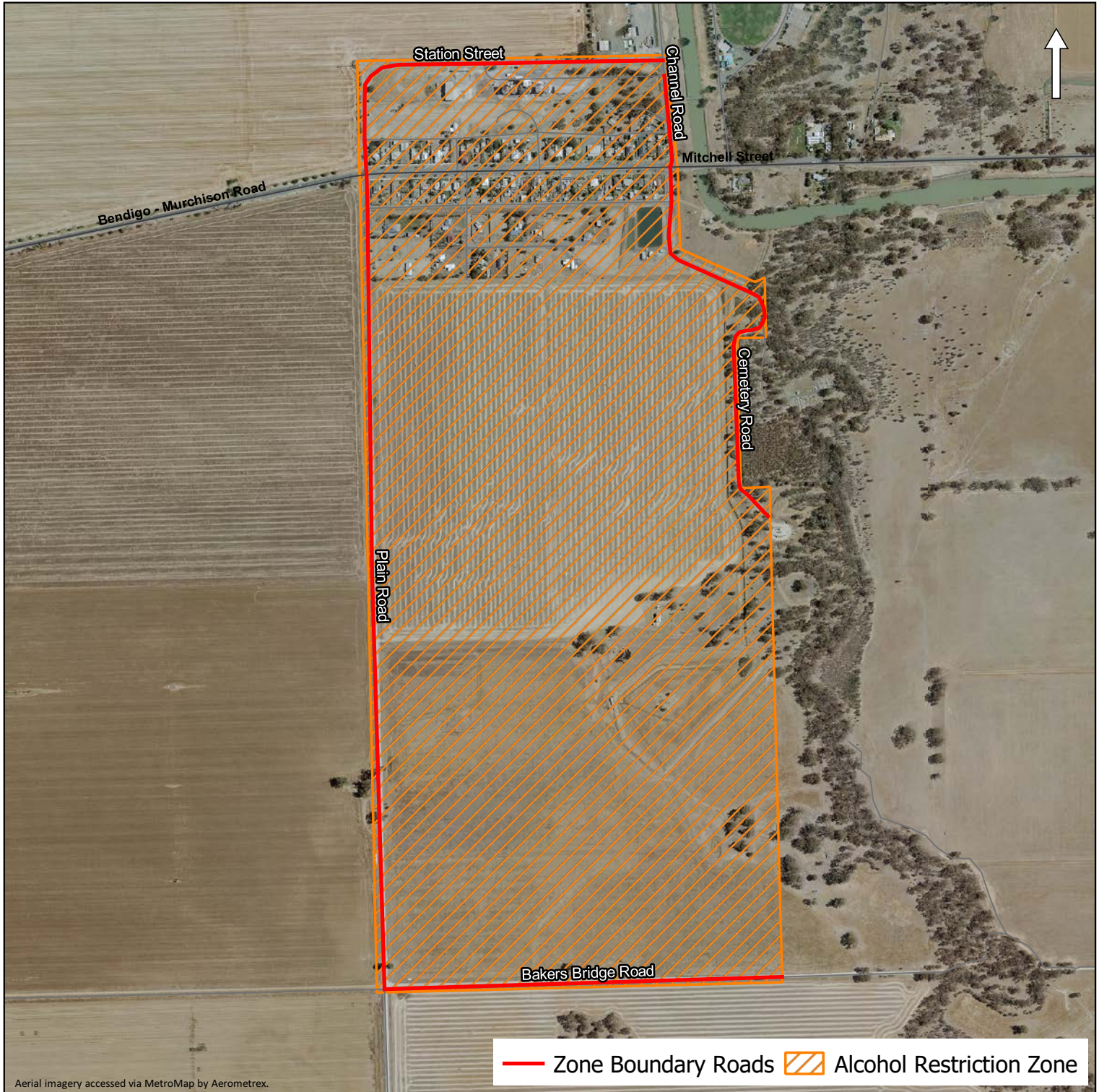
Consumption of Liquor in Public Places - Girgarre District

Within the area surrounded by the orange hatched area on the map and described as:-

The area bounded by north along Ferguson Road, east along Curr Road, south along Winter Road and west one (1) kilometre west of Curr Road.

All parts of any roads named as bounding the area are included.

Colbinabbin Alcohol Restriction Zone Schedule 8



Consumption of Liquor in Public Places - Colbinabbin District

Within the area surrounded by the orange hatched area on the map and described as:-

The area bounded by:

North along Station Street

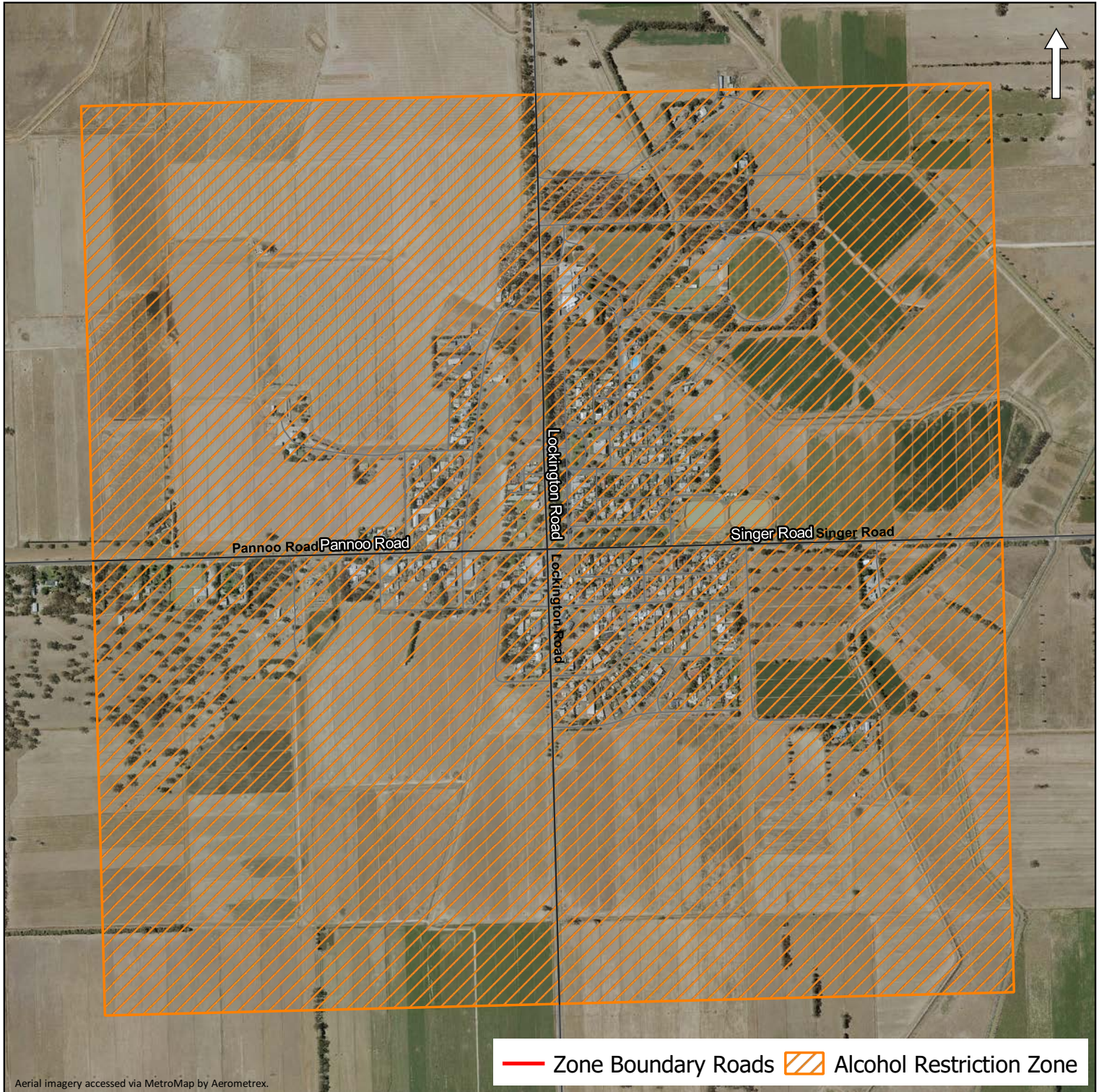
East along Channel Road and Cemetery Road

South along Bakers Bridge Road

West along Plain Road

All parts of any roads named as bounding the area are included.

Lockington Alcohol Restriction Zone Schedule 9



Consumption of Liquor in Public Places - Lockington District

Within the area surrounded by the orange hatched area on the map and described as:-

The area bounded by

North: One (1) kilometre north of Pannoo Road and Singer Road

East: One (1) kilometre east of Lockington Road

South: One (1) kilometre south of Pannoo Road and Singer Road

West: One (1) kilometre west of Lockington Road

All parts of any roads named as bounding the area are included.

Corop Alcohol Restriction Zone Schedule 10



Consumption of Liquor in Public Places - Corop District

Within the area surrounded by the orange hatched area on the map and described as:-

The area bounded by
Midland Highway between School Road and Taylor Road.

All parts of any roads named as bounding the area are included.

Gunbower Alcohol Restriction Zone Schedule 11



Consumption of Liquor in Public Places - Gunbower District

Within the area surrounded by the orange hatched area on the map and described as:-

The area bounded by Murray Valley Highway at Gunbower Island Road, then Gunbower Island Road, Treacy Street, Fox Island Road, Murray Valley Highway, Gunbower-Pyramid Road, Railway Place and including Cleeland Street and Scott Street, Market Street, Murray Valley Highway.

All parts of any roads named as bounding the area are included.

Toolleen Alcohol Restriction Zone Schedule 12



Consumption of Liquor in Public Places - Toolleen District

Within the area surrounded by the orange hatched area on the map and described as:-

The area bounded by:

West: Northern Highway

North: 500 metres north of Cornella-Toolleen Road

East: One (1) kilometre east of McNamara Road

South: 500 metres south of Cornella-Toolleen Road

All parts of any roads named as bounding the area are included.

CAMPASPE SHIRE COUNCIL

TRADING ACTIVITIES CODE OF PRACTICE

Preamble

Council has an obligation to prohibit, regulate and control activities, events and practices so that no detriment is caused to the amenity of the neighbourhood nor nuisance to a person in the municipal district.

Council has developed this Code of Practice to ensure that all persons who require a permit before carrying out an activity or practice, or holding an event, understand the minimum acceptable standards under which they must operate.

Objective

The objective of this Code of Practice is to provide:

- (1) clear, safe and unobstructed access at all times for pedestrians of all abilities on footpaths within the Shire of Campaspe.
- (2) the administration of Council's powers and functions.

Definitions

Any word defined in General Local Law No. 9 2022 has the same meaning in this Code of Practice. Further,

Footpath is the area between the back of kerb line and the building line. The primary activity of the Footpath is longitudinal pedestrian access.

to assist with the interpretation of this policy the Footpath is made up of a number of zones/areas.

Footpath – Kerbside Zone this 0.7 metre area extends from the kerb line or kerb invert towards the centre of the footpath and allows for vehicle overhanging and access to and from parked vehicles.

Footpath – Potential Trading Area is the area 1.8 metres from the building line and 0.7 metres from the kerb line. This is the only area of the footpath where Council may provide approval for trading in goods, café furniture and ancillary items.

Footpath – Walkway Zone is the 1.8 metre zone immediately adjacent to the building line or property line and is the zone used to facilitate pedestrian access and travel. Pedestrian crossings and kerb crossings are part of the Walkway Zone.

Heritage Overlay is places with state or local heritage significance to an area

Itinerant Trader is identified as the person, company or organisation undertaking the selling of goods and services, generally the permit holder.

a group or individuals involved in a community or charitable event, market or festival are not classified as an Itinerant Trader.

CAMPASPE SHIRE COUNCIL

TRADING ACTIVITIES CODE OF PRACTICE

Itinerant Trading defined as the temporary or permanent offering of goods or services for sale for the benefit of a person, a company or organisation in a public place or on a street or road from any vehicle, caravan, trailer, bicycle, table, stall or similar structure.

Council has determined that Itinerant Trading in the municipality can only occur in conjunction with markets, events or festivals.

Loading Zone a parking area defined by signage for the loading and unloading of goods by commercial vehicles.

CAMPASPE SHIRE COUNCIL

TRADING ACTIVITIES CODE OF PRACTICE

Relationship with General Local Law No. 9 2022

The Code has been incorporated by reference in Council's General Local Law No. 9.

Clause 12(1) of that Local Law provides that "without a permit a person must not on a road or on council land do any of the following:–

- (a) place any advertising sign; or
- (b) display any goods; or
- (c) place any outdoor eating furniture or associated facilities; or
- (d) place any structure for the purpose of selling or offering to sell any goods or services; or
- (e) sell or offer for sale any motor vehicle; or
- (f) solicit the sale of goods or services;
- (g) solicit or collect any waste materials, gifts of money, or subscriptions

Clause 12(3) of the Local Law requires Council in considering an application for a permit under sub-clause 12(1), to have regard to the requirements of the Code.

The Code referred to in that clause is this Code of Practice.

Code

- (1) All applications for a permit must be in writing on any form prescribed by Council.
- (2) The permit holder must take out, and maintain during the currency of the permit, in the name of the permit holder a policy of insurance to the value of at least \$10,000,000 against liability for possible personal injury, whether at Common Law or by virtue of any statute or for liability for property damage which may arise or could be held to arise from any act allowed by the permit.
- (3) The permit holder must provide proof of the insurance policy as required to Council when applying for a permit when paying the annual fee and also at any time during the currency of the permit as Authorised Officer may require.

Access to Footpaths

Council may undertake emergency works, without notice, that may alter the slope and surface of any footpath thereby preventing traders from accessing the potential trading area of the footpath at their premise. These works may affect access during the period that the works are undertaken or prevent the use of the footpath for trading on an ongoing basis.

Delineation of Potential trading areas

To identify the Potential Trading zone areas permitted for each business delineation markers are required where the footpath is 5 metres or greater in width. The markers are used to clearly define the areas where traders could set up goods for sale (Potential Trading Area).

The use of markers also assists traders to ensure that they are not in breach of the Disability Discrimination Act, General Local Law No. 9 2022, and the Trading Activities Code of Practice.

CAMPASPE SHIRE COUNCIL

TRADING ACTIVITIES CODE OF PRACTICE

Delineation Markers will assist business operators to ensure that the Walkway Zone and the Kerbside Zone are kept free from goods to ensure a safe path of travel for pedestrians.

Delineation markers are installed at each corner of the approved trading area for a business.

Where outstands are constructed, delineation markers will be placed at the front of the area to ensure that furniture and trade does not encroach into the walkway zone.

The cost of the markers and the installation is to be paid for by the business owners as part of the application for footpath trading.

- Markers will be installed by council staff or contractors.
- New applications will include the charges at the time the application is received.
- Charges for installation will be a once only charge.
- Repairs to markers or reinstatement of footpath surface will be borne by Council.

Signs on Roads and Public Places

- (1) A sign shall be:
 - (a) a minimum of 600mm high and 400mm in width;
 - (b) if placed on a footpath, a maximum of 900mm high (measured from the ground) and 600mm wide; and
 - (c) if placed on any other part of a road, of a maximum size approved by Council.
- (2) Permitted signs must be secured in place by a means that is not reliant on, or physically tied to any Council infrastructure. The means by which these signs are secured must not extend beyond the circumference of the permitted sign and must be to the satisfaction of an Authorised Officer of Council. Any securing device is to be removed with the sign in accordance with permitted display timeframes.
- (3) The following requirements will also apply in respect of signs:
 - (a) inflatable signs, portable electric signs, illuminated, revolving, spinning or flashing signs, flags, balloons and banners are prohibited from the footpath.
 - (b) signs must only be placed on the footpath during the normal hours of trade.
 - (c) signs must not be placed on roundabouts, or on kerb outstands outside the 'normal' alignment of the kerb adjacent to these outstands.
 - (d) signs may not be tied to poles or trees or any other street fixture, and must only be on the footpath while a business is open and must only be outside the premises to which they relate.
 - (e) permission may be granted to allow the placement of a sign outside a premises not occupied by the applicant. Any application must be accompanied by written permission from the proprietor of that business which fronts the footpath on which

CAMPASPE SHIRE COUNCIL

TRADING ACTIVITIES CODE OF PRACTICE

the items are intended to be placed. In this instance public liability insurance must be extended to include this situation of risk.

- (f) the maximum number of signs permitted per premises is two (2).
- (g) any free-standing sign shall be of such material and construction to minimise the risk of being blown over or of causing injury to any person.
- (h) no signs shall remain on the footpath or road outside of trading hours.
- (i) persons placing signs shall produce the permit issued to an Authorised Officer of Council as required.
- (j) any permit issued by Council can be cancelled by Council or have conditions altered or added by Council at any time and for any reason.
- (k) permits shall be subject to a minimum annual fee payable by the permit holder at the time of taking out the permit and thereafter of the commencement of each financial year.
- (l) signs can only be placed as listed below:
 - a. in Echuca, no signs are permitted on the footpath or road in the metered parking area;
 - b. in all other areas only where directed by Council.

Street furniture on Roads and Public Places

- (1) Café furniture and associated ancillary items will only be permitted at premises, which are registered as such under the *Food Act 1984* to serve food and/or beverages.
- (2) The permit holder is responsible for the conduct of patrons at tables and chairs in the outdoor seating area and must:
 - a. ensure that patrons do not move tables and chairs from their positions and obstruct the footpath;
 - b. ensure that patrons do not allow pets, prams or any other personal items to obstruct the footpath; and
 - c. not serve food or beverages to patrons standing on the footpath except for take away sales.
- (3) An Authorised Officer may place a condition on a permit requiring a permit holder to place written reminders to patrons in the outdoor seating area, regarding the above, if deemed appropriate by that Authorised Officer.
- (4) A setback of 0.5 metres is required from each side boundary of a premise to ensure access points from the footpath to the road are retained between each premise. Access points of minimum width 1.0 metre shall also be provided at minimum of every 6 angled parking bays and 3 parallel parking bays. This applies also to the construction of eating platforms (outstands) that comprise of plinths, bollards, ropes or chains that would ordinarily obstruct movement of pedestrians.
- (5) Traders are responsible for the appropriate disposal of all litter generated by patrons of their footpath dining areas.

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TRADING ACTIVITIES CODE OF PRACTICE

- (6) Serving staff at cafes with kerbside trading/serving should facilitate free access by pedestrians and give pedestrians (prams, disabled, etc) passing priority over their own movements into and out of cafes.
- (7) Each operator is responsible for maintaining the outdoor seating area in a tidy manner. A permit may be cancelled or suspended if instances of littering or ongoing untidiness are noted.
- (8) Items which are placed on the footpath must be stable and of good design and are not to damage the footpath.
- (9) Tables and chairs should have a contrasting colour to their background to assist the vision impaired.
- (10) Traders will be responsible for reimbursing Council for any reinstatement works as a result of damage to footpaths caused by chairs/tables etc.
- (11) Tables and chairs may only be displayed outside the premises to which they relate and must be contained within the property line, with the required setback from the property line of 0.5 metres on each side to allow for access. Permission may be granted to extend the placement of tables and chairs to one adjacent premise, however, there must still be a 0.5 metre setback from each property line and an access point provided every 6 angled parking bays and 3 parallel parking bays. Any application must be accompanied by written permission from the proprietor of that business which fronts the footpath on which the items are intended to be placed. In this instance, public liability insurance must be extended to include this situation of risk as per the permit conditions.
- (12) Footpath trading will only be permitted till 11pm unless, in the opinion of an Authorised Officer of Council, the amenity, safety or access of nearby residences will not be affected.
- (13) Any premises that propose to serve alcohol on the footpath must have a planning permit and their liquor licence endorsed as part of the "licensed area" on the liquor licence for those premises.
- (14) Council and its Authorised Officers reserve the right to prohibit chairs backing on to the walkway zone.

Display of Goods on Roads

- (1) In order to provide a consistent, unobstructed walkway, goods displays may only be displayed in the Potential Trading Area.
- (2) Goods and goods stands must only be placed on the footpath during the normal hours of trade.
- (3) Goods (except furniture) must be displayed on stable stands approved by an Authorised Officer of Council. Goods must be displayed on stable stands that are able to withstand adverse weather conditions. Stands must be secured in a manner which ensures that adverse weather conditions will not create a risk for pedestrians, property and passing traffic. Goods and goods stands must not cause any damage to the footpath.
- (4) Goods displays will not be permitted where access to a loading zone or disabled parking bay will be impeded.

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TRADING ACTIVITIES CODE OF PRACTICE

- (5) Goods displays will not be permitted where they will cause difficulty to pedestrians and people exiting or accessing parked vehicles or the footpath. Stands and goods must be free of sharp edges and protrusions and must not present a hazard to pedestrians.
- (6) Each display must not exceed a height/length of 1.5 metres and a width of 0.75 metres. The number of displays will be determined (on application) by Authorised Officers based on this Code.
- (7) Goods should have a contrasting colour to their background to assist the vision impaired.
- (8) Goods displays will not be permitted to overhang either the kerb or walkway. Full-length shop awnings will be considered on a case by case basis to protect goods and may require a planning permit.

Heritage areas of the Shire

(1) Signs

Planning permit requirements in the Planning Scheme may apply to signs on buildings and heritage areas. Signage must be in keeping with the heritage nature of the area, but regardless of location, be in a style that is neat and professional.

(2) Street Furniture

- a. Corporate sponsorship not exceeding 30% of the surface area may be permitted for advertising purposes on screens and umbrellas only in accordance with the specifications set out in the application form to the satisfaction of Council.
- b. In keeping with the heritage areas, tables and chairs must be in accordance with seating type and lettering style guidelines attached to the application form. Works relating to outdoor dining may require a planning permission. As part of the application process the application will be forwarded to planning. A Local Law permit will not be issued until planning permission is granted.
- c. Windbreaks will not be permitted where outstands and bollards have been constructed.
- d. Plastic chairs are not permitted, unless where permitted in an application considered on a case by case basis.

Ancillary Items (umbrellas, enclosures, heaters and pot plants)

Unless authorised by an Authorised Officer, ancillary items will be allowed only in conjunction with café furniture, only for premises that are registered to serve food and/or beverages under the *Food Act 1984*.

Outdoor Speakers / Amplification Equipment

- (1) Speakers that owners propose to affix to a building or veranda may require a planning permit. If these items are fitted without appropriate permission, an Authorised Officer of Council may require the items to be removed. In that event, the speakers must be removed.

CAMPASPE SHIRE COUNCIL

TRADING ACTIVITIES CODE OF PRACTICE

- (2) No live entertainment on council land is permitted without a permit.

Noise Emission

- (1) The permit holder of kerbside seating must take all necessary steps to ensure that no noise or other disturbance emanates from the footpath activity which causes a nuisance to others or causes detriment to the amenity of the neighbourhood.

Heaters

- (1) Due to narrow footpath widths outdoor heaters should, wherever possible, be affixed to the awnings or verandas so as to be located off the footpath. A planning permit may be required in relation to fixed heaters. A Local Law Permit will not be issued until planning permission (where required) is granted.
- (2) If patio heaters, which have a base on the footpath, are to be used they must be licensed as part of a Public Space Permit Agreement and covered by traders' public liability insurance.
- (3) All outdoor heaters must comply with safety standards as specified by the Energy Safe Victoria.
- (4) Solid fuel heaters must not be used on council land.

Umbrellas

- (1) Only approved umbrellas may be placed in the Potential Trading Area.
- (2) If umbrellas are allowed, they must be 2.2 metres high at the lowest point and must not protrude over the kerb. At times when it is raining, water from large umbrellas should be discharged in the areas outside the walkway zone.
- (3) Umbrellas may be secured to the footpath by a lock-in device. Lock in devices will only be approved where the device lies flush with the footpath when the umbrellas are not displayed. Approval for a lock-in device will be given upon special application to Council's Local Laws Unit. Lock in devices for umbrellas should be fitted with a cap or lid covering the hole when the umbrella is not in place.

Plans and specifications for the items must be lodged with Council prior to any umbrella being placed with a lock-in device. If a lock in device is fitted without prior Council approval, an Authorised Officer may require the lock-in device to be removed and the footpath reinstated to its original condition. In that event, the lock-in device must be removed.

- (4) If a lock-in device is not used, umbrellas must be secured to the satisfaction of an Authorised Officer.

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TRADING ACTIVITIES CODE OF PRACTICE

Barrier Screens

- (1) Screens or screening devices must be placed where there are tables and chairs for safety reasons.
- (2) There are several types of screens approved by Council:
 - a. temporary canvas screens – of the type commonly provided by coffee companies; and
 - b. high barrier screens – made of safety glass or heavy duty opaque plastic and fitted to the footpath with a locking device.

Temporary Canvas Screens

Temporary canvas screens may only be placed in the Potential Trading Area. A set back of 0.5 metres is required from each property boundary to ensure a 1 metre access point between premises. Temporary canvas barrier screens must be placed so that the screens are stable and secured or weighted so that they will not be moved by patrons or weather conditions.

Barriers must be removed from the footpath when a premise is not open. Signs must be for business identification purposes only, not advertising of products, goods or services.

Full Length Verandah Awnings / Blinds

Full-length awnings/blinds attached from a veranda to the footpath will be considered on a case by case basis and may require planning and road services approval (if permanent).

Planter Boxes

- (1) Planter boxes will only be allowed in the Potential Trading Area
- (2) Planter Boxes must provide a positive contribution to the visual amenity of the street. Permits that allow planter boxes require that they be well maintained with healthy plants. If this is not adhered to the permit for the planter boxes will be revoked and the planter boxes will/must be removed.
- (3) Written permission must be sought/obtained from an authorised officer and may be given for:
 - a. Temporary Planters - must be brought in during non-trading hours.
 - b. Permanent Planters – must be of solid design. A planning permit may also be required.
- (4) Unless written permission is provided by an Authorised Officer, permanent planters may not be used as enclosures unless the outdoor seating area is located on a kerbed outstand and must be placed so as to cause no obstruction to street cleaning vehicles.

Ancillary Items Owned by Business Remaining on the Footpath on a Semi Permanent Basis

- (1) Semi permanent café furniture that is fixed with lock in devices will be allowed subject to approval from an Authorised Officer.

CAMPASPE SHIRE COUNCIL

TRADING ACTIVITIES CODE OF PRACTICE


- (2) Lock-in Screen and Umbrellas – plans and specifications must be lodged with council's Road Services Department and will be assessed on a case by case basis and upon design merit by Road Services Department and planning staff.
- (3) Council reserves the right to place markers along the footpath when deemed necessary to ensure an appropriate minimum pedestrian corridor is maintained at all times. Premises that breach the minimum required clearance may have the footpath marked as part of enforcement action.

Bike Racks, Benches and Other Permanent Fixtures on the Footpath

- (1) Bike racks, benches, bins, pedestrian crossings, fire hydrants and other emergency assets, parking meters, traffic signal boxes, public transport shelters and other permanent fixtures placed on the footpath are public assets and have priority over commercial interests. A minimum clearance of 0.5 metres, or greater if deemed appropriate by an Authorised Officer, will be required on either side of any asset permanently affixed to the footpath. Failure to maintain this clearance will constitute a breach of permit and may result in fines and / or possible cancellation of permit. No items may be placed between parking meters and the Walkway Zone.
- (2) Rubbish bins and parking meters will not be relocated at the request of traders. Traders should take this into account when selecting a site.
- (3) Operators may apply to Council to relocate other Council maintained fixtures such as bike racks and benches. A request in writing must be submitted with the application for a footpath trading permit. If approved, the costs associated with relocations must be met by the applicant.
- (4) The request must include a plan showing the site of the proposed relocation and a letter signed by the trader outside whose premises the rack or bench will be relocated. Council will charge traders for the cost of relocation of public assets.

CAMPASPE SHIRE COUNCIL TRADING ACTIVITIES CODE OF PRACTICE

The Campaspe Shire Council Trading Code of Practice was adopted by Council on 20 July 2022.



..... Chief Executive Officer

CAMPASPE SHIRE COUNCIL

PROTECTION OF COUNCIL ASSETS DURING CONSTRUCTION ACTIVITIES CODE OF PRACTICE

1. PREAMBLE

This Code of Practice (**the Code**) has been developed as a tool to manage the effects of building development within the Campaspe Shire Council, to help protect infrastructure and support the wellbeing of local communities and the environment.

A strategic objective in the Council Plan for the Built Environment is to preserve and enhance public areas and infrastructure to provide safe, accessible and attractive places and facilities. This Code describes minimum performance requirements and encourages responsible building site management to reduce infrastructure damage and protect public amenity and safety. The Code applies to subdivisions, urban and rural development, commercial, industrial and demolition activities.

Major types of infrastructure damage occurring within the Campaspe Shire Council include:

- (1) broken footpaths, kerb and drainage pits;
- (2) road pavement damage (sealed and unsealed);
- (3) silt on roads and in drains; and
- (4) pollution of downstream and receiving water bodies.

Residents who live next door to building sites often endure significant inconvenience and loss of amenity as a result of the conditions which prevail. Problems commonly encountered include:

- (1) storage of material and equipment on roads, footpaths and nature strips;
- (2) waste materials and litter not stored or removed in a responsible manner;
- (3) builders refuse such as wind-blown litter, wrappings, containers, plastics, styrene, etc, escaping from the site; and
- (4) traffic and pedestrian hazards as a result of waste, mud, materials and equipment being left on roads.

2. OBJECTIVE

The objective of this Code of Practice is to protect public assets and infrastructure during building work and to provide an environment where activities on and related to building sites and building work complement the safety and amenity of the public and the community.

3. RELATIONSHIP WITH GENERAL LOCAL LAW NO. 9 2022

The Code has been incorporated by reference in Council's General Local Law No.9 2022.

Clause 40 of the Local Law provides that:

- (1) A person carrying out building works on a building site for which a building permit or planning permit has been issued and is not considered minor building works, must:
 - (a) obtain an Asset and Amenity Protection Permit from the Council before commencing, or allowing to be commenced, any such building works, and
 - (b) comply with the Protection of Council Assets During Construction Activities Code of Practice as amended from time to time.
- (2) In determining whether to grant an Asset and Amenity Protection Permit, Council must have regard to this Code.

CAMPASPE SHIRE COUNCIL

PROTECTION OF COUNCIL ASSETS DURING CONSTRUCTION ACTIVITIES CODE OF PRACTICE

4. DEFINITIONS

Any word defined in General Local Law No. 9 20224 has the same meaning in this Code of Practice, in addition to the following:

<i>Asset and Amenity Protection Permit</i>	a written permit issued by Council for the protection of public assets and infrastructure during building work;
<i>Builder</i>	the person carrying out building works on any building site;
<i>Builder's refuse</i>	any solid or liquid domestic or commercial waste, debris or rubbish, and, without limiting the generality of the above, includes any glass, metal, plastic, paper, fabric, wood, food, food wrappers and containers, vegetation, soil, sand, concrete, rocks and any other waste material, substance or thing generated by or in connection with building work;
<i>Building</i>	includes any structure or building (whole or part), whether temporary or permanent;
<i>Building site</i>	means any land prepared for and on which building works are carried out.
<i>Building works</i>	includes any activities, events and practices for or in connection with the construction, alteration, demolition or removal of a building.
<i>Construction period</i>	the period in which building work is carried out;
<i>Hoarding</i>	an enclosure that separates a building site from adjacent properties during building works within business zoned precincts or areas of significant numbers of people;
<i>Minor building works</i>	means building work valued at less than \$10,000 excluding demolition and removal of buildings and structures and installation of swimming pools (regardless of value).
<i>Owner</i>	the owner of land on which the building is situated;
<i>Private building</i>	any works undertaken on private land by a private person, business or their nominee that requires a building permit to be issued;
<i>Refuse facility</i>	a suitable rubbish receptacle capable of restricting debris and other waste from leaving a building site;
<i>Site fencing</i>	an enclosure that separates a building site from adjacent properties during building works, and: <ul style="list-style-type: none">(a) is not less than 1.5 metres in height;(b) is capable of preventing litter from being transported from the building site by wind;(c) has not more than one access opening to the building site which is:<ul style="list-style-type: none">(i) fitted with gates not less than 1.5 metres in height that prevents litter from being transported from the building site by wind;(ii) located to correspond with the location of the vehicle crossing for the building site;

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PROTECTION OF COUNCIL ASSETS DURING CONSTRUCTION ACTIVITIES CODE OF PRACTICE

- (iii) kept closed at all times when building work is not in progress;

Site identification

a sign which is at least 600 millimetres in height and 400 millimetres in width but does not exceed 2 square metres, is erected at the entrance to the building site and is clearly visible from the road, and includes:

- (a) the lot number, as described on the certificate of title relevant to the land;
- (b) the name of a person carrying out building work on the building site;
- (c) the postal address of a person carrying out building work on the building site;
- (d) the contact telephone number or numbers for a person carrying out building work on the building site;

Stormwater system

a stormwater system which provides for the conveyance of stormwater run-off including kerb and channel, open channels, underground pipe systems and natural waterways;

Temporary vehicle crossing

is a structure or material placed that extends from the road to the property boundary or to within the property boundary, sufficient to minimise the damage to public assets such as kerbs and footpaths and to stabilise ground so as to minimise the amount of mud or debris being trafficked by motor vehicles and materials entering and leaving the property during the currency of building work;

Vehicle crossing

entry or exit for vehicles from adjoining land to a roadway;

Waste

any discarded, rejected, unwanted, surplus or abandoned matter (whether solid or liquid) and includes putrescible waste, other residual wastes, and green waste.

5. ASSET PROTECTION

(1) Asset and Amenity Protection Permit

For the protection of public assets vested in Council and for the protection and safety of persons on, adjacent to, opposite, or passing a building site, Council requires a person carrying out building works on a building site for which a building permit or planning permit has been issued to undertake building work, must obtain an Asset and Amenity Protection Permit under clause 40(1) of the General Local Law No. 9 2022.

- (a) On the payment of an application fee as determined by resolution of Council, Council may grant an Asset and Amenity Protection Permit in respect of a building site.
- (b) An Asset and Amenity Protection Permit may allow a person to enter a building site from a road other than by a permanently constructed vehicle crossing whether or not public assets or infrastructure are likely to be damaged.
- (c) An Asset and Amenity Protection Permit may be subject to such conditions as Council determines including:
 - (i) the requirement for an asset condition report to be submitted by the applicant and for the report to form part of the approval;

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PROTECTION OF COUNCIL ASSETS DURING CONSTRUCTION ACTIVITIES CODE OF PRACTICE

- (ii) requiring protection works to be done;
 - (iii) requiring the erection of site fencing or hoardings to the satisfaction of Council;
 - (iv) requiring that any or all public assets or infrastructure damage be repaired, replaced or re-instated within a specified time; and
 - (v) requiring a temporary vehicle crossing to be installed to Council's satisfaction before the commencement of any building work or delivery of any materials to the property, and be maintained for the duration of the building work.
- (d) A person carrying out building works on a building site must repair, to the satisfaction of Council, damaged roads, channels, drains, vehicle crossings or other assets vested in Council which has been determined referable to the building site for which a permit has been obtained.
- (e) If an Authorised Officer identifies that damage has occurred as a result of non-compliance with the Code, the Authorised Officer may arrange for the damage to be reinstated and may seek reimbursement for costs associated with reinstatement, including administrative charges.
- (f) Where in the opinion of an Authorised Officer, an existing driveway crossing, footpath, kerb or other part of the road may be damaged, the person carrying out building works must, when requested, pay a bond to Council.
- (g) The amount of the bond required under clause 65 of the Local Law must be proportionate to the likely cost of repairing any damage and must be refunded on completion of the work or may be retained by the Council to off-set the costs of repairing any damage.
- (h) When in the opinion of an Authorised Officer, the safety of persons on, adjacent to, opposite or passing a building site is at risk, the Authorised Officer may direct further protection works to be undertaken by the person carrying out the building works.

6. SITE CONTAINMENT & IDENTIFICATION

(1) Site Containment

A person carrying out building works on a building site must ensure that;

- (a) All building work is contained entirely within the building site;
- (b) Prior to the commencement of any building works, a building site must be provided with a hoarding or site fencing;
- (c) Site fencing is erected on the boundary of the building site's property line, and must not protrude in or on any land other than the building site where practicable;
- (d) If a builder has more than one adjoining building site, then the site fencing may enclose all of the building sites under the builder's control;
- (e) Each section of the site fencing is erected as close as practicable to vertical at all times;
- (f) Site fencing must remain erected and in place until the completion of the building works;
- (g) Entry to the building site must not take place other than across the vehicle crossing for the building site;

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- (h) Materials must not be deposited, stored or stockpiled on any part of the road without the approval of Council;
- (i) Soil that is stripped from a building site must be stockpiled on the building site for re-use or be transported to a legal place of disposal;
- (j) The requirement to provide site fencing under this clause may be varied by a permit where the permit holder is able to obtain public liability insurance cover for that part of the building site outside the property line.

(2) Site Identification

A person carrying out building works on a building site must provide site identification.

7. INSPECTIONS

- (1) Council may determine if and when inspections of building sites may be conducted.
- (2) Inspections of a building site may be conducted by an Authorised Officer.
- (3) If an Authorised Officer identifies any damage during an inspection of a building site which appears to result from non-compliance with the Code, the Authorised Officer may direct a person carrying out building works on the building site to make the area safe and reinstate the damage within a specified time. The Authorised Officer will provide a person carrying out the building work on the building site with written confirmation either at the time of the inspection or within a reasonable timeframe.
- (4) If Council considers that building works on a building site has created a risk to the public that requires immediate action to make the area safe. Council will undertake appropriate action to remove the risk to the public and recover any costs associated with doing so, including the cost of after hour's attendance as part of the reinstatement costs.

8. ENVIRONMENTAL PROTECTION

(1) Noise

A person carrying out building works on a building site shall have regard to General Local Law No. 9 2022, Part 3 Environment 30 – Dangerous and Unsightly Land and Nuisances, regulations, standards and guidelines issued from time to time by the Environment Protection Authority.

(2) Stormwater Protection

Builders must ensure that the building site is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants or other associated builder's refuse in accordance with currently accepted best practice. This includes adoption of measures to:

- (a) minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting roads, adjoining land or washed into the stormwater system;
- (b) prevent building clean-up, wash down or other wastes and builder's refuse being discharged offsite or allowed to enter the stormwater system;
- (c) ensure all vehicles delivering materials to the site are prevented from depositing mud, sand, soil or stones onto council's road network;

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PROTECTION OF COUNCIL ASSETS DURING CONSTRUCTION ACTIVITIES CODE OF PRACTICE

- (d) ensure that any waste which has spilled onto the road, nature strip or surrounding area is removed as soon as practicable so that any residues are prevented from entering the stormwater system;
- (e) ensure that any footpath adjacent to the building site or likely to be affected by the building work is kept clear of mud and dirt at all times,
- (f) ensure that the building site is managed and controlled in accordance with the principals of best practice guidelines as issued from time to time by the Environment Protection Authority, Catchment Management Authority or any other relevant water authority or organisation that may come into operation.

(3) Dust

When building work is being carried out, the person carrying out the works on site must ensure that the site is managed to minimise the risk of detrimental effects to the health and amenity of nearby residents caused by reduced visibility, reduced air quality and/or the effects of deposition of dust generated from the building site.

(4) Containment & Removal of Refuse

- (1) When building works are being carried out, the person carrying out the works must:
 - (a) provide a closed refuse facility for the purpose of disposal of builder's refuse which is of robust construction, not less than 1 cubic metre in volume and has a lid which is attached to the container with hinges and from which litter cannot escape;
 - (b) place the refuse facility on the site and keep it in place (except for such periods as are necessary to empty the facility) for the duration of the building work;
 - (c) keep the refuse facility closed to prevent wind borne litter escaping from the refuse facility; and
 - (d) empty the refuse facility whenever full and, if necessary; provide a replacement facility during the emptying process.
- (2) The requirement to provide a refuse facility may be waived at Council's discretion.
- (3) During building works:
 - (a) a person carrying out building works on a building site must ensure that all builder's refuse, which requires containment, is placed in the refuse facility referred to in clause 4(1);
 - (b) a person carrying out building works on a building site must ensure that builder's refuse is not deposited in, or on any land other than in accordance with clause 4(1); and
 - (c) a person carrying out building works on a building site must ensure that builder's refuse is not deposited in or over any part of the stormwater system.
- (4) Builders must remove and lawfully dispose of all builder's refuse including, without limiting the generality of the above, the builder's refuse in the facility referred to in clause 4(1), within 7 days of completion of the building work or issue of an occupancy permit, whichever occurs last.
- (5) Council encourages responsible waste management and the recycling of building waste.

CAMPASPE SHIRE COUNCIL
PROTECTION OF COUNCIL ASSETS DURING CONSTRUCTION
ACTIVITIES CODE OF PRACTICE

9. SANITARY FACILITIES

(1) Sanitary Facilities

- (a) Works must not be conducted on a site unless a seweried toilet or a fresh water flush with water seal type portable toilet (closed) system is provided, and serviced as required (as a guide at least monthly) for the use of the persons on that building site, to the satisfaction of an Authorised Officer.
- (b) Notwithstanding sub clause 9(1)(a), if buildings are being constructed on adjacent building sites simultaneously by the same person and Council allows one seweried toilet system or a fresh water flush with water seal type portable toilet (closed) system between them, no offence will arise.
- (c) An Authorised Officer may enter land at any reasonable time for the purpose of inspecting any seweried toilet, portable toilet (closet) systems, urinals, pans, receptacles, plant and any other things and places for ascertaining compliance with this part.

10. PEDESTRIANS & TRAFFIC

(1) Pedestrian & Vehicular Traffic - Hazards & Safety

- (a) Building works must not cause an impediment or detriment to or be carried out in an unsafe manner so as to pose a risk to the safety of, pedestrians and vehicles.
- (b) For the purposes of this clause, impediment, detriment and risk to safety to pedestrians or vehicular traffic may be caused by:
 - (i) mud or debris on a road or footpath; or
 - (ii) material referable to building works on a road or footpath; or
 - (iii) equipment referable to building works on a road or footpath; or
 - (iv) excavation on or immediately adjacent to a road or footpath; or
 - (v) damage referable to building works on, or directly adjacent to, a road or footpath; or
 - (vi) building work on a road or footpath
- (c) Works required to be undertaken within the road or road reserve may be subject to the requirement of a traffic management plan in accordance with section 99A of the *Road Safety Act 1986* and Australian Standard AS 1742.3 traffic control devices for works on roads which should be in operation for the duration of the works.
- (d) For the purposes of this clause, the traffic management plan shall include provisions for the safe travel of all vehicular traffic, bicycles and pedestrians.

11. PRIVATE, COMMERCIAL & SUBDIVISION WORKS

(1) The Protection of Council Assets During Construction Activities Code of Practice

- (a) The Protection of Council Assets During Construction Activities Code of Practice is incorporated into this Local Law pursuant to section 76 of the *Local Government Act 2020*.

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PROTECTION OF COUNCIL ASSETS DURING CONSTRUCTION
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- (b) A person carrying out building works for which a building permit or planning permit has been issued, must:
 - (i) obtain an Asset and Amenity Protection Permit before commencing, or allowing to be commenced, any such building works,
 - (ii) comply with this Code of Practice as amended from time to time.

The Campaspe Shire Council's Protection of Council Assets During Construction Activities Code of Practice was adopted by Council on 20 July 2022.



..... Chief Executive Officer

CAMPASPE SHIRE COUNCIL

LIVESTOCK CODE OF PRACTICE

1. PREAMBLE

Council is committed to public safety, the protection of roads and the conservation of roadside environments.

It has developed this Code of Practice to ensure that all persons who are responsible for livestock understand the minimum acceptable standards under which they operate.

2. OBJECTIVE

The objective of this Code of Practice is to:

- (1) Ensure the safety of the public, farmers and stock on Council controlled roads.
- (2) Prevent damage to the road structure and its environs.
- (3) Promote the conservation of flora and fauna on roadside land.

3. RELATIONSHIP WITH GENERAL LOCAL LAW NO. 9 2022

This Code of Practice has been incorporated by reference into the Council's General Local Law No. 9.

Clause 50(1) of that Local Law provides that; "The requirements of the Livestock Code of Practice must be complied with".

The Code referred to in that clause is this Code of Practice.

4. PERMITS

The permit holder must take out insurance, and maintain the insurance cover during the currency of the permit. The insurance cover must be in the name of the permit holder. The insurance policy cover must value \$10,000,000 or more against liability for possible personal injury, whether at Common Law or by virtue of any statute or for liability for property damage which may arise or could be held to arise from any act allowed by the permit.

(1) LIVESTOCK DROVING PERMITS

The route followed must be as specified on the permit unless varied by a direction from an Authorised Officer.

Livestock must travel a daily distance as directed by Council towards their destination.

For the following classes of livestock, the minimum daily distance of travel must be:

Cattle	12 km
Sheep	8 km

Livestock must only be driven in daylight hours.

Livestock must be accompanied by two or more adults while on any road. They must be competent in handling the livestock. Those persons must supervise the livestock to ensure compliance with this Code of Practice.

Livestock must be in suitable health and fitness to be driven. A certificate from a registered veterinarian declaring the stock condition as suitable will be required to be presented.

CAMPASPE SHIRE COUNCIL

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If required by an Authorised Officer, the permit holder must provide extra persons to take charge of the animals.

The permit holder must provide and maintain livestock warning signs pursuant to any guidelines prepared by Council from time to time.

Livestock can only be camped overnight in areas approved by an Authorised Officer.

Livestock camped overnight are not permitted on the carriageway of a road and must be enclosed by a substantial and secure barrier to the requirement of an Authorised Officer.

The person in charge of the livestock must comply with any requirement or direction from an Authorised Officer with regard to the protection of the road, the road reserve, roadside vegetation, any construction on the road or any private property.

Maximum numbers of animals for which a livestock droving permit will be issued:

Cows, heifers, steers, calves, bullocks	400
Sheep	2000
Other livestock as approved by an Authorised Officer.	

Notwithstanding the above clause lesser numbers may be specified by Council for any particular permit.

Dead animals must be immediately disposed of through a licensed knackery or if approved by an Authorised Officer, buried by the roadside.

The issue of a permit will be subject to a fee as determined by Council per droving or burial.

Permit conditions may be altered or amended by Council or its Authorised Officer at any time or for any reason.

Permits will expire on the date specified but if the livestock reach their destination prior to that date then the permit will expire on that day.

(2) LIVESTOCK GRAZING PERMIT

The grazing of livestock on roads is only permitted between sunrise and sunset.

Grazing on roadsides adjacent to a property owned by a person other than the permit holder must be approved in writing by that owner.

Livestock grazing is only permitted on the roads stated on the permit.

Bulls are not permitted to graze on any road.

The owner of livestock or the person in charge of the livestock must comply with any directions from an Authorised Officer with regard to the protection of the road, the road reserve, roadside vegetation, any construction on the road reserve or any private property.

Grazing animals must be controlled by a temporary fence constructed and maintained to the requirements of Council. Council may require the fence to be electrified.

CAMPASPE SHIRE COUNCIL

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A grazing permit will be issued for a period of 3 to 12 months or a lesser period if stated on the permit.

The permit holder must provide, use and maintain livestock warning signs pursuant to any guidelines prepared by Council from time to time.

Maximum numbers of animals for which a livestock grazing permit will be issued are determined by Council.

(3) **PERMANENT LIVESTOCK CROSSINGS**

The following conditions will apply to all approvals for permanent livestock crossings unless expressly excluded amended or varied in the letter of approval. The approval holder must:

(1) **Road Safety Act**

Ensure that the provisions of the *Road Safety Act 1986* and all regulations made thereunder are complied with at all times.

(2) **Road Management Act**

Ensure that the provisions of the *Road Management Act 2004* and all regulations made thereunder are complied with at all times.

(3) **Responsible Person**

Ensure a minimum of one responsible person is in attendance to supervise the crossing at all operative times.

(4) **Traffic Delay**

Ensure that there is no traffic delay that exceeds 5 minutes in any one crossing.

(5) **Damage to Roadway, Road Reserve and Native Flora**

Ensure there is no damage caused to:

- (a) the roadway;
- (b) any native flora;
- (c) the road reserve;

Council will set such conditions in the approval as it considers appropriate to avoid such damage.

(6) **Roadside Drainage**

- (a) Ensure that all roadside drainage existing at the time of granting any approval is maintained in the same state of working order and is not damaged or affected by the crossing of livestock.
- (b) Comply with any direction from Council to repair, replace, renew or maintain any roadside drainage works affected by the crossing of livestock with such work to be completed at the approval holder's cost.
- (c) Comply with any direction from Council for roadside drainage works to be completed prior to the issue of any approval.

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LIVESTOCK CODE OF PRACTICE**

(7) Traffic Warning Devices

- (a) Ensure that all signs, poles and other warning devices required by the Local Law, this code of Practice or any other legislation are properly installed and maintained.
- (b) Any illegal or incorrect signage will be removed by Council at the cost of the approval holder.
- (c) Ensure all signs, poles and other warning devices are removed by the approval holder at the expiration of the approval or as required by legislation.

(8) Laneway Gates and Holding Yards

- (a) Ensure that any holding yards are at least 30 metres from the nearest road reserve boundary, unless impractical to do so.
- (b) Ensure gateways are constructed to the width specified by Council.

(9) Mud on Roads

- (a) Ensure the surface of laneways and holding yards are maintained to minimise the deposit of mud and manure on the road.
- (b) Ensure that any mud, waste, injurious material or substances are removed from the surface of the road after stock have crossed.

The Campaspe Shire Council Livestock Code of Practice was adopted by Council on 20 July 2022.



..... Chief Executive Officer

CAMPASPE SHIRE COUNCIL

WASTE, RECYCLING AND FOOD AND GARDEN WASTE CODE OF PRACTICE

1. PREAMBLE

Council is committed to ensuring that any residual waste, recycling and/or food and garden waste service meets the objectives of this code of practice and is contained within an approved bin.

2. OBJECTIVE

The objective of this Code of Practice is to:

- (1) Provide an environment where activity related to kerbside waste, recycling and food and garden waste services complement the safety and amenity of the community;
- (2) Reduce the environmental impact related to waste management or waste;
- (3) Provide for the administration of Council's powers and functions.

3. RELATIONSHIP WITH GENERAL LOCAL LAW NO. 9 2022

This Code of Practice has been incorporated by reference into Council's General Local Law No. 9 2022.

Clause 41(1) of that Local Law provides that "A person must not place out for collection any residual waste, recycling and/or food and garden waste unless it is contained within an approved bin in accordance with the Waste, Recycling and Food and Garden Waste Code of Practice".

4. CODE

(1) Prohibited Wastes Placed in a Waste Bin

A person must not place in a waste bin any: -

- (a) Slops or liquid waste;
- (b) Moist waste unless the moist waste has previously been strained and securely wrapped so as to prevent its escape or leakage;
- (c) Ash or ashes unless such ash or ashes have been effectively dampened so as to be non-combustible and free from any heat generating particles;
- (d) Concrete, masonry, bricks, building debris or soil;
- (e) Hazardous chemicals or substances;
- (f) Radioactive material;
- (g) Volatile, explosive or flammable substance;
- (h) Night soil except disposable nappies may be placed in a waste bin;
- (i) The carcass of a deceased animal or bird;
- (j) Oil, solvents, flammable liquids or paint;
- (k) Waste of a shape, size or weight that cannot be contained in such a waste bin;
- (l) Needles or syringes with an attached needle;
- (m) Medical or infectious waste;
- (n) Recyclable material that can go in the recycling bin;
- (o) Batteries;
- (p) Electric waste or
- (q) Any other object or matter which is or may be injurious to health.

CAMPASPE SHIRE COUNCIL

WASTE, RECYCLING AND FOOD AND GARDEN WASTE CODE OF PRACTICE

(2) Occupier to Maintain Waste, Recycling and Food and Garden Waste Bins

An occupier of a property who uses Council's collection services must: -

- (a) Keep and maintain on the property the approved bins as issued by Council;
- (b) Keep each bin in good order and in a clean, sanitary and inoffensive condition;
- (c) Not damage or deface bins;
- (d) Ensure that any damage to a waste, recycling or food and garden waste bin is promptly reported to Council or an agent appointed by Council.

(3) Collection of Household Refuse and Recycling and Food and Garden Waste

An occupier of a property who utilises Council's waste, recycling or food and garden waste collection service must place bins:

- (a) out for collection on such days as determined by Council;
- (b) on the nature strip or road reserve nearest the dwelling or in such other approved location
- (c) in a location that does not interfere with the free movement of pedestrian or vehicular traffic.
- (d) with the lid closed;
- (e) in accordance with published collection information;
- (f) in such a manner that facilitates mechanical collection;
- (g) in a sturdy upright position away from obstacles;
- (h) with the handles facing away from the road;
- (i) with a gap of 30cm between other bins;

An occupier of a property must return bins to their dwelling as soon as practicable on the day of collection after its contents have been collected;

Only the occupier of the dwelling who placed the bin out for collection may add, remove, or interfere with the contents of the bin.

(4) Recycling Acceptable Materials

A person must not place in any recycling or food and garden waste bin any material not expressly listed as permitted by Council to be placed in the respective bin.

A person must only place loose (not bagged) in the recycling bin the following: -

- (a) Glass bottles and jars;
- (b) Milk and juice cartons;
- (c) Aluminum and steel cans including aerosol cans;
- (d) Plastic with codes 1, 2, 3, 4, 5 or 6 including milk, juice, soft drink, detergent, shampoo bottles, margarine, yoghurt and ice cream containers;
- (e) Paper products including:
 - (i) letters, envelopes and advertising material;
 - (ii) newspapers, magazines and cardboard;
 - (iii) telephone books;
 - (iv) work and school papers.

All food and beverage containers should be empty.

(5) Food and Garden Waste Acceptable Materials

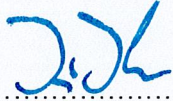
A person must only place in the food and garden waste bin the following: -

- (a) Organic garden material including:
 - (i) Grass clippings;
 - (ii) Leaves;
 - (iii) Twigs and branches under 100mm in diameter;
 - (iv) Garden pruning's;
 - (v) Animal excrement.

- (b) Organic Food Material including:
 - (i) Fruit and vegetable scraps;
 - (ii) Seafood, fish meat and bones;
 - (iii) Egg shells;
 - (iv) Dairy products;
 - (v) Bread, cereal, pasta and rice;
 - (vi) Tea bags and coffee grounds;
 - (vii) All left over food, cooked and raw;
 - (viii) All processed food;
 - (ix) Used paper towel, tissues and napkins;
 - (x) Compostable bags (AS4736 only);
 - (xi) Shredded paper;
 - (xii) All pizza boxes;
 - (xiii) Hair;
 - (xiv) All beverage containers should be empty;
 - (xv) Compostable food packaging including bamboo and wooden cutlery (AS4736 only).

CAMPASPE SHIRE COUNCIL
WASTE, RECYCLING AND FOOD AND GARDEN WASTE CODE OF PRACTICE

The Campaspe Shire Council Waste, Recycling and Food and Garden Waste Code of Practice was adopted by Council on 20 July 2022.



..... Chief Executive Officer

INFRINGEMENT PENALTY SCHEDULE

Clause		Infringement Penalty Units		
		2	3	5
9(1)	Behaviour – general		X	
9(2)	Urinating or defecating in a public place		X	
9(3)	Rollerblades, skateboards and scooters	X		
10(1)	<u>Consumption and possession of liquor in a public place (excluding public reserves)</u>		X	
10(2)	Consumption and possession of liquor on public reserves		X	
10(3)	Consumption and possession of liquor following a direction		X	
10(5)	Compliance with a direction		X	
11(1)	No smoking in smoke free areas			X
11(3)	Offence to fail to comply with direction			X
12(1)	Activities on roads and council land	X		
12(2)	Non-compliance of trading code of practice and disability discrimination act	X		
12(4)	<u>Commercial and charitable activities on roads and council land</u>	X		
12(5)	<u>Murray Esplanade sign restrictions</u>	X		
13(1)	Approval for events and festivals	X		
14(1)	Busking	X		
15(1)	Placement of clothing bins	X		
15(2)	Maintenance of area around clothing bin	X		
16	Repair of vehicles		X	
17(1)	Placing bulk rubbish containers on a road		X	
18(1)	Vehicle crossings		X	
18(2)	Vehicle crossing no permit		X	
18(3)	Maintain vehicle crossing		X	
19(1)	Abandoned shopping trolleys	X		
20	Noise in a municipal district or on a road	X		
21	Playing of golf on council land	X		
22	Use of vehicles on council land		X	
23	Property numbers to be displayed	X		
24	Parked motor vehicles interfering with council functions		X	

INFRINGEMENT PENALTY SCHEDULE

Clause		Infringement Penalty Units		
		2	3	5
26	Trees and plants on private property	X		
27	Trees and plants on roads	X		
28	Signs and objects		X	
29	Fences at intersections	X		
30(1)	Dangerous and unsightly land that constitutes a fire hazard		X	
30(2)	Dangerous and unsightly land amenity of neighbourhood		X	
31(1)	Open air burning offensive materials		X	
31(2)	Open air burning - dead animals		X	
31(3)	Open air burning - remaining alight		X	
31(4)	Open air burning - must not light a fire		X	
31(5)	Open air burning – immediately take steps		X	
32(1)	Interference with council land, drains, pits or footpaths - footpaths		X	
32(2)	Interference with council land, drains - naturestrips		X	
32(3)	Interference with council land, drains - pits		X	
33(1)	Caravans and camping on Council land without a permit		X	
33(2)	Caravans and camping – maintenance of site		X	
33(3)	Caravans and camping – disposal of chemical toilet contents		X	
33(5)	Caravans and camping campfires		X	
34(1)	Aysons Reserve no permit	X		
34(2)	Aysons Reserve one caravan only	X		
34(3)	Aysons Reserve period no longer than 28 days in 12-month period	X		
34(4)	Aysons Reserve – maintenance of site	X		
34(5)	Aysons Reserve – disposal of chemical toilet contents	X		
35(1)	Lockington Travellers Rest no permit	X		
35(2)	Lockington Travellers Rest one caravan only	X		
35(3)	Lockington Travellers Rest period no longer than 28 days in 12-month period	X		
35(4)	Lockington Travellers Rest – maintenance of site	X		
35(5)	Lockington Travellers Rest – disposal of chemical toilet contents	X		

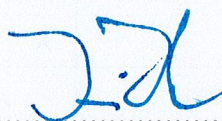
INFRINGEMENT PENALTY SCHEDULE

Clause		Infringement Penalty Units		
		2	3	5
36(1)	Girgarre Rest Point no permit	X		
36(2)	Girgarre Rest Point one caravan only	X		
36(3)	Girgarre Rest Point period no longer than 28 days in 12-month period	X		
36(4)	Girgarre Rest Point – maintenance of site	X		
36(5)	Girgarre Rest Point – disposal of chemical toilet contents	X		
37(1)	Caravans on residential land without a permit	X		
37(2)	Camping on residential land more than 3 days without permit	X		
37(3)	Camping on private land – period no longer than 28 days in 12-month period	X		
38(1)	Motorised vehicle use without a permit of for recreational purpose on any residential land		X	
38(2)	Motorised vehicle use without a permit of for recreational purpose on any residential land by another person		X	
38(3)	Use of motorised vehicle of person under 17 with parent permission		X	
39(1)	Heavy and unregistered vehicles – park keep or repair over 4.5 tonnes without a permit or keep more than two unregistered vehicles		X	
40(1)	Protection of Council Assets During Construction Activities		X	
41(1)	Regulation of household refuse - Non approved refuse receptacle		X	
41(2)	Place household refuse or industrial refuse in municipal bins		X	
41(3)	Remove or interfere with waste, recycling or garden organics placed in municipal bins		X	
41(4)	Place or remove residential waste, recycling or garden organics into another person's waste receptacle without permission		X	
42(1)	Keeping of number of dogs/cats allowed without a permit	X		
43(1)	Keeping of more animals than allowed in residential area	X		
43(2)	Exceeding maximum of animals allow in zones	X		
43(7)	Animal shelter constructed not in accordance with standards		X	
43(8)	Animal shelter maintenance and cleaning not in accordance with standards	X		
44	Keeping of livestock	X		
45	Exercising Pigeons	X		
46	Adequate fencing to prevent the escape of animals or livestock	X		

INFRINGEMENT PENALTY SCHEDULE

Clause		Infringement Penalty Units		
		2	3	5
47	Protection of other animals and native fauna and flora	X		
48	Domestic animal nuisance to neighbours	X		
49(1)	Dog excrement	X		
50(1)	Livestock code of practice Code not complied with		X	
51(1)	Livestock moved between parts of one farm to another only separated by another part of farm		X	
51(2)	Livestock moved between parts of farm divided by road		X	
51(3)	Livestock being regularly moved between parts of one farm separated by other land or different farms		X	
52(1)	Livestock movement on a road reserve without a permit		X	
52(2)	Livestock movement – non compliance with directions by authorised officer		X	
53(1)	Livestock movement, droving and grazing on a road with a permit		X	
54(3)	Prohibited droving, grazing, moving of livestock on a road reserve		X	
55(1)	Permanent livestock crossing approval		X	
56(1)	Responsibility of owners or occupiers of farm properties		X	
58(4)	Complying with conditional permits		X	
67(5)	Failing to comply with a notice to comply		X	

The Campaspe Shire Council Waste, Recycling and Food and Garden Waste Code of Practice was adopted by Council on 15 June 2022.



..... Chief Executive Officer