



Proposed amendments to Community Local Law 2016

Original Local Law 2016

PART 1 – PRELIMINARY

1.1 Local Law

This Local Law is made under section 111(1) of the *Local Government Act 1989* and section 42 of the *Domestic Animals Act 1994*.

1.2 Objectives

The objectives of this **Local Law** are to:

- (1) provide for the peace, order and good government of the municipal district;
- (2) provide a safe and healthy environment so that the community can enjoy a quality of life that meets its expectations;
- (3) prohibit, regulate and control activities, events, practices or behaviour in public places so that no detriment is caused to the amenity of the neighbourhood, nor nuisance to a person nor detrimental effect to a Person's Property;
- (4) provide for the safe and fair use and enjoyment of public places;
- (5) provide for the safe and fair use of roads; and
- (6) protect Council assets and land and regulate their use.

1.3 Commencement

This Local Law comes into operation on 22 June 2016.

1.4 Revocation of Local Law

On the commencement of this Local Law, Council's Community Local Law 2008 is revoked.

1.5 Application of Local Law

- (1) This Local Law applies throughout the municipal district.
- (2) This Local Law does not apply where any act or thing otherwise prohibited or regulated by this Local Law is authorised by any Act, Rule, Regulation or Planning Scheme.
- (3) ***Addition

Draft Amendments

PART 1 – PRELIMINARY

1.1 Local Law

This Community Local Law is a local law made under Part 5 of the *Local Government Act* and has been reviewed in accordance with *Part 3 of the Local Government Act 2020*, *Part 5 of the Local Government Act 1989*.

1.2 Objectives

The objectives of this local law are to provide for:

- (1) the peace, order and good government of the municipality;
- (2) a safe and healthy environment so that the community within the municipality can enjoy a quality of life that meets its expectations;
- (3) the safe and fair use and enjoyment of public places;
- (4) the protection and enhancement of the amenity and environment of the municipality;
- (5) a fair and reasonable use and enjoyment of private land;
- (6) a uniform and fair administration of this Local Law; and
- (7) regulating and managing activities of people within the municipality which may be dangerous, unsafe or detrimental to the quality of life of other people in, or the environment of, the municipal district.

1.3 Commencement and revocations

This **amended** Local Law commences operation **date** (after publication in Government Gazette **date ? 2020** and ceases to operate on **(insert date ?) 21 June 2026** unless revoked earlier.

1.4 Application of Local Law

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



Proposed amendments to Community Local Law 2016

Definitions – Amended or Removed (Existing)

Act	means the <i>Local Government Act 1989</i> <u>and / or</u> <u>the <i>Local Government Act 2020</i></u> .
asset protection permit	means a written permit issued by Council <u>or an <i>Authorised Officer</i></u> for the protection of public assets and infrastructure during building works.
barbecue	Means an item for cooking food outdoors constructed predominately of metal or other non-flammable material and whether powered by gas, electricity, liquid or solid fuel or any combination of them, and includes an item for spit roasting when used outdoors.
builder	Means a person engaged by or on behalf of the owner or occupier of a building site to carry out building works.
building works	Includes any work for or in connection with: (a) the construction, demolition, renovation, alteration or removal of any building or structure or earthworks, such as excavation, digging or boring; or (b) the delivery to or removal from a building site of goods or materials.
camp / camping	Means using a caravan, tent, swag, motor vehicle, shipping container, shed or like structure for residential accommodation (either temporary or permanent) by a person or persons, and 'camp' has a corresponding meaning.

Definitions – Amended version

barbecue	means any structure or device, erected or fixed outdoors, portable or mobile, powered by gas, electricity, liquid or solid fuel or any combination of them, and includes any structure or device used for spit roasting when used outdoors.
builder	means a person who: a) carries out building work, or b) manages or arranges the carrying out of building work, or c) intends to carry out, or to manage or arrange the carrying out of, building work.
building works	means any work for or in connection with: (a) the construction, demolition, renovation, alteration or removal of any building or structure or earthworks, such as excavation, digging or boring; or (b) the delivery to or removal from a building site of goods or materials.
camp / camping	means using a caravan, tent, swag, motor vehicle, shipping container, shed or like structure for residential accommodation (either temporary or permanent) by a person or persons, and 'camp' has a corresponding meaning.



Proposed amendments to Community Local Law 2016

caravan / mobile home

Means any campervan, mobile home or similar vehicle which includes sleeping and/or living facilities, whether manufactured to luxury standard or privately converted from a standard vehicle, and includes a caravan, camper trailer and other similar towed living/sleeping trailer facility.

livestock

Has the same meaning as in the *Impounding of Livestock Act 1994*, namely an animal (including a bird) of any species used in connection with primary production or kept for recreational purposes other than a dog or a cat (including but not limited to horses, cattle, sheep, donkeys, mules, goats, pigs and deer of any age).

recreational vehicle

Means any vehicle (whether registered or not), including a motor vehicle, motorcycle, recreational motorcycle or other motorised vehicle that does not comply with the standards for registration, except a vehicle being used for legitimate farming purposes.

Residential Area/Zone

Means any area zoned as being, or reserved, for residential purposes under the Planning Scheme applicable within the municipal district.

caravan / mobile home

means any mobile home or similar vehicle which includes sleeping and/or living facilities, whether manufactured to luxury standard or privately converted from a standard vehicle, and includes a caravan, camper trailer and other similar towed living/sleeping trailer facility.

livestock

has the same meaning ascribed to it as in the *Impounding of Livestock Act 1994*.

recreational vehicle

means any vehicle (whether registered or not), including a motor vehicle, motorcycle, recreational motorcycle or other motorised vehicle that does not comply with the standards for registration, except a vehicle being used for legitimate farming purposes, but does not include a caravan, mobile home or camper van.

residential area/zone

means any area zoned as being, or reserved, for residential purposes under the Baw Baw Planning Scheme.



Proposed amendments to Community Local Law 2016

Definitions – Added

appointed agent	means a person authorised by the owner of a building or land to make an application, appeal, referral, representation or undertake works on their behalf.	dwelling	means any building or portion of a building which is used, intended, adapted or designed for use for living.
built up area	means an area in which there is urban development, street lighting, or the authorised traffic speed limit is 60km/h or less on a road.	droving	means the movement of livestock along a road or through a public area.
bushfire prone area (BPA)	means areas that is subject to, or likely to be subject to bushfires/grass fires under the Building Regulations. BPA properties are identified on the State Government's VicPlan mapping tool https://mapshare.maps.vic.gov.au/vicplan/ by searching the property address, selecting the map tab and adjusting the Layer List.	emergency services	means a) Victoria Police, b) the Metropolitan Fire Brigade, c) the Country Fire Authority, d) Ambulance Victoria, e) the State Emergency Service, f) any organization whose primary function is the provision of first aid response, and g) any successor to any named organisation above, and includes all members of the above organisations when engaged in bona fide operational activities.
campfire	means an open air fire at a campsite that provides light and warmth, and heat for cooking, but does not mean a portable cooking appliance with its own heat source.	fire	means heat, smoke, combustion, burning, smouldering or causing smoke, <u>whether or not</u> there is a flame.
campsite	means a place used for overnight or temporary stay in an outdoor area.	fire break	means for land of less than 20,000 square metres, a minimum strip of land, 10 metres wide around the entire external perimeter of the property or for land of 20,000 square meters or more, a minimum strip of land, 20 meters wide, around the entire external perimeter of the property. A fire break can be maintained on that land by: (a) cutting all grass or weeds inside the fire break, or; (b) keep grazing animals or livestock inside the fire break to strip graze (the animals eat the grass, weeds or undergrowth and keep the grass, weeds or undergrowth below the required height).
camper van	means a self-propelled vehicle that provides both transport and sleeping accommodation and is sometimes referred to as a camper, caravanette, or motor caravan.		
central business district (CBD)	means the main business and commercial area of a town or city.		
damage	means to lop, <u>prune</u> or undertake Works near a tree such that the tree is no longer viable in terms of health, structure or stability.		



Proposed amendments to Community Local Law 2016

fodder	means grass grown for the production of food for grazing animals or livestock either by grazing animals directly on the land, or for the production of hay.	offensive	has the meaning ascribed to it as in the <i>Public Health and Wellbeing Act 2008</i> .
footpath	means an area, usually parallel to a carriageway that is open to the public and designated for, or has one of its main uses, use by pedestrians.	penalty unit	the monetary value for a penalty unit under a Local Law is currently set at \$100.00*. <i>*Section 110(2) of the Sentencing Act 1991</i>
goods	except in so far as the context otherwise requires, includes money and every other description of property except land.	permit	means a permit issued in accordance with this Local Law or a permit issued in accordance with the <i>Planning and Environment Act 1987</i> .
grazing	means allowing livestock to enter and remain on a road for the purpose of grazing.	person	means an individual, a corporation, an associated corporation under the <i>Associations Incorporation Act 1981</i> , a partnership and an unincorporated association.
heavy vehicles	means any vehicle over 4.5 tonnes gross vehicle mass.	premises	means the whole or part of any land, a lot on a plan of subdivision and a building or building under construction.
incinerator	means a furnace, device or apparatus for burning waste material at high temperatures until it is reduced to ash.	prune	means to remove any branches of a tree that are greater than 50 mm in diameter at the point of connection with the larger branches or the trunk.
noxious weed	has the meaning ascribed to it as in the <i>Catchment and Land Protection Act 1994</i> .	Rural Area/Zone	Means any area zoned as being, or reserved, for rural purposes under the Planning Scheme applicable within the municipal district.
nuisance	has the meaning ascribed to it as in the <i>Public Health and Wellbeing Act 2008</i> . Nuisances may arise from or be caused by: (a) any premises (b) any land, water or land covered by water (c) any animal, bird or pest animal within the meaning of the Act (d) any refuse (e) any noise or emission (f) any state, condition or activity or other matter or thing	significant tree	means any tree or vegetation identified on or listed in the Significant Tree Register (available on Council's website)
		store	means to accumulate, leave standing or put away for future use.

Proposed amendments to Community Local Law 2016

tree protection zone means the area surrounding a tree's trunk that contains the roots that are essential to the tree's continued health, vigour and stability, being a circular area below the tree extending at equal distances from the tree base in all directions, the radius of which is 12 times the trunk circumference measured at 1.4 m above its base.

**** See Figure 1, 2 & 3 following the definitions below**

unsightly means land which contains one or more of the following, but is not limited to:

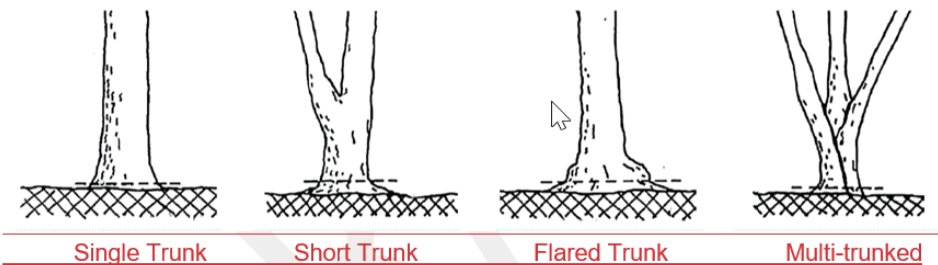
- a) unconstrained rubbish;
- b) excessive dead, diseased or dying vegetation; and/or excessively long grass and/or weeds;
- c) a disused excavation;
- d) waste material;
- e) a building which is incomplete and not currently being constructed;
- f) a building or other structure or thing which is detrimental to the amenity of the area;
- g) graffiti on any building, structure or boundary fence;
- h) any other thing or combination of things that in the opinion of an Authorised Officer is detrimental to the amenity of the area;
- i) graffiti on exterior walls or fences;
- j) unregistered vehicles and/or disassembled or incomplete vehicles, excessive machinery, machinery parts or similar.

vehicle means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn, and includes bicycle or other pedal-powered, tram-car and air-cushion vehicle but does not include railway locomotive or railway rolling stock.

urban growth zone (UGZ) means land that has been identified for future urban development. This zone may also be applied to land adjacent to regional cities and towns where a strategy has been prepared that clearly identifies that the land is suitable for future urban development.

works Includes but is not limited to building, trenching, digging, compacting, excavating, filling or storing materials and equipment whether by mechanical or manual methods.

Figure 1: Diagram illustrating how to measure the circumference of the base of different shaped trees.



Proposed amendments to Community Local Law 2016

Figure 2: Diagram illustrating where and how to measure the circumference at 1.4m above ground level.

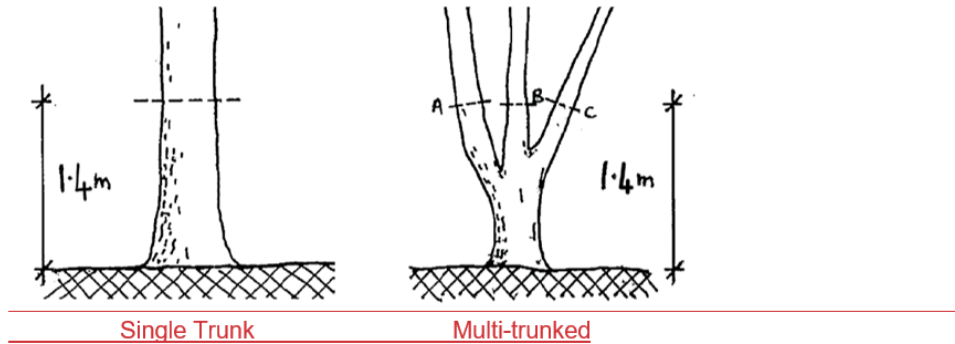
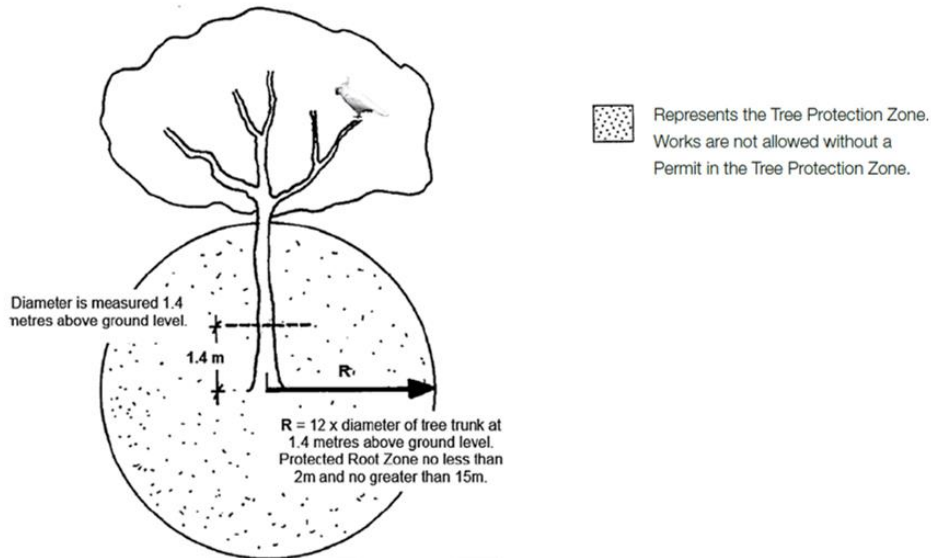


Figure 3: Diagram illustrating how to determine the Tree Protection Zone





Proposed amendments to Community Local Law 2016

PART 2 – ANIMALS

PART 2 – ANIMALS

2.1 Permitted Quantity of Animals

- (1) The limitations and restrictions in this Part do not prohibit the keeping of any animals or birds regulated by the Planning Scheme.
- (2) An owner or occupier of any land in a Residential Area must not, without a permit, keep or allow to be kept on that land any more than four different species of animals stated in the following table.
- (3) An owner or occupier of any land in a Residential Area must not, without a permit, keep or allow to be kept on that land in excess of the number of animals stated in the following table:

Animal Type	Land up to 999 square metres	Land which is 1,000 to 3,999 square metres	Land which is 4,000 square metres and greater
Dogs	2	3	4
Cats	2	2	2
Horses, Ponies	0	0	2
Sheep, Goats, Alpacas or similar	0	2	4
Pig	0	0	0
Rooster	0	0	0
Poultry	6	6	No limit
Cattle	0	0	1

Removed:

2.2 Keeping of Dogs and Cats on Rural Zoned Land

- (1) An owner or occupier of land in a Rural Zone must not, without a permit, keep or allow to be kept on that land more than:
 - (2) 5 dogs; and
 - (3) 5 cats.

PART 2 – ANIMALS

2.1 Permitted Quantity of Animals

- (1) The limitations and restrictions in this Part do not prohibit the keeping of any animals or birds regulated by the *Baw Baw Planning Scheme*.
- (2) An owner or occupier of any land in a Residential Area or Urban Growth Zone must not, without a permit, keep or allow to be kept on that land any more than four different species of animals stated in the following table.
- (3) An owner or occupier of any land in a Residential Area or Urban Growth Zone must not, without a permit, keep or allow to be kept on that land in excess of the number of animals stated in the following table:

Animal Type	Land up to 999 square metres	Land which is 1,000 to 3,999 square metres	Land which is 4,000 square metres and greater
Dogs	2	3	4
Cats	2	2	2
Horses, Ponies	0	0	2
Sheep, Goats, Alpacas or similar	0	2	4
Pig	0	0	0
Rooster	0	0	0
Poultry	6	6	No limit
Cattle	0	0	1

2.2 Animal Excrement

- (1) A person in charge of an animal must not allow any part of the animal's excrement to remain on any road or public land and must immediately collect and properly dispose of the excrement upon it being deposited there.
- (2) A person in charge of an animal on any road or public land must carry sufficient litter devices to collect and properly dispose of excrement from that animal and must produce them on the request of an Authorised Officer.

If your land is not in a Residential Area or Urban Growth Zone, please refer to the Baw Baw Planning Scheme or contact Council to confirm the number of animals allowed to be kept on that land.



Proposed amendments to Community Local Law 2016

2.4 Droving

- (1) A person must not, without a permit, drove any livestock on any road.

2.7 Animal Noise

- (1) An owner or occupier of any land must take all reasonable steps:
 - (a) to prevent any animal making unreasonable noise on the land; or
 - (b) to prevent any noise caused by an animal being emitted from the land which in the opinion an Authorised Officer is:
 - (i) unreasonable or objectionable to a person on other land or premises; or
 - (ii) adversely affects the amenity of any person on other land or premises.
- (2) For the purposes of sub-clause (1), in determining whether noise is unreasonable, objectionable or adversely affecting the amenity, regard must be had to:
 - (a) its volume, intensity and duration; and
 - (b) the time, place and other circumstances in which it is emitted.
- (3) For the purposes of sub-clause (1), reasonable steps to prevent the noise include (but are not limited to):
 - (a) identifying and modifying stimuli or conspicuous causes of the animal's behaviour; and
 - (b) controlling or modifying the physical environment in which the animal is kept; and
 - (c) where the animal causing the noise is a dog, the owner and the dog participating in behavioural training; and
 - (d) where the animal causing the noise is a dog, using an anti-barking citronella collar; and
 - (e) where the animal causing the noise is a dog, and where veterinary approval has been obtained, using a shock collar; and
 - (f) obtaining advice from a veterinarian or animal behaviourist and implementing that advice; and
 - (g) securing the animal within a dwelling unless supervised by a person capable of preventing the animal from making unreasonable or objectionable noise, or noise adversely affecting the amenity of any person on other land or premises; and
 - (h) considering removal of the animal from the land or dwelling; and
 - (i) keeping records of any steps taken, including the dates and times that steps were taken and the effectiveness of such steps, and providing those records to the Council upon request by an Authorised Officer.

2.3 Droving and grazing of Livestock

- (1) A person who owns or ~~is in charge of~~ livestock must not cause or allow the droving or grazing of the livestock on any road without a permit.
- (2) Clause 2.3(1) does not apply when the person complies wholly with the "Manual for Traffic Control at Stock Crossings" (Vicroads, June 2015) including obtaining all necessary permissions from the relevant road authority.
- (3) A person must not, without a permit, install a stock crossing or related sign or other infrastructure on any road.

2.6 Animal Noise

- (1) An owner or occupier of any land must take all reasonable steps:
 - (a) to prevent any animal making unreasonable noise on the land; or
 - (b) to prevent any noise caused by an animal being emitted from the land which in the opinion of an Authorised Officer is:
 - (i) unreasonable or objectionable to a person on other land or premises; or
 - (ii) adversely affects the amenity of any person on other land or premises.
- (2) For the purposes of sub-clause (1), in determining whether noise is unreasonable, objectionable or adversely affecting the amenity, regard must be had to:
 - (a) its volume, intensity and duration; and
 - (b) the time, place and other circumstances in which it is emitted.



Proposed amendments to Community Local Law 2016

PART 3 – LAND USE AND AMENITY

3.1 Waste Disposal

Using Approved Bins

- (1) Council or an Authorised Officer may determine whether an approved garbage bin is to be used for the deposit of refuse under this clause by the occupier of any land and the occupier of the land must comply with any such determination by Council or an Authorised Officer of which notice is given to them.
- (2) An occupier of land to which the Council provides a garbage collection service must:
- (3) deposit all refuse generated on the land into the approved garbage bin allocated to that land;
- (4) not place in an approved garbage bin anything other than refuse which is:
- (5) wrapped in any manner necessary to render it inoffensive and prevent the protrusion of sharp objects;
- (6) appropriately wrapped and bagged to prevent being caught by wind during the process of emptying the approved garbage bin; and
- (7) contained in any manner approved by Council or an Authorised Officer;
- (8) not place any items in the approved garbage bin which are likely to damage the bin or a collection vehicle; and
- (9) not place paint residue in an approved garbage bin.
- (10) Sub-clause (2) does not apply to properties where Council does not provide a garbage collection service.
- (11) An occupier of land must not, without the consent of Council or an Authorised Officer, place more than one of each approved garbage bin, green waste bin or recyclable goods bin provided by Council out for collection and must ensure that any bin:
- (12) is positioned on the nature strip or footpath adjacent to the roadside, or in any other manner directed by Council or an Authorised Officer from time to time;
- (13) does not exceed the maximum gross weight prescribed by Council or an Authorised Officer from time to time for the purposes of this clause; and
- (14) is capable of being closed to prevent anything placed in the bins from escaping.
- (15) An occupier of land must:
- (16) keep an approved garbage bin:
- (17) in good order;
- (18) in a clean inoffensive and sanitary condition; and
- (19) to the satisfaction of Council or an Authorised Officer;
- (20) ensure that any approved garbage bin allocated to the land is covered to prevent the contents of the bin from being blown around by wind; and

3.1 Domestic Waste

This clause applies to the occupier or owner of any dwelling or other property where the Council provides a garbage service.

- (1) All domestic waste, green waste and recyclables must be placed in the garbage and recycling bins provided by Council for collection, in accordance with any standards, policies or guidelines of Council applicable to garbage, recycling or green waste services.
- (2) All residential developments within Council's declared garbage areas must be serviced by Council's garbage service provider.
- (3) Bins must be placed on the nature strip or footpath adjacent to the roadside, or in any other manner directed by Council or an Authorised Officer.
- (4) Empty bins must be returned to the owner or occupiers' property as soon as practicable, and no later than **48 hours** after collection.
- (5) Any waste which has inadvertently spilled onto the road, nature-strip or surrounding area during collection must be removed by the occupier responsible for the bin.
- (6) A person must not deposit in any bin provided by Council:
 - (a) hazardous waste or chemicals;
 - (b) liquid waste of any kind;
 - (c) grossly offensive material, including but not limited to animal carcasses;
 - (d) dirt, dust, or other matter from any vacuum cleaner, ashes, hair or other similar matter, unless it has been securely wrapped in paper or some other impermeable cover or container to prevent its escape;
 - (e) hot ashes;
 - (f) glass or other sharp objects unless they are properly contained or wrapped in such a way as to render them harmless and inoffensive;
 - (g) oil, paint, solvents or similar substance or any other substance which may damage the bin or reduce its strength or effectiveness;
 - (h) disposable nappies unless they have been securely wrapped in impervious material prior to being placed in the bin;
 - (i) vehicle or engine parts including tyres;
 - (j) medical waste, syringes or veterinary waste;
 - (k) construction or demolition waste, and trade wastes of any kind.



Proposed amendments to Community Local Law 2016

- (21) maintain the site on which an approved garbage bin is located and the location where it is placed for collection in a clean, inoffensive and sanitary condition.
- (22) An occupier of land must immediately notify Council if his or her approved garbage bin develops a defect, is destroyed or damaged, or is lost or stolen.

Recycling, Green Waste and Hard Waste Collection

- (23) Where Council or an Authorised Officer has given public notice that a recyclable goods collection, green waste collection or hard waste collection will be made, any person leaving recyclable goods, green waste or hard garbage out for collection must do so in accordance with Council's direction or an Authorised Officer's direction from time to time.
- (24) A person must not, without the consent of Council or an Authorised Officer, remove anything left out for collection under sub-clause (7).

3.2 Condition of Land

An owner or occupier of land must ensure that the land, in the opinion of an Authorised Officer:

- (1) does not constitute and is not likely to constitute a danger to health or property;
- (2) is not unsightly or detrimental to the general amenity of the neighbourhood in which it is located;
- (3) does not have grass or weeds present on the land which exceed 200 millimetres in height if the land is in a Residential Zone; and
- (4) does not have grass or weeds present within 10 metres of dwellings or buildings which exceed 200 millimetres in height if the land is in a Rural or Farm Zone.

- (7) Bins must be maintained in a sound, clean and odour-free condition.
- (8) Any individual bin must not exceed the maximum weight of 75-80 kgs.
- (9) A person must place their hard waste out for collection in accordance with any standards, policies or guidelines of Council or as directed by an Authorised Officer.
- (10) A person must not place hard waste in any public place more than seven days prior to the booked collection date or advertised commencement of a hard waste collection for the public place where the hard waste is placed.
- (11) A person must not place any hard waste, green organics or recycling items onto another person's booked hard waste, green organics or recycling collection items.
- (12) A person must not, without the consent of Council or an Authorised Officer, remove or interfere with anything left out for collection.

3.2 Central Business District waste

- (1) Bins from commercial properties in Central Business District (CBD) areas must only be placed out for collection from 4.00pm the day prior to collection and then removed from the kerb by 10.00am on the day of collection.
- (2) Street litter bins must not be used by commercial proprietors or residents to dispose of their commercial or household waste.

3.3 Condition of Land

- (1) An owner or occupier of land must ensure that the land, in the opinion of an Authorised Officer, does not constitute and is not likely to constitute a danger to health or property.

3.4 Unsightly and dangerous land

- (1) An owner or Occupier of land or premises must not cause, allow or suffer the land or premises to be unsightly and detrimental to the amenity of the neighbourhood in which the land or premises are located.
- (2) An owner or occupier of land must not allow any grass or weeds on that land, except that which is grown for fodder, to exceed 300 millimetres in height.
- (3) Further to sub-clause (2), an owner or occupier of land must not allow grass or weeds that are to be used for fodder to exceed 100 millimetres in height within a fire break.

Proposed amendments to Community Local Law 2016

Burning in the open air

3.3 Restrictions on Burning in the Open Air – Land in Residential Zones other than Low Density Residential

- (1) A person must not light a fire in the open air on any land, including in an incinerator, where the land is within a Residential Zone that is not a Low Density Residential Zone.
- (2) The restriction in sub-clause (1) does not apply to a:
 - (a) barbecue, pizza oven or other properly constructed appliance while it is being used for cooking food;
 - (b) fire in a chimenea, fire pit or other similar and properly constructed appliance while being used for heating;
 - (c) fire lit during the course of duty by a member of a fire and emergency services agency; or
 - (d) fire in respect of which Council has granted a permit because it considers that the specific circumstances of the case justify a fire being lit.
- (3) Nothing in sub-clause (2) permits a person to light a fire during a Fire Danger Period declared by the Country Fire Authority under the *Country Fire Authority Act 1958*.

3.4 Restrictions on Burning in the Open Air – Land in Low Density Residential Zoned

- (1) A person may light a fire in the open air on land, including in an incinerator, where the land is zoned as Low Density Residential if:
 - (a) the fire is lit or allowed to remain alight only on a Friday, Saturday or Monday and not before 9am or after 6pm;
 - (b) no more than 5 cubic metres of vegetation is burnt at any one time;
 - (c) the fire is not within 20 metres of any neighbouring dwelling; and
 - (d) the fire is lit or allowed to remain alight in accordance with Clause 3.8(1).
- (2) Nothing in sub-clause (1) permits a person to light a fire during a Fire Danger Period declared by the Country Fire Authority under the *Country Fire Authority Act 1958*.
- (3) Where a person wants to burn in the open air under this provision and the requirements in sub-clause (1) cannot be complied with, a person must not, without a permit, light a fire in the open air, including in an incinerator, where the land is zoned as Low Density Residential.

3.5 Restrictions on Burning in the Open Air – Declared Fire Danger Period

- (1) Nothing in the following clauses permits a person to light a fire during a declared Fire Danger Period (including a day of Total Fire Ban) without a permit issued by the Country Fire Authority under the *Country Fire Authority Act 1958*.

3.6 Restrictions on Burning in the Open Air – Land not in the designated Bushfire Prone Area (BPA)

- (1) A person, owner or occupier of land must not, without a permit, light or allow to be lit, a fire in the open air, where the land is not within the designated Bushfire Prone Area.
- (2) The restriction in sub-clause (1) does not apply to a:
 - (a) barbecue, pizza oven or other properly constructed appliance while it is being used for cooking food; or
 - (b) a fire in a chimenea, fire pit or other similar and properly constructed appliance while being used for heating; or
 - ~~(c) a fire lit during the course of duty by a member of a fire and emergency services agency.~~
 - ~~(e)(d) a fire on land size 4000 square metres or greater that is not within 20 metres of any neighbouring dwelling and 10 metres of any other structure.~~

3.7 Restrictions on Burning in the Open Air – Land in the Bushfire Prone Area (BPA)

- ~~(1) A person, owner or occupier of land must not, without a permit, light or allow to be lit, a fire in the open air within the Bushfire Prone Area unless the fire is lit in accordance with sub-clause (2), may light a fire in the open air on land, where the land is within the designated Bushfire Prone Area if:~~
- ~~(4)(2)~~
 - (a) no more than 2 cubic metres of vegetation is burnt at any one time on land size less than 4000 square metres; or
 - (b) no more than 5 cubic metres of vegetation is burnt at any one time on land size greater than 4000 square metres; and
 - (c) the fire is not within 20 metres of any neighbouring dwelling and 10 metres of any other structure, and;
 - (d) the fire is lit or allowed to remain alight in accordance with Clause 3.6.
- ~~(2) Where a person wants to burn in the open air under this provision and the requirements in sub-clause (1) cannot be complied with, a person must not, without a permit, light or allow to be lit, a fire in the open air within the Bushfire Prone Area.~~



Proposed amendments to Community Local Law 2016

3.5 Restrictions on Burning in the Open Air – Land in Rural Zones

- (1) A person may light a fire in the open air on land, including in an incinerator, where the land is within a Rural Zone if:
 - (a) the fire is not within 100 metres of any neighbouring dwelling; and
 - (b) the fire is lit or allowed to remain alight in accordance with Clause 3.8(1).
- (2) Nothing in sub-clause (1) permits a person to light a fire during a Fire Danger Period declared by the Country Fire Authority under the *Country Fire Authority Act 1958*.
- (3) Where a person wants to burn in the open air under this provision and the requirements in sub-clause (1) cannot be complied with, a person must not, without a permit, light a fire in the open air, including in an incinerator, where the land is within a Rural Zone.

3.6 Restrictions on Burning in the Open Air – Other Land

- (1) A person must not, without a permit, light a fire in the open air on any land, including in an incinerator, where the land is within a zone not specified in Clauses 3.3 to 3.5.

3.8 Restrictions on Burning in the Open Air – Land located in Walhalla

- (1) A person must not, without a permit, light or allow to be lit, a campfire within 1.2km of the Old Walhalla Post Office Museum, unless that fire is lit in a formally constructed and permanent campfire pit or structure that has been approved by Council.
- (2) The restriction in sub-clause 3.8(1) does not apply to:
 - (a) privately owned land on which a permanent dwelling exists, and where the owner or occupier of that land lights or allows to be lit a fire in a chiminea, fire pit or other similar and properly constructed appliance while being used for heating or cooking food.

3.9 Restrictions on Burning in the Open Air – Public Land

- (1) A person must not, without a permit or the relevant land managers consent, light or allow to be lit, a fire in the open air on:
 - (a) a road (including a road reserve, footpath or nature strip); or
 - (b) Council land or reserve; or
 - (c) Crown land; or
 - (d) any public place.



Proposed amendments to Community Local Law 2016

3.7 Nuisance Burning and Incinerators

- (1) A person must not light a fire on any land in the open air, including in an incinerator, that:
 - (a) is offensive or a nuisance to another person in the vicinity, or beyond the property boundary;
 - (b) may cause a hazard to a person's health;
 - (c) has an adverse impact on visibility beyond the property boundary, including reducing the visibility of motorists and other users of a road; or
 - (d) creates a hazard on or near a road.
- (2) A person must not light a fire on any land in the open air, including in an incinerator, to burn or cause or allow to be burnt any:
 - (a) green or wet material;
 - (b) non timber based materials;
 - (c) rubber or plastic, including plastic mulch, plant pots and packaging materials;
 - (d) furnishings and carpet;
 - (e) manufactured chemicals;
 - (f) petroleum or oil products;
 - (g) paint, including any container in which paint is kept;
 - (h) food waste;
 - (i) manure and straw; or
 - (j) other offensive, noxious or toxic matter.

3.10 Nuisance Burning and Incinerators

- (1) A person, owner or occupier of land must not light or allow to be lit, a fire in an incinerator.
- (2) A person, owner or occupier of land must not light or allow to be lit, a fire in the open air that in the opinion of an Authorised Officer:
 - (a) is a nuisance or may cause a hazard to a person's health; or
 - (b) has an adverse impact on visibility beyond the property boundary, including reducing the visibility of motorists and other users of a road.
- (3) A person, owner or occupier of land must not light or allow to be lit, a fire in the open air to burn or allow to be burnt any:
 - (a) green or wet material;
 - (b) non timber based materials;
 - (c) rubber or plastic, including plastic mulch, plant pots, silage wrap and packaging materials;
 - (d) furnishings and carpet;
 - (e) manufactured chemicals;
 - (f) petroleum or oil products;
 - (g) paint, including any container in which paint is kept;
 - (h) food waste;
 - (i) manure and straw;
 - (j) other offensive, noxious or toxic matter; or
 - (k) anything else determined by an Authorised Officer.



Proposed amendments to Community Local Law 2016

3.8 General Provisions

- (1) A person who has lit or allowed a fire to remain alight must do so in accordance with the following requirements:
 - (a) a notification of burn must be registered with the Victorian Burn Off Line - 1800 668 511;
 - (b) the fire or use of the incinerator must be supervised by an adult at all times;
 - (c) sufficient fire protection equipment (including an adequate water supply) must be available to extinguish the fire if required;
 - (d) the vegetation to be burnt must be dead and dry prior to lighting it;
 - (e) at the site of the fire, the wind speed must not exceed 15 kilometres per hour; and
 - (f) the temperature must be not more than 30 degrees ~~celsius~~.

3.11 General Provisions

- (1) A person, owner or occupier of land who has lit or allowed a fire to remain alight must do so in accordance with the following requirements:
 - (a) a notification of the burn must be registered with the Emergency Services Telecommunications Authority (ESTA) - 1800 668 511, unless the fire is lit in accordance with Clause 3.6(2)(a)(b) or (c);
 - (b) must be actively supervised at all times by a person over the age of 18 years old, who has the means and capability to extinguish the fire;
 - (c) sufficient fire protection equipment (including an adequate water supply) must be available to extinguish the fire if required;
 - (d) the vegetation to be burnt must be dead and dry prior to lighting;
 - (e) at the site of the fire, the wind speed must not exceed 15 kilometres per hour; and
 - (f) the temperature must be not more than 30 degrees celsius.
- (2) A person must, when directed to do so by a member of an emergency service agency or an Authorised Officer, extinguish a fire in the open air.



Proposed amendments to Community Local Law 2016

Recreational Vehicles

3.10 Recreational Vehicles

- (1) A person must not, without a permit, use a recreational vehicle on any Council Land or reserve (other than any public highway or road) unless the Council Land or reserve has been prescribed for that purpose.
- (2) A person must not use a recreational vehicle on private land within a Residential Zone.
- (3) A person must not use a recreational vehicle on private land within a Low Density Residential Zone where that land is 5 acres or less in size.
- (4) A person must not, without a permit, use a recreational vehicle on private land within a Low Density Residential Zone where that land is greater than 5 acres in size.
- (5) A person must not, without a permit, use a recreational vehicle on private land within a Commercial or Industrial Zone for non-commercial purposes.

3.12 Recreational Vehicles

- (1) A person must not, without a permit, use a recreational vehicle on any Council Land or reserve, unless the Council Land or reserve has been prescribed for that purpose.
- (2) A person must not use a recreational vehicle on private land within a Residential Zone.
- (3) A person must not use a recreational vehicle on private land within a Low Density Residential Zone where that land is 5 acres or less in size.
- (4) A person must not, without a permit, use a recreational vehicle on private land within a Low Density Residential Zone where that land is greater than 5 acres in size.
- (5) A person must not, without a permit, use a recreational vehicle on private land within a Commercial or Industrial Zone for non-commercial purposes.

3.13 Shipping Containers and relocatable buildings

- (1) A person must not, without a permit, store, keep or place a shipping container or relocatable building on any Council land.
- (2) An owner or occupier of land must not cause or allow a shipping container or relocatable building to be placed on the land without:
 - (a) a permit issued by Council or an Authorised Officer in accordance with this Local Law, or
 - (b) a permit issued by Council or an Authorised Officer in accordance with the *Planning and Environment Act 1987*.

Shipping Containers

3.13 Shipping Containers and relocatable buildings

- (1) A person must not, without a permit, store, keep or place a shipping container or relocatable building on any Council land.
- (2) An owner or occupier of land must not cause or allow a shipping container or relocatable building to be placed on the land without:
 - (a) a permit issued by Council or an Authorised Officer in accordance with this Local Law, or
 - (b) a permit issued by Council or an Authorised Officer in accordance with the *Planning and Environment Act 1987*.



Proposed amendments to Community Local Law 2016

Vegetation

3.12 Vegetation

- (1) A person must not, without a permit, in or on any road, Council Land or public place, destroy, damage, remove, lop or otherwise interfere with any vegetation or allow any person to destroy, damage, remove, lop or otherwise interfere with vegetation.
- (2) Sub-clause (1) does not apply to a person authorised by Council to undertake any such works or an employee of such person in the course of his or her employment, or an Authorised Officer in the course of his or her employment.

3.13 Declared Noxious Weeds

- (1) An owner or occupier of land in a residential, commercial or industrial area must not allow any noxious weed to be present on that land.

3.15 Vegetation

- (1) A person, owner, occupier of land or appointed agent must not, without a permit, in or on any road, Council Land or public place, destroy, damage, remove, lop or otherwise interfere with any vegetation or allow any person to destroy, damage, remove, lop or otherwise interfere with vegetation.
- (2) A person, owner, occupier of land or appointed agent must not, without a permit, destroy, damage, remove, lop or otherwise interfere with any vegetation identified on or listed in the Significant Tree Register, or engage or allow any other person to undertake any of these actions.
- (3) A person, owner, occupier of land or appointed agent must not, without a permit, carry out any Works within the Tree Protection Zone of a Significant Tree.
- (4) A person must not direct, authorise or allow a person to undertake any of the actions in sub-clause (1), (2) or (3) above.
- (5) Sub-clause (1) does not apply to:
 - (a) a person authorised by Council to undertake any such works in the course of their employment, or
 - (b) a person acting in accordance with an instruction or direction from an Authorised Officer, or
 - (c) a person whose actions are authorised under a Planning Permit under the *Baw Baw Planning Scheme*.

3.16 Declared Noxious Weeds

- (1) An owner, occupier of land **or appointed agent** must not in a residential, commercial or industrial area allow any noxious weed to be present on that land.



Proposed amendments to Community Local Law 2016

Vehicles on Private Property

3.16 Vehicles on Private Property

- (1) Except where allowed under the Planning Scheme, a person must not, without a permit, park, keep, store, repair, or allow to remain on any residential premises a vehicle which is greater than 7.5 metres in length or has a Gross Vehicle Mass of 4.5 tonnes or greater.
- (2) A person who owns or occupies private property must not, except with a permit, keep on that private property more than one vehicle which is not currently registered with or have a permit from VicRoads or any other authority, if the property is 1,000 square metres or less.
- (3) Under sub-clause (2) such vehicle would not be permitted in an area where it may be visible from any adjoining Road. This does not include a paved/formed/concreted or in some way identifiable area that is used as a driveway and is generally used to store vehicles.

Fireworks

3.18 Fireworks

- (1) A person must not, without a permit, discharge any fireworks on or from any private land.

3.19 Vehicles on Private Property

- (1) A person who owns or occupies private property in a residential area must not, without a permit, park, keep, store, repair, or allow to remain on any residential premises a vehicle which is greater than 7.5 metres in length or has a Gross Vehicle Mass of 4.5 tonnes or greater, except a registered vehicle under the *Road Safety Act 1986* that is a motor home, caravan or boat trailer.
- (2) Subclause (1) does not apply in relation to a heavy vehicle, which is parked, kept, stored or repaired for less than one hour, or when the driver is picking up or setting down goods.
- (3) A person who owns or occupies private property must not, except with a permit, keep on that private property more than one vehicle which is not currently registered or has a permit from VicRoads if the property is 1,000 square metres or less in size.
- (4) A person who owns or occupies private property must not, except with a permit, keep on that private property more than two vehicles which are not currently registered or have a permit from VicRoads if the property is over 1,000 square meters but less than 4,000 square metres in size.

3.21 Fireworks

- (1) A person, occupier or appointed agent, must not, without a permit issued under this Local Law, discharge any fireworks on or from any Council land.
- (2) An owner or occupier of land must not allow their land to be used for the conduct of a fireworks display unless the display is undertaken in accordance with the requirements of the *Dangerous Goods (Explosives) Regulations 2011*.



Proposed amendments to Community Local Law 2016

PART 4 – BEHAVIOUR AND ACTIVITIES ON ROADS AND IN PUBLIC PLACES

4.5 Abandoned and Unregistered Vehicles

- (1) A person must not leave an unregistered vehicle or abandon any vehicle on any road or on any Council Land.

4.3 Repair and Storage of Vehicles

- (1) A person must not repair, paint, maintain or service a vehicle on any road or Council Land except where it is necessary to undertake minor repairs to get the vehicle underway or moving.
- (2) A person must not use any road or other Council Land for the purpose of storing any caravan, trailer, boat or damaged vehicle.

4.6 Camping and Caravans

- (1) A person must not, without a permit, camp on Council Land, a public place or on any road in a tent, caravan, motor vehicle or other temporary or makeshift structure unless he or she is within a caravan park licensed under the *Residential Tenancies Act 1997*.
- (2) Notwithstanding sub-clause (1), Council may prescribe an area or location as an area where a caravan or recreational vehicle can park overnight for a maximum period of 96 hours.
- (3) An owner or occupier of any land must not allow camping or a caravan to be occupied on that land in excess of 28 days within a 12 month period unless a permit has been obtained or camping is permitted under the Planning Scheme.
- (4) A person must not, without a permit, keep or store more than one caravan on any land in a Residential Area unless permitted to do so under the Planning Scheme.

Additional Clause

4.3 Driving or parking on Council Land

- (1) A person must not, without a permit, drive or park a vehicle on a public place or reserve (other than any public highway or road) unless the land or reserve has been designated by Council for that purpose.
- (2) A person must not, without a permit, allow any vehicle which is currently registered or which has a permit from the Roads Corporation or any other relevant authority, to be left standing continuously in any public place for a period in excess of seven consecutive days.

4.4 Repair of Vehicles

- (1) A person must not repair, paint, maintain or service a vehicle on any road or Council Land except where it is necessary to undertake minor repairs to get the vehicle underway or moving.

4.7 Camping and Caravans

- (1) A person must not, without a permit, camp on Council Land, a public place, **road reserve**, or on any road in a tent, caravan, **camper van**, motor vehicle or other temporary or makeshift structure unless they are within a caravan park licensed under the *Residential Tenancies Act 1997*.
- (2) Notwithstanding sub-clause (1), Council may prescribe an area or location as an area where a caravan or camper van can park overnight for a maximum period of **72 hours**.
- (3) **A person must not, without a permit, camp in a tent, caravan, camper van, motor vehicle or other temporary or makeshift structure within 1.2km of the Old Walhalla Post Office Museum, Walhalla, unless they are in a designated camping area, or permitted under the Planning Scheme.**
- (4) An owner or occupier of any land must not allow camping or a caravan to be occupied on that land in excess of 28 days within a **12 month** period unless a permit has been obtained or camping is permitted under the Planning Scheme.
- (5) A person must not, without a permit, keep or store more than one caravan on any land in a Residential Area unless permitted to do so under the Planning Scheme.



Proposed amendments to Community Local Law 2016

4.10 Trading Activities

- (1) A person must not, without a permit, on a road, or on Council Land:
 - (a) place any advertising sign;
 - (b) display any goods;
 - (c) place any outdoor dining furniture or associated facilities;
 - (d) place any structure for the purpose of selling or offering to sell any goods or services;
 - (e) sell or offer for sale any goods or services carried about or placed on the person or any other movable thing;
 - (f) hold a promotion, or cause or authorise another person to do so.
- (2) A person undertaking any activities as outlined in sub-section (1) must comply with Council's Footpath Trading Policy.
- (3) Council's Footpath Trading Policy is incorporated into this Local Law at Schedule 2.
- (4) Council may amend the Footpath Trading Policy from time to time but an amendment does not take effect unless there is a resolution of Council.
- (5) A person must not, without a permit, sell goods or solicit or try to attract trade or business on vacant land or land which he or she does not ordinarily occupy.

***Removed, as the Policy will no longer be incorporated into the Local Law*

4.11 Use of Public Places

- (1) A person must not, without the relevant Council permits or approval, use Council owned or managed land or facilities for the purposes of commercial gain or community events.
- (2) A person must not, without a permit, busk, fundraise or conduct a community awareness activity on any road or Council Land.
- (3) A person who has a permit to busk, fundraise or conduct a community awareness session within a shopping precinct must only do so in the trading zone of the footpath as defined in Schedule 2 to this Local Law and must not interfere with the flow of pedestrian traffic in the pedestrian zone as defined in Schedule 2 to this Local Law.

***Removed, addressed in Permit conditions*

4.10 Trading Activities

- (1) A person must not, without a permit, on a road, or on Council Land:
 - (a) place any advertising sign;
 - (b) display any goods;
 - (c) place any outdoor dining furniture or associated facilities;
 - (d) place any structure for the purpose of selling or offering to sell any goods or services;
 - (e) sell or offer for sale any goods or services carried about or placed on the person or any other movable thing;
 - (f) hold a promotion, or cause or authorise another person to do so.
- (2) A person must not, without a permit, sell goods or solicit or try to attract trade or business on vacant land or land which he or she does not ordinarily occupy.

4.11 Use of Public Places

- (1) A person must not, without a permit or approval, use Council owned or managed land or facilities for the purposes of commercial gain or community events.
- (2) A person must not, without a permit, busk, fundraise or conduct a community awareness activity on any road or Council Land.



Proposed amendments to Community Local Law 2016

4.13 Consumption of liquor

- (1) A person must not, without a permit:
 - (a) on a road;
 - (b) in or at a public place;
 - (c) in or on a stationary vehicle on a road or in or at a public place; or
 - (d) on vacant private land;
 - (e) consume any liquor or have in his or her possession or control any liquor other than liquor in a sealed container.
- (2) Sub-clause (1)(d) does not apply to a person who is the owner of the vacant private land or who is upon such vacant private land at the invitation or with the permission of its owner or occupier.
- (3) If a person is in contravention of or has contravened sub-clause (1), an Authorised Officer may direct the person to dispose of the contents of any container containing liquor which is unsealed.
- (4) If a person fails to comply with a direction under this sub-clause (3) within a reasonable time, an Authorised Officer may seize the container and dispose of its contents.
- (5) Notwithstanding sub-clause (1), Council may prescribe sites or areas where consumption is permitted between nominated hours.
- (6) Notwithstanding sub-clause (1), Council may declare an event or part thereof alcohol free within an area designated by the Council.
- (7) Despite sub-clause (1), Council may grant a permit for the consumption of any liquor or for the possession of liquor in unsealed containers in or on any road or public place at any time.

4.13 Consumption and possession of Liquor is prohibited in certain circumstances

- (1) A person must not, in or on a Road, Council Land or Public Place, or within a Motor Vehicle which is in or on a Public Place:
 - (a) consume any liquor; or
 - (b) have in ~~his or her~~their possession or control, any liquor other than liquor in a sealed container.
- (2) Clause 4.13(a) does not apply to a Person:
 - (a) taking part in a festival or event in respect of which the Council has granted a permit for persons to consume liquor or to have in their possession or control any liquor other than liquor in a sealed container;
 - (b) within authorised premises or licensed premises under the Liquor Control Reform Act 1998 or any subsequent legislation relating to the serving and consumption of liquor; or
 - (c) who has been granted a permit to take liquor into an area prescribed by Council.
- (3) Where an Authorised Officer believes on reasonable grounds that a Person is contravening or has contravened clause 4.13(a), the Authorised Officer may direct the Person to seal any container or dispose of the contents of any unsealed container.
- (4) A Person who fails to obey a direction of an Authorised Officer under clause 4.13(3) is guilty of an offence.
- (5) Council may prescribe certain parts of the Municipal District where the consumption of liquor or the possession of liquor is prohibited.
- (6) No prescription under this clause 4.13(5) will have any force or effect unless signs advising of the prohibitions are erected in the relevant area of the Municipal District.
- (7) Despite sub-clause (a), Council may grant a permit for the consumption of any liquor or for the possession of liquor in unsealed containers in or on any road or public place at any time.



Proposed amendments to Community Local Law 2016

PART 5 – CONSTRUCTION AND PROTECTION OF COUNCIL ASSETS

5.1 Building Works

- (1) A person undertaking building works must comply and ensure compliance with Council's Building and Works Code of Practice.
- (2) Council's Building and Works Code of Practice is incorporated into this Local Law at Schedule 3.

***Removed, as the Policy will no longer be incorporated into the Local Law*

- (3) Any Asset Protection Permit issued by Council:
 - (a) may be issued subject to conditions; and
 - (b) will not be operative until the applicant for the Asset Protection Permit has paid such permit fee as is fixed by Council.

***Removed, addressed in Permit conditions*

5.3 Protection of Council Assets

- (1) A person must not occupy, obstruct or make unsafe or cause to be made unsafe a footpath, nature strip or road.
- (2) A person must not, without a permit, undertake any activity which may damage, interfere with or destroy any asset vested in or under the control of Council.
- (3) A person must not, without a permit, remove, damage, destroy or lop a significant tree.
- (4) The requirement to obtain a permit under sub-clause (3) does not apply:
 - (a) where a person cuts, trims or prunes a tree to ensure compliance with any other provision of this or any other Local Law; or
 - (b) where an adjacent landowner removes branches which are overhanging that adjacent owner's land.

***Removed, addressed in Vegetation Clause*

6.1 Building Works

- (1) The owner, builder or appointed agent carrying out any works on land, must comply and ensure compliance with Council's Building and Works Code of Practice.



Proposed amendments to Community Local Law 2016

5.4 Public Protection

- (1) A person must not, without a permit, on a road or in a public place -
 - (a) occupy or fence off any area; or
 - (b) erect a hoarding, gantry, scaffolding or site shed; or
 - (c) use a crane, hoist, lift, travel tower or similar machinery or devices for any work; or
 - (d) make a hole or excavation; or
 - (e) fill a hole or excavation; or
 - (f) remove, damage or interfere with a temporary traffic signal, sign, barrier or other structure erected to protect pedestrians or regulate traffic.
- (2) Sub-clauses 1(d) and 1(e) also apply to land abutting a road or public place.

5.3 Public Protection

- (1) A person must not, without a permit, on a road or in a public place -
 - (a) occupy or fence off any area; or
 - (b) erect a hoarding, gantry, scaffolding or site shed; or
 - (c) use a crane, hoist, lift, travel tower or similar machinery or devices for any work; or
 - (d) make a hole or excavation; or
 - (e) fill a hole or excavation; or
 - (f) remove, damage or interfere with a temporary traffic signal, sign, barrier or other structure erected to protect pedestrians or regulate traffic.
- (2) Sub-clauses 1(d) and 1(e) also apply to land abutting a road or public place.
- (3) A person must not drive livestock, move machinery, or undertake any activity across or along a road, where the activity is likely to cause damage or result in the deposit of material onto the road.
- (4) An Authorised Officer may serve a Notice to Comply on the person, or their appointed agent, responsible for the activity requiring:
 - (a) the repair of any damage caused to the road or road related asset as a result of the activity.
 - (b) the removal of any materials or sediment that have been deposited on the footpath, nature strip, road surface or into the stormwater system.
- (5) If a Notice to Comply has been issued, and the person issued with that notice fails to comply with such notice within the specified timeframe, Council or an Authorised Officer may undertake the works and recover the costs of doing so from that person.
- (6) Any costs recoverable under sub-clause (5) will be a debt due and payable to Council.



Proposed amendments to Community Local Law 2016

5.6 Vehicle Crossings

- (1) An owner or occupier of land must ensure that each point of vehicular access from a road to the land has an appropriately constructed vehicle crossing approved by Council.
- (2) A person must not, without a permit, allow any vehicle or recreational vehicle to enter or leave any land except by a Council approved vehicle crossing.
- (3) A person must not, without a permit, construct, install, alter, remove or allow to be constructed, installed, altered or removed a vehicle crossing, whether such vehicle crossing be permanent or temporary.
- (4) An Authorised Officer may serve a Notice to Comply on the owner or occupier of land requiring:
 - (a) the construction of a vehicle crossing if the land does not have a satisfactory vehicle crossing.
 - (b) the repair of any vehicle crossing if, in the opinion of the Authorised Officer, the existing vehicle crossing is in such a state of disrepair that it constitutes a danger; or
 - (c) the removal of any vehicle crossing and the reinstatement of the pavement, kerb, channel, drain, culvert, and nature strip if, in the opinion of the Authorised Officer, the vehicle crossing is no longer required.
- (5) If a Notice to Comply has been issued under sub-clause (4) and the owner or occupier of the land fails to comply with such notice within 30 days of issue, Council or an Authorised Officer may install, repair or remove the vehicle crossing, or cause the vehicle crossing to be installed, repaired or removed and recover the costs of doing so from that person.
- (6) Any costs recoverable under sub-clause (5) will be a debt due and payable to Council.

Explanatory Note:

Pursuant to the *Road Management Act 2004 Code of Practice - Operational Responsibility for Public Roads* (Victorian Government Gazette S267, 17 December 2004, page 11):

Driveways: The Act provides that a road authority is not liable for private driveways and pathways on road reserves that provide access to land adjoining a road. This is consistent with the general principle in the Act that the owner of an asset is responsible for the condition and maintenance of that asset. This does not, however, prevent the responsible road authority from imposing conditions on the construction of the driveway.

5.4 Vehicle Crossings and Access to Land

- (1) A person, owner, occupier or appointed agent of any land: ~~must ensure that;~~
 - (a) ~~must ensure that~~ each point of vehicular access from a road to the land has an appropriately constructed vehicle crossing, ~~which is suitable for the adjacent land use,~~ approved by ~~Councilan~~ Authorised Officer.
 - (b) ~~must~~ not allow any vehicle or recreational vehicle to enter or leave ~~any the~~ land except by a Council approved vehicle crossing.
 - (c) must not, without a permit, construct, install, alter, remove or allow to be constructed, installed, altered or removed a vehicle crossing, whether such vehicle crossing be permanent or temporary.
- (2) An Authorised Officer may serve a Notice to Comply on the owner or occupier of land requiring:
 - (a) the construction of a vehicle crossing if the land does not have a satisfactory vehicle crossing.
 - (b) the repair of any vehicle crossing and associated infrastructure if, in the opinion of the Authorised Officer, the existing vehicle crossing is in such a state of disrepair that it constitutes a danger, and is causing, or is likely to cause damage to the adjoining road; or
 - ~~(c)~~ the removal of any vehicle crossing and the reinstatement of the pavement, kerb, channel, drain, culvert, and nature strip if, in the opinion of the Authorised Officer, the vehicle crossing is no longer required.
 - ~~(d)~~ the removal of any materials or sediment that originated on the land and has been deposited on the adjacent footpath, nature strip, road surface or into the stormwater system.
 - ~~(e)~~ the repair of any damage caused to the road or road related asset as a result of the use of the vehicle crossing, and / or any activity occurring on the adjacent land.
- (3) If a Notice to Comply has been issued, the owner or occupier of the land fails to comply with such notice within 30 days of issue, Council or an Authorised Officer may install, repair or remove the vehicle crossing, or cause the vehicle crossing to be installed, repaired or removed and recover the costs of doing so from that person.
- (4) Any costs recoverable under sub-clause (3) will be a debt due and payable to Council.



Proposed amendments to Community Local Law 2016

5.7 Load Limits on Roads and Bridges

- (1) A person must not, without a permit, drive a vehicle on a road or bridge when the vehicle exceeds the weight indicated on a sign authorised by Council or VicRoads pertaining to that road and located at the entrance to such road or bridge.

5.9 Requirement for Bond

- (1) If, in the opinion of Council or an Authorised Officer, it is likely that any Council asset may be damaged in the course of any building work on land for which a building permit has been issued, the owner or occupier of the land may be required to pay a bond to Council.
- (2) The amount of any bond under sub-clause (1) must be determined by Council or the Authorised Officer having regard to the probable cost of repairing any damage that is likely to be caused.
- (3) An owner or occupier of land must repair any damage to Council assets that occurs as a result of or arising out of the building works on the land for which a permit has been granted.
- (4) Any bond or part of a bond paid to Council under sub-clause (1) may be retained by Council to meet the cost of repairing any damage which an owner or occupier has failed to repair in accordance with his or her obligations under sub-clause (3).
- (5) For the purpose of sub-clause (3), Council or an Authorised Officer may determine the cost of repairs to Council assets.
- (6) Council must refund any bond, or part of a bond, paid to it under sub-clause (1) if Council is satisfied that:
 - (a) there has been no damage to Council assets as a consequence of the building works; or
 - (b) any such damage has been repaired in accordance with sub-clause (3).

5.5 Load Limits on Roads and Bridges

- (1) A person must not, without a permit, drive a vehicle on a road or bridge when the vehicle or axle exceeds the weight indicated on a sign authorised by Council or VicRoads pertaining to that road and located at the entrance to such road or bridge.

5.7 Requirement for Bond

- (1) If, in the opinion of Council or an Authorised Officer, it is likely that any Council asset may be damaged in the course of any building work on land for which a building permit has been issued, the owner or occupier of the land may be required to pay a bond to Council.
- (2) The amount of any bond under sub-clause (1) must be determined by Council or the Authorised Officer having regard to the probable cost of repairing any damage that is likely to be caused.
- (3) An owner or occupier of land must repair any damage to Council assets that occurs as a result of or arising out of the building works on the land for which a permit has been granted.
- (4) Any bond or part of a bond paid to Council under sub-clause (1) may be retained by Council to meet the cost of repairing any damage which an owner or occupier has failed to repair in accordance with his or her obligations under sub-clause (3).
- (5) For the purpose of sub-clause (3), Council or an Authorised Officer may determine the cost of repairs to Council assets.
- (6) Council must refund any bond, or part of a bond, paid to it under sub-clause (1) if Council is satisfied that: there has been no damage to Council assets because of the building works.
 - ~~(a) — there has been no damage to Council assets because of the building works.~~



Proposed amendments to Community Local Law 2016

PART 6 – BUILDING & CONSTRUCTION SITES

Site Identification

- (1) The person in charge of a building site must provide site identification by means of a sign which is at least 600 millimetres in height and 400 millimetres in width, that 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 the person in charge;
 - (c) The postal address of the person in charge; and
 - (d) The contact telephone number or numbers for the person in charge.

site identification Means a sign, which is at least 600 millimetres in height and 400 millimetres in width, that 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 the person in charge;
- c) The postal address of the person in charge; and
- d) The contact telephone number or numbers for the person in charge.

Stormwater Protection

- (1) Where any building work is being carried out, the person in charge of a building site 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 waste 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

6.2 Site Identification

- (1) The owner, builder or appointed agent, prior to the commencement of any works, must erect and maintain site identification in a conspicuous position accessible to the public, close to the main entrance to the building site which:
 - (a) is at least 600 millimetres in height and 400 millimetres in width;
 - (b) is clearly visible and legible from the road; and
 - (c) contains the lot number, as described on the Certificate of Title relevant to the land; and
 - (d) identifies the name, registration number, telephone contact number and postal address of the builder; and
 - (e) identifies the name, registration number and contact details of the relevant building surveyor; and
 - (f) identifies the building permit number and the date of issue of the permit; and
 - (g) the site identification must continue to be displayed and remains visible and legible for the duration of the building work.

6.3 Stormwater Protection

- (1) The owner, builder or appointed agent 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 waste or gross pollutants or other associated builder's refuse in accordance with currently accepted best practice. This includes adoption of measures including (but not limited to):
 - (a) Minimise the amount of mud, dirt, sand, soil or stones deposited on



Proposed amendments to Community Local Law 2016

8.2 Dust

- (1) Where any building work is being carried out, the person in charge of a building site must ensure that the site is managed to minimise the risk of detrimental effects to the health and amenity of nearby residents through reduced visibility, reduced air quality and the effects of deposition of dust generated from the building site.

Sanitary Facilities

- (1) The person in charge of a building site must not undertake or carry on any building work or other work necessitating the employment of persons on a building site unless a sewerer 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 the Council.
- (2) The sanitary facilities shall not be installed or erected outside the boundaries of the allotment/s upon which the building work is occurring without written consent from Council.
- (3) Sanitary facilities shall not be installed or erected in a location where they are offensive or cause a nuisance.
- (4) Notwithstanding Clause 28, where buildings are being constructed on adjacent building sites simultaneously by the same person and Council allows one sewerer toilet or fresh water flush with water seal type portable toilet (closed) system between them, no offence will arise.
- (5) A Council Officer may enter into or upon any premises, yard or land at any reasonable time for the purpose of inspecting any sewerer toilet, portable toilet (closed) systems, urinals, pans, receptacles, plant and any other things and places therein and thereon and for ascertaining compliance with this part.

- sanitary facilities Means sanitary facilities provided for the use of persons working on a building site, including:
- (a) toilets;
 - (b) hand basins; and
 - (c) the supply of clean water to toilets and hand basins.

6.4 Dust

- (1) The owner, builder or appointed agent, who is carrying out work on the land, must ensure that the site is managed to minimise the risk of detrimental effects to the health and amenity of nearby residents through reduced visibility, reduced air quality and the effects of deposition of dust generated from the building site.

6.5 Sanitary Facilities

- (1) The owner, builder or appointed agent must ensure that, prior to the commencement of any building work and for the duration of the building work, a sewerer toilet or a chemical portable toilet (closed) system is provided and serviced as required, and is available for the use of the persons on that site to the satisfaction of an Authorised Officer;
 - (a) Notwithstanding the Clause above, where adjacent building sites are under the control of the same owner, builder or appointed agent, one sewerer toilet or a chemical portable toilet may be provided for use by multiple building sites, provided that no more than 3 adjacent building sites rely on that toilet.
 - (b) The owner, builder or appointed agent must advise Council within 7 days of the installation of a sewerer toilet.



Proposed amendments to Community Local Law 2016

Site Containment

- (1) The person in charge of 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 work, a building site must be provided with a hoarding or site fencing.
 - (c) Site fencing is to be 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 to be 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 work.
 - (g) Entry to the building site must not take place other than across the vehicle crossing for the building site.
 - (h) Materials must not be deposited, stored or stockpiled on any part of the road without the approval of Council.
 - (i) The requirement to provided site fencing under this clause may be waived or varied at Council's discretion.

site fencing Means an enclosure that separates a building site from adjacent properties, public land or a road during building work that:

- (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:
 - i. Located to correspond with the location of the vehicle crossing for the building site,
 - ii. Kept closed at all times when building work is not in progress.

6.6 Site Fencing

- (1) The owner, builder or appointed agent must ensure that:
 - (a) All building work is contained entirely within the building site, and
 - (b) Materials are not deposited, stored or stockpiled on any part of the road without the approval of Council.
 - (c) Clause 6.6(3) only applies to building work on land that is:
 - (d) In a Residential Zone or Urban Growth Zone (within the meaning of the Baw Baw Planning Scheme), and;
 - (e) Is less than 4000m2 in size.

~~(3)~~(2) The owner, builder or appointed agent must ensure that, prior to the commencement of any building works and for the duration of the building works, the site is provided with adequate site fencing that complies with the clause above. Adequate site fencing means fences or gates of a temporary or permanent nature, that:

- (a) are not less than 1.5 meters in height; and
- (b) are capable of preventing litter from being transported from the building site by wind; and
- (c) have not more than one access opening to the building site which is located to correspond with the location of the vehicle crossing for the building site, and is kept closed at all times when building work is not in progress; and
- (d) when erected on the boundary of the building site's property line, it does not protrude into or onto any land other than the building site; and
- (e) may enclose more than one building site where the owner, builder or appointed agent is responsible for adjoining building sites.
- (f) The requirement to provided site fencing under this clause may be waived or varied at Council's discretion.



Proposed amendments to Community Local Law 2016

8.3 Containment and Removal of Refuse

- (1) Where any building work (other than minor building work) is being carried out, the person in charge of a building site 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 land and keep it in place (except for such periods as are necessary to empty the facility) for the duration of the building work.
 - (c) Not place a refuse facility on any Council land, road or street unless approved by Council.
 - (d) Keep a refuse facility closed to prevent wind borne litter escaping from the refuse facility.
 - (e) Empty a 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 work:
 - (a) The person in charge of a building site must ensure that all builder's refuse which requires containment is placed in the refuse facility referred to in Clause 24.
 - (b) The person in charge of a building site must ensure that builder's refuse is not deposited in, or on any land other than in accordance with Clause 24.
 - (c) The person in charge of a building site must ensure that builder's refuse is not deposited in or over any part of the stormwater system.
- (4) The person in charge of a building site where work is being or has been carried out must remove and lawfully dispose of all builders' refuse within seven days of completing the building work or issuing of an occupancy permit, whichever occurs last.

6.7 Containment and Removal of Refuse

- (1) The owner, builder or appointed agent, prior to the commencement of any building work, and for the duration of the building work must:
 - (a) Provide a closed refuse facility suitable for the disposal of builder's refuse which may become wind-blown;
 - (b) Place the refuse facility on the land and keep it in place (except for such periods as are necessary to empty the facility) for the duration of the building work;
 - (c) Not place a refuse facility on any Council land, road or street without a permit;
 - (d) Ensure that all builder's refuse which requires containment is placed in the refuse facility;
 - (e) Keep the refuse facility closed to prevent wind-blown litter escaping from the refuse facility;
 - (f) Empty the refuse facility whenever full and, if necessary, provide a replacement facility during the emptying process. The requirement to provide a refuse facility may be waived at Council's discretion.
- (2) The owner, builder or appointed agent upon completion of any building work, must remove and lawfully dispose of all builders' refuse within fourteen days of completion of the building work or issuing of an occupancy permit, whichever occurs last.



Proposed amendments to Community Local Law 2016

Noise

- (1) The person in charge of a building site shall have regard to the policies, regulations, standards and guidelines issued from time to time by the Environmental Protection Authority in relation to noise.

New Clauses

6.8 Site Access and Hours of Operation

- (1) An owner, occupier, builder or appointed agent of any land, or person responsible for the building works, must not cause or allow any works to be carried out on land unless the works are carried out between the hours:
 - (a) 7.00am and 8.00pm Monday to Friday; or
 - (b) 9.00am and 8.00pm on any Saturday, Sunday or Public Holiday; and
 - (c) Any movement of vehicles or site preparation works are prohibited before 7am weekdays and 9am on weekends; and
 - (d) Any unloading of equipment or deliveries to the site or idling of vehicles is prohibited before 7am on weekdays and 9am on weekends; and
 - (e) Loud talking or use of radios on site is prohibited before 7am on weekdays and 9am on weekends.

6.9 Building Works creating a nuisance

- (1) An owner, occupier, builder or appointed agent of land, must not carry out any building works or cause or allow to be carried out any building works as to create a nuisance to another person.

6.10 Direction to cease Building Works

- (1) An Authorised Officer may inspect a Building Site at any reasonable time and may direct any person found carrying out building works in contravention of the Local Law or a permit issued under this Local Law, to cease carrying out those building works immediately or within any period the Authorised Officer deems as being reasonable.