



Borough of Queenscliffe

General Local Law 2021

Adopted by Council:
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PART 1 - PRELIMINARY

1. TITLE

This Local Law is titled the Borough of Queenscliffe General Local Law 2021.

2. OBJECTIVES OF THIS LOCAL LAW

The objectives of this Local Law are to:

- (a) provide for those matters which require a Local Law under the *Local Government Act 1989 (the Act)* and any other Act;
- (b) prohibit, regulate and control activities, events, practices and behavior in places so that no nuisance is caused and there is no detriment to the amenity of the neighborhood, to a person or to a person's property;
- (c) provide for the administration and exercise of Council powers and functions;
- (d) provide for the peace, order and good governance of the municipal district of the Borough of Queenscliffe;
- (e) regulate and control the use of the Council's Common Seal; and
- (f) repeal any redundant Local Laws.

3. AUTHORISING PROVISIONS

- (1) This Local Law is made under section 111 of the *Local Government Act 1989* and section 42 of the *Domestic Animals Act 1994*.
- (2) Anything allowed under any Act, Regulation or the Planning Scheme is not affected by any prohibition, requirement or restriction under this Local Law.

4. COMMENCEMENT AND OPERATION

This Local Law:

- (a) comes into operation on the day following publication in the Victorian Government Gazette; and
- (b) applies to and operates throughout the municipal district of the Borough of Queenscliffe.

5. DATE THIS LOCAL LAW CEASES OPERATION

This Local Law will cease to operate on the tenth anniversary of its commencement, unless otherwise revoked sooner.

6. INCORPORATED DOCUMENTATION

The Borough of Queenscliffe Local Laws Policies and Procedures Manual is incorporated by reference under this Local Law and may be amended by the Council from time to time in accordance with section 112 of the of the *Local Government Act 1989*.

7. DEFINITIONS

In this Local Law, and any other incorporated documents, unless the context otherwise requires:

Act	means the <i>Local Government Act 1989</i> .
Advertising Sign	means any placard, board, sign, frame, notice, card, or banner which: (a) provides information about a business or industry; or (b) advertises goods, services, an event or a competition.
Alcohol	means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius.
Animal	means every species of quadruped and every species of bird and every species of reptile.
Authorised Officer	means a Council Officer authorised by the Council under section 224 of the Act. .
Barbeque	means a structure or appliance designed or constructed for the primary purpose of cooking food in the open air for human consumption.
Builder	in relation to building works, includes the owner or the owner's agent, developer, builder or contractor undertaking those works.

Building	means a structure or part of a building or a structure and includes fences, walls, out buildings and service installations.
Building site	includes any land on which building works are being or are proposed to be undertaken
Building works	includes the construction, demolition, renovation or removal of a building and may include excavation, road making, drainage or other works relating to the erection of a building where ever they are occurring.
Camp	means any abode of a transient nature in temporary quarters, a vehicle or in the open.
Camping	means using a tent, caravan, vehicle or any temporary form of accommodation including sleeping bags or swags, for overnight sleeping.
Caravan	means a movable dwelling or an immovable dwelling situated in a caravan park.
Chief Executive Officer	means the Chief Executive Officer of the Council or a Council Officer appointed to act in place of the Chief Executive Officer.
Council	means the Borough of Queenscliffe Council.
Council land	means land, buildings and facilities which are owned, occupied or vested in the Council or in respect of which the Council has the care and management (for example as committee of management) and to which the public has access whether an entry fee is paid or not and includes a Public place.
Designated Public place	means a Public place under the control of Queenscliffe Harbour Pty Ltd (ACN 106 099 889) or Geelong Steam Preservation Society (ACN 004 819 130) or Peninsula Searoad Transport Pty Ltd (ACN 064 897 025).
Domestic waste	means waste and refuse, other than green waste, produced or accumulated on or around a dwelling.
Green waste	means domestic garden refuse including any grasses, weeds, plants, shrubs, bushes and trees which are no longer growing and are discarded

Hard waste	means any material that is not reasonably capable of being contained within a domestic rubbish container and as defined in the Policies and Procedures Manual incorporated by reference into this Local Law
Incinerator	means a structure or device that is not attached to or otherwise forming part of a building and which is: <ul style="list-style-type: none">(a) used or used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance; and(b) is not licensed or otherwise subject to control under the provision of any Act of parliament; and(c) not a barbeque
Itinerant trading	means selling or offering for sale or hire goods or services from a temporary location, or from place to place or from a vehicle including where goods offered for sale or hire are carried on the person
Municipal district	means the municipal district of the Borough of Queenscliffe.
Notice to comply	means a notice to comply issued under this Local Law
Noxious weed	Means, unless otherwise determined by the Council: <ul style="list-style-type: none">(a) a State prohibited weed; or(b) a regionally prohibited weed; or(c) a regionally controlled weed; or(d) a restricted weed.
Penalty unit	has the same meaning as given in the <i>Sentencing Act 1991</i> .
Permit	means a written or printed permit issued under this Local Law which authorises a use or activity.
Person	includes a body corporate, individual or other unincorporated entity.
Personal water craft	includes a jet ski, wave runner, and any similar vessel that has an engine used for propulsion, fully enclosed hull, does not retain water and is operated

	by standing, kneeling or sitting astride.
Planning Scheme	means the Queenscliffe Planning Scheme.
Policies and Procedures Manual	means the Policies and Procedures Manual of the Council as amended from time to time.
Public place	<p>has the same meaning as given in the <i>Summary Offences Act 1966</i> and includes:</p> <ul style="list-style-type: none">(a) any public highway road street bridge footway footpath court alley passage or thoroughfare notwithstanding that it may be formed on private property;(b) any park garden reserve or other place of public recreation or resort;(c) any railway station platform or carriage;(d) any wharf pier or jetty;(e) any passenger ship or boat plying for hire;(f) any public vehicle plying for hire;(g) any church or chapel open to the public or any other building where divine service is being publicly held;(h) any Government school or the land or premises in connexion therewith;(i) any public hall theatre or room while members of the public are in attendance at, or are assembling for or departing from, a public entertainment or meeting therein;(j) any market;(k) any auction room or mart or place while a sale by auction is there proceeding;(l) any licensed premises or authorised premises within the meaning of the Liquor Control Reform Act 1998;(m) any race-course cricket ground football ground or other such place while members of the public are present or are permitted to have access thereto whether with or without payment for admission;(n) any place of public resort;(o) any open place to which the public whether upon or without payment for admittance have or are

	permitted to have access; or
	(p) any public place within the meaning of the words "public place" whether by virtue of this Act or otherwise;
Road	<p>Includes:</p> <ul style="list-style-type: none">(a) a street; and(b) a right of way; and(c) any land reserved or proclaimed as a street or road under the <i>Crown Land (Reserves) Act 1978</i> or the <i>Land Act 1958</i>; and a public road under the <i>Road Management Act 2004</i>; and(d) a passage; and(e) a cul de sac; and(f) a by-pass; and(g) a bridge or ford; and(h) a footpath, bicycle path or nature strip; and(i) any culvert or kerbing or other land or works forming part of the road.
Road activity	means an organised sporting, recreational, cultural, commercial or social gathering of people which is held on a road.
Skip	means a bulk rubbish container that is intended to hold a substantial quantity of rubbish that is unable to be lifted without mechanical assistance but does not include bins or containers used in connection with the regular collection of domestic waste.
Unreasonable interference	includes those acts that significantly interfere with public health, safety, peace, comfort, or convenience, conduct that is contrary to a statute, or regulation, or conduct that is of a continuing nature.
Vehicle	has the meaning within clause 15 of the <i>Road Safety Road Rules 2017</i>

PART 2 – PROTECTION OF COUNCIL LAND AND ASSETS

8. DAMAGING COUNCIL LAND OR ROADS

A person must not, without a permit:

- (a) erect or construct, or allow to be erected or constructed, any thing on Council land (unless the Council land is a registered caravan park or authorised camping area and the thing erected is a temporary structure related to that use);
- (b) occupy or fence off any Council land;
- (c) construct an opening or gate in a fence on the boundary of Council land;
- (d) plant any vegetation on Council land or actively assist such vegetation to grow;
- (e) destroy, damage or interfere with, or allow to be destroyed, damaged or interfered with, any Council land or any road or thing on Council land or any road;
- (f) place, or allow to be placed, any thing on Council land or any road so as to endanger any other person or any property;
- (g) do or omit to do anything which causes any natural or other material to escape or otherwise be conveyed onto a road and thereby become a hazard;
- (h) remove, or allow to be removed, any thing from Council land or any road which is affixed or attached to the Council land or road (as the case may be);
- (i) light a fire, or allow a fire to be lit, on any Council land or any road, except in a properly provided barbecue; or
- (j) launch into any wetland, lake, pond or other watercourse on Council land any watercraft other than from a launching facility designated for such purpose.

9. TAPPING INTO DRAINS

- (1) A person must not tap into any Council drain without first obtaining a permit.
- (2) A person must not do any act or thing that could cause damage or be detrimental to any Council drain.

10. EXCAVATION ON COUNCIL LAND OR PUBLIC PLACES

A person must not, on any road or Council land or in a Public place (excluding any Designated Public place), without a permit:

- (a) make a hole or excavation; or
- (b) reinstate a hole or excavation.

11. VEHICLES ON COUNCIL LAND AND PUBLIC PLACES

A person must not, on any Council land or in a Public place (excluding any Designated Public place), without a permit:

- (a) drive, ride on or otherwise use a vehicle; or
- (b) permit a person under his or her care or control to drive ride on or otherwise use a vehicle unless that Council land or Public place has been designated for that purpose.

12. BEHAVIOUR ON COUNCIL LAND AND PUBLIC PLACES

A person must not on any road or Council land or in a Public place:

- (a) use indecent, insulting, offensive or abusive language;
- (b) behave in an indecent, offensive, insulting or riotous manner;
- (c) unreasonably interfere with the use or enjoyment of the road, Council land or Public place by another person.
- (d) act in a way which could endanger any person;
- (e) damage, destroy, deface, remove or interfere with anything in or on any building, improvement or other structure of any kind;
- (f) act contrary to any conditions or signs that contain conditions that apply to the use of the Council land; or
- (g) act contrary to any reasonable direction of any Authorised Officer.

13. ANIMALS ON COUNCIL LAND AND PUBLIC PLACES

- (1) A person responsible for any animal must not permit any excrement from that animal to remain on Council land, in a Public place or on a road.
- (2) A person walking a dog on a road or Council land or Public place must at all times while walking the dog have in his or her possession a dedicated scooper device or bag for the purpose of removing from the road or Council land or Public place any excrement from that dog deposited on the road or Council land or Public place.
- (3) A person must not bring any hoofed animal onto Council land without a permit.

14. USES AND ACTIVITIES REQUIRING PERMITS

- (1) A person must not without a permit undertake any of the following uses or activities on Council land:
 - (a) erect a booth, stall or other similar structure;
 - (b) place or display Advertising signs or promotional material or directional signs;
 - (c) distribute or display goods or gifts or promote a product or service;
 - (d) busk, deliver a public address or use sound and amplification equipment;
 - (e) sell or hire or offer for sale or hire goods or services or raffle or lottery tickets;
 - (f) store or deposit raw materials;
 - (g) provide outdoor dining including tables, chairs and other ancillary equipment used in association with outdoor dining other than for their own personal use of the Council land;
 - (h) place or use a crane, hoist, movable platform, hoarding, scaffolding or similar devices or equipment;
 - (i) paint, repair or carry out maintenance on a boat or vehicle other than to enable it to be removed;
 - (j) place a skip or shipping container or removable structure; or
 - (k) conduct road activity.

- (2) A person undertaking a use or activity on Council land must comply with any requirements in the Policies and Procedures Manual.

15. CAMPING

- (1) Subject to clauses 15(3) and 15(4), a person must not without a permit camp on Council land, a Public place or private land unless the land is a registered caravan park or authorised camping area.
- (2) A person must not use a vehicle whilst it is parked on a road or Council land for the purpose of sleeping or camping.
- (3) The requirement to obtain a permit to camp (whether in a caravan or other makeshift structure) on private land does not apply where a caravan or other makeshift structure is placed on private land provided the use does not exceed 6 weeks in any twelve month period.
- (4) The Council may grant an exemption from the requirements to obtain a permit to camp on private land if the applicant demonstrates that special circumstances exist for doing so.

16. SPECIAL USES AND EVENTS

A person must not without a permit or without a lease or licence granted by the Council, promote or conduct or be associated with the promotion or conducting of any use or activity on Council land:

- (a) for which an entry fee is charged;
- (b) which is intended to promote a product or service; or
- (c) which is intended to make a profit.

17. PERSONAL WATER CRAFT

With exception of emergency personnel, a person who owns or is in charge of a personal water craft, hovercraft or a similar device, must not allow it to be on, or taken across, the foreshore or beaches on Council land in the municipal district without first obtaining a permit from the Council.

18. CONSUMPTION OF ALCOHOL

Except where premises are licensed premises or authorised premises under the *Liquor Control Reform Act 1998* or where the Council has granted an exemption or a permit, a person must not consume any Alcohol or have in his or her possession any Alcohol in an open container in any Public place or in a vehicle in a Public place in the municipal district.

19. VEHICLE CROSSINGS

- (1) A person must not construct a vehicle crossing without first obtaining a permit.
- (2) Every crossing from a carriageway of a road to adjoining land must be constructed to the satisfaction of the Council.

20. REDUNDANT VEHICLE CROSSINGS

- (1) Where works on a property involve the relocation or closure of a vehicle crossing, any redundant part of that vehicle crossing must be removed and the kerb, drain, footpaths, nature strip or other part of the road be reinstated to the satisfaction of the Council.
- (2) The Council may by written notice require the owner or occupier of a property to remove any part of or all of a vehicle crossing for which there is no effective point of vehicle access and to reinstate the road and the owner or occupier of the property must comply with that notice.

PART 3 – MUNICIPAL AMENITY, ENVIRONMENT & HEALTH

21. UNSIGHTLY OR DANGEROUS LAND

An owner or occupier of land must not keep or allow any land in the municipal district to be kept in a manner which is:

- (a) dangerous or likely to cause danger to life or property because of the materials or substances that are kept on the land;
- (b) unsightly or detrimental to the general amenity of the neighborhood because of rubbish or waste material which is out of character with other land in the vicinity;
- (c) likely to constitute a fire hazard due to the type of materials or because of the type of vegetation or because of weeds, stubble or grass exceeding 100mm in height; or
- (d) likely to cause a health or environmental hazard because of the existence of Noxious weeds or because the conditions provide a harbor for vermin.

22. NOISE AND ALARMS

- (1) A person on a road or Council Land or in a public place must not cause emit or cause to be emitted such a level of noise as to materially interfere with the reasonable comfort of any person occupying premises abutting the road, Council land or public place.
- (2) A person must not cause or allow any noise which is excessive, offensive or causes a nuisance to any other person.
- (3) In determining whether noise is excessive, offensive or the cause of nuisance to any other person an Authorised Officer will have regard to the *Environment Protection Authority Noise Control Guidelines Publication 1254 (excluding section 15 Aircraft and 16 Helicopters)* and any other guidelines or policies published by the Environment Protection Authority to assist in determining if the noise is unreasonable.
- (4) An owner or occupier of land must not:
 - (a) install;
 - (b) allow to be installed; or
 - (c) cause to be retained and active;

on the land or any motor vehicle on the land any form of intruder alarm which emits a noise audible beyond the boundary of the land unless the alarm is constructed or regulated in accordance with the relevant Australian Standard.

23. TREES NEAR ROADS

A person must ensure that any trees or plants growing on land owned or occupied by him or her do not:

- (a) obstruct the view of vehicles approaching an intersection of roads;
- (b) obscure a traffic control item, street sign or street lighting;
- (c) constitute a danger to vehicles or pedestrians or compromise the safe and convenient use of a road;
- (d) overhang a footpath or nature strip at a height less than 2.3 metres; or
- (e) overhang the carriageway of a road at height less than 3 metres.

24. NATURE STRIPS

- (1) A person must not plant, cut or remove a tree, shrub or other plant on or from a nature strip, footpath or other part of a road without a permit.
- (2) Sub-clause (1) does not apply to:
 - (a) the planting and mowing of grasses and the removal of weeds; or
 - (b) employees, agents or contractors of the Council or other statutory body carrying out their duties, except in cases where the area is to be secured.

25. NUMBERING OF ALLOTMENTS

- (1) Council may from time to time allot a number to an allotment and may from time to time allot a different number to an allotment or otherwise change the numbering.
- (2) The owner or occupier of an allotment to which a number has been allotted by Council must mark the allotment with the number:
 - (a) in a form of sufficient size; and

- (b) in such a position, clear of vegetation, and other obstructions so as to be clearly visible and legible from the road on which the allotment has its frontage.
- (3) The owner or occupier of an allotment must ensure that all numbers marking the allotment are:
- (a) made of durable materials;
 - (b) kept in a good state of repair; and
 - (c) renewed as often as may be necessary.

26. VEHICLES ON PRIVATE LAND

A person:

- (a) save for the purpose of egress and ingress to a lot must not, without a permit, drive, ride on or otherwise use any vehicle on private land within 500 metres of a dwelling located on any other land; and
- (b) who is the occupier of any private land save for the purpose of egress and ingress to a lot must not, without a permit, allow a person to drive, ride on or otherwise use any recreational vehicle on that land within 500 metres of a dwelling located on any other land.

27. WASTE

Where the Council provides a domestic waste and / or green waste and / or hard waste collection service, all domestic waste, green waste or hard waste, as the case may be, left for collection must be placed in any container supplied by the Council for that purpose and placed ready for collection in a way that complies with the requirements in the Policies and Procedures Manual.

28. COMMERCIAL AND INDUSTRIAL WASTE

An owner or occupier of land in the municipal district who arranges collection of commercial and industrial waste by an independent contractor (including skip or recycling bin services) must comply, and must procure that the contractor complies, with the requirements in the Policies and Procedures Manual.

29. STREET LITTER BINS AND RECYCLING BINS

- (1) A person must not deposit any household waste, garden refuse or material in a street litter bin or recycling bin contrary to any notice detailing the type of waste that will be received in the street litter bin or recycling bin or, if there is no notice, contrary to the purpose for which the bin is provided.
- (2) A person other than a person authorised by the Council must not interfere with any domestic waste, green waste, commercial or industrial waste or recyclable materials left for collection unless that person has been engaged by the person responsible for generating the waste to collect and dispose of the waste on their behalf.
- (3) A person must comply with any additional requirements relating to the disposal of waste set out in the Policies and Procedures Manual.

30. INCINERATORS AND OPEN AIR FIRES

- (1) A person must not light or allow to remain alight any fire in an incinerator or in the open air in any area within the municipal district without first obtaining a permit from the Council.
- (2) The requirement to obtain a permit does not apply to:
 - (a) A person lighting a barbeque for cooking food: or
 - (b) A constructed fireplace or brazier: or
 - (c) A fire that is authorised or directed to be lit under any other legislation.
- (3) The prohibition in sub-clause (1) in relation to lighting a fire in the open air does not apply where a permit is obtained under the *Country Fire Authority Act 1958*.
- (4) A person must not burn or cause or permit to be burned any substance, if the burning of the substance is likely to:
 - (a) cause a nuisance;
 - (b) be dangerous to the health of any person; or
 - (c) be offensive to any person.

31. PERMISSIBLE BURNING

Notwithstanding anything else contained in this Local Law the Municipal Fire Prevention Officer may authorise the burning of a fire hazard on any land if it is impracticable or dangerous to slash or cut the fire hazard.

32. EXTINGUISHING FIRES

- (1) A person who has lit or allowed a fire to be lit or remain alight, or who has burned or caused or permitted to be burned any substance, contrary to clause 31 must extinguish the fire or burning substance immediately on being directed to do so by an authorised officer;
- (2) Any person described in clause 32 (1) may enter or remain on any land and extinguish any fire or burning substance if:
 - (a) the person to whom a direction has been given under clause 32 (1) fails immediately to extinguish the fire or burning substance; or
 - (b) a fire or an incinerator is apparently unattended.

33. BARBECUES

- (1) A person must not light a barbecue (other than a barbecue fuelled by gas or electricity or wood fired oven) within 3 metres of a fence or flammable material or vegetation.
- (2) A person who lights a barbecue must, or must ensure that an adult person does, continually supervise the barbecue while it is alight and has the capacity and means to extinguish the barbecue or fire.

34. DISCHARGING INTO AIR

An owner or occupier of land must not cause or allow any chimney, flue or other discharge outlet on that land to discharge any:

- (a) dust;
- (b) grit;
- (c) ashes;
- (d) odours; or

- (e) smoke

so as to cause a danger to health damage to property or a public nuisance to any other person.

35. CONTROLS ON BUILDING SITES

- (1) A builder must not commence any building works, which are subject to a building permit, on a building site unless the building site is provided with:
 - (a) a toilet;
 - (b) a skip or container with a cover for the collection of rubbish; and
 - (c) a sign detailing builder's name and 24 hour contact number;to the satisfaction of the authorised officer.
- (2) A builder must not commence any building works on a building site unless a permit is first obtained for the construction of a temporary vehicle crossing, unless otherwise approved by Council.
- (3) A builder must ensure that all rubbish and refuse created on a building site in connection with building works is placed securely in the skip or container required by sub-clause (1), unless otherwise approved by Council.
- (4) A builder who carries out or allows to be carried out any building work must ensure that the building work is carried out such:
 - (a) as not to emit excessive dust into the air and onto land proximate to the land on which the building work is carried out; and
 - (b) that it does not constitute a nuisance or unreasonably interfere with the enjoyment by any person of land proximate to the land on which the building work is carried out.
- (5) A builder must notify the Council in writing before the commencement of any building works of any pre-existing damage to the footpaths, kerbs, channels, nature strips or other Council assets and provide photographic evidence of such damage to the Council upon request.
- (6) To the extent that damage which exists after the completion of the building works was not notified to the Council under clause 35(5) as pre-existing damage, that damage will

be deemed to have been caused by and be required to be repaired by the builder to the satisfaction of the Council.

36. DILAPIDATED BUILDINGS

The owner or the occupier of any land must:

- (a) maintain any such building on that land in a state of good repair and must not allow that building to become dilapidated or further dilapidated;
- (b) take all reasonable steps to secure the building and land from unauthorised access, including, if required secure fencing, more adequate locks and any other security options;
- (c) take reasonable steps to prevent or remedy the land from being a haven for regular anti-social or unlawful behaviour by unauthorised persons; and
- (d) not allow any Graffiti to remain on any building, wall, fence, post or other structure or object erected on that land.

PART 4 – ROADS AND TRAFFIC

37. DERELICT AND ABANDONED VEHICLES AND BOATS

- (1) A person must not:
- (a) leave or cause to be left standing a vehicle which is unregistered; or
 - (b) abandon or cause to be abandoned a vehicle or boat -
on Council land or a road.
- (2) Where an unregistered vehicle has been left or a vehicle or a boat has been abandoned on Council land, the requirements of the Policies and Procedures Manual must be complied with.
- (3) An authorised officer may by notice direct the owner of any such vehicle (whether registered or not) or boat to remove it within the time specified in the notice and where there is a failure to comply with the notice, may remove the vehicle or boat and impound it.

38. VEHICLE SIGNAGE

A person must not place an advertising sign, other than an advertising sign which has been painted, etched or stuck onto the body of a vehicle, on a vehicle or allow an advertising sign to be placed on a road or Council land without a permit.

39. REPAIR AND DISPLAY FOR SALE OF VEHICLES

A person must not:

- (a) paint a vehicle on a road or Council land;
- (b) service a vehicle on a road or Council land;
- (c) carry out maintenance on a vehicle on a road or Council land;
- (d) repair or dismantle a vehicle on a road or Council land except in an emergency breakdown to enable it to be removed; or
- (e) display for sale multiple vehicles on a road or Council land.

40. OBSTRUCTIONS ON ROADS OR COUNCIL LAND

A person must not, without a permit leave or allow to be left any:

- (a) bulk rubbish container on a road or Council land;
- (b) other thing on a road or Council land which encroaches on, or obstructs the free use of, the road or Council land or which reduces the breadth, or confines the limits, of the road or Council land; or
- (c) charity bin.

41. OCCUPATION OF ROADS FOR WORKS

A person must not, without a permit:

- (a) occupy or fence off;
- (b) erect a hoarding or scaffolding on;
- (c) use a mobile crane or travel tower for any work on;
- (d) make a hole or excavation in;
- (e) fill a hole or excavation in;
- (f) remove, damage or interfere with a temporary traffic control signal, sign, barrier or other structure erected to protect pedestrians or regulate traffic on;
- (g) landscape or garden any vegetation on
any road or part of a road.

42. ITINERANT TRADING

A person must not without a permit undertake itinerant trading in the municipal district except where that itinerant trading is to be done at an event for which the Council has granted a permit under this Local Law.

NOTE

The requirement to obtain a permit for itinerant trading applies where the itinerant trading is proposed to be done from:

- (a) *any temporary method of transport including a caravan, trailer, table, stall or other similar structure; or*
- (b) *a road; or*
- (c) *a property or Public place adjacent to a road or a person on a road or Public place; or*
- (d) *any beach or in foreshore waters.*

The requirement to obtain a permit for itinerant trading does not apply to:

- (a) *newspapers or magazines being home delivered;*
- (b) *goods purchased at another location being home delivered;*
- (c) *goods which have been requested to be home delivered by the occupier of the house; or*
- (d) *the sale of fundraising products by persons duly authorised by an educational, cultural or recreational facility or organisation which is established within the municipal district.*

43. STREET APPEALS

A person must not without a permit solicit or collect on or from a road or Council land or from house to house gifts of money or goods or subscriptions or sell raffle tickets or the like.

44. FUNCTIONS AND BROADCASTS

A person must not, without a permit:

- (a) *organise or hold any party, festival, procession, event or activity; or*
- (b) *use a vehicle with an audible public address system*

on a road or Council land.

45. PARKING ON COUNCIL LAND

A person must not park or leave a vehicle on any Council land without first obtaining a permit.

PART 5 – KEEPING OF ANIMALS

46. ANIMALS ON RESIDENTIAL PROPERTY

- (1) A person must not on any residential land within the municipal district:
- (a) in respect of each type of animal listed in the table below, keep more than the number of animals specified in the column adjacent to that type of animal in the table below; or
 - (b) keep any animal not listed in the table below
- without a permit.

TYPE OF ANIMAL	MAXIMUM ALLOWED ON PROPERTY
Dog	2
Cat	2
Aviary Bird	10
Guinea Pig	2
Domestic rabbit	2
Domestic mouse / rat	2
Tortoise	2
Fish	20
Chickens	4

- (2) Without limiting clause 46 (1), a person who keeps an animal on any land within the municipal district must comply with any additional requirements specified in the Policies and Procedures Manual.

PART 6 – ADMINISTRATION AND ENFORCEMENT

47. IMPOUNDING

- (1) An authorised officer may seize and impound any thing which has been or is being used or possessed, or which has been left, in contravention of this Local Law.
- (2) Where any thing has been impounded under this Local Law, Council or an authorised officer must, if it is practicable to do so, serve notice of the impounding personally or by mail on the owner of the impounded thing.
- (3) An impounded thing must be surrendered to:
 - (a) its owner; or
 - (b) a person acting on behalf of its owner who provides evidence to the satisfaction of an authorised officer of his or her authority from the owner –

on
 - (a) evidence to the satisfaction of the authorised officer being provided of the owner's right to thing; and
 - (b) payment of any fee determined by Council or an authorised officer from time to time.
- (4) Clause 47(2) and 47(3) does not apply to the impounding of alcohol under this Local Law or other items where the nature of the item impounded is such that it would be impracticable to return the item to the person from whom it was impounded or the owner.
- (5) If an impounded thing has not been surrendered to its owner or a person acting on the owner's behalf within 28 days of the notice of impounding being served or, if no notice of impounding has been served on the basis that it is impracticable, of the act of impounding, Council may, at its discretion,
 - (a) sell;
 - (b) give away; or
 - (c) destroy,the impounded thing.

48. NOTICE TO COMPLY

- (1) Council or an authorised officer may, by serving a Notice to Comply, direct any owner, occupier or other relevant person to remedy any thing which constitutes a breach of this Local Law.
- (2) A Notice to Comply issued in accordance with this Local Law must state the date by which the thing must be remedied.
- (3) The time required by a Notice to Comply served under this Local Law must be reasonable in the circumstances, and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable:
 - (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 matter.

49. PERMITS

- (1) Council or an authorised officer may issue a permit under this Local Law with or without conditions, including the payment of any fee Council may require, or may refuse to issue the same.
- (2) Council may from time to time prescribe:
 - (a) the manner and form in which applications for permits under this Local Law should be made; and
 - (b) the manner in which any permit under this Local Law should be issued.
- (3) Council may from time to time prescribe the fee for any permit issued under this Local Law.
- (4) Council or an authorised officer may waive payment of any fee or portion of a fee for a permit.
- (5) Council must keep a register of permits.

- (6) Council or an authorised officer may require an applicant for a permit to give notice of the application in a manner specified from time to time by Council or an authorised officer.
- (7) Council or an authorised officer may require an applicant for a permit to provide Council with more information before Council or the authorised officer assesses the permit application.
- (8) A permit expires on the date specified in the permit, or the date set out in the Policies and Procedures Manual or if no such date is specified the permit will expire one (1) year after the date of issue.
- (9) Where Council or an authorised officer is of the opinion that there is or has been a breach of any conditions of a permit, it, he or she may serve a Notice to Comply on the permit holder.

50. ADDITIONAL REQUIREMENTS

In addition to a requirement to obtain a permit and to comply with any conditions of a permit, a person must comply with any applicable additional requirements of this Local Law and / or the Policies and Procedures Manual.

51. CORRECTION OF PERMITS

- (1) Council may correct a permit issued if the permit contains:
 - (a) a clerical mistake or an error arising from any accident, slip or omission; or
 - (b) an evident and material miscalculation of figures or any evident and material mistake in the description of any person, thing or property referred to in the permit.
- (2) Council must note the correction in the register of permits.

52. GROUNDS FOR CANCELLATION OF OR AMENDMENT OF PERMITS

- (1) Council may cancel or amend any permit if it is considered that there has been:
 - (a) a material misstatement or concealment of facts in relation to the application for a permit;
 - (b) any material mistake in relation to the issue of a permit;

- (c) any material change of circumstances which has occurred since the issue of the permit;
 - (d) a failure to comply with the conditions under which the permit was issued; or
 - (e) a failure to comply with a Notice to Comply within the time specified in the Notice to Comply.
- (2) Council must notify the holder of a permit of Council's or the authorised officer's intention to amend or cancel the permit and give the holder of that permit a reasonable opportunity to make a written and or oral submission to the officer before the permit is amended or cancelled.
- (3) If, after considering any written submission made by the permit holder, Council determines to cancel or amend the permit, must note that cancellation or amendment in the register of permits and give notice to affected persons.

53. URGENT CIRCUMSTANCES

If an authorised officer is of the opinion that:

- (a) a person has breached any provision of this Local Law in respect of which a Notice to Comply may be issued and:
 - (i) any person;
 - (ii) any animal;
 - (iii) any property; or
 - (iv) the environment of the municipal district is in danger of substantial detriment due to the breach; and
- (b) that the danger may be exacerbated by the length of time it may take to serve and ensure compliance with a Notice to Comply he or she may take such action as he or she considers necessary to abate or minimise the danger without serving a Notice to Comply provided subsequent notice is given, if practicable, of:
 - (i) the reasons for taking the action; and
 - (ii) the action taken to the person in breach of the provision of this Local Law in respect of which the action was taken.

54. OBEYING SIGNS

A person must not act contrary to any indication or direction given in any sign installed by or on behalf of Council.

55. COMPLYING WITH DIRECTIONS

Any person contravening or failing to comply with any provision of this Local Law may be given a direction requiring that person to cease the contravention or failure to comply.

56. OFFENCES

A person is guilty of an offence, and liable to a maximum penalty of 20 Penalty units if the person –

- (a) does something which a provision of this Local Law prohibits;
- (b) knowingly provides false information in support of an application for a permit under this Local Law;
- (c) knowingly supplies false or misleading information to an authorised officer;
- (d) engages in an activity without a current permit where a provision of this Local Law requires that person obtain a permit before engaging in that activity;
- (e) breaches or fails to comply with a condition of a permit issued under this Local Law;
- (f) fails to comply with a verbal direction issued, or a notice to comply served, by an authorised officer; or
- (g) fails to comply with a sign erected by Council.

57. INFRINGEMENT NOTICES

- (1) As an alternative to prosecution for an offence, a person may be served with an Infringement Notice.
- (2) The penalty fixed for an Infringement Notice:
 - (a) is the applicable penalty stated in the Schedule to this Local Law; or

- (b) if no applicable penalty is stated in the Schedule to this Local Law, one penalty unit.
- (3) Where an authorised officer has reason to believe that a person is guilty of an offence or offences for which an Infringement Notice may be issued under this Local Law, the authorised officer may serve on that person an Infringement Notice in a form determined by Council from time to time.
- (4) Any person issued with an Infringement Notice may pay the penalty indicated to an authorised officer at the Council offices.
- (5) To avoid prosecution, the penalty indicated should be paid within 21 days from the date of the issue of the Infringement Notice.
- (6) A person issued with an Infringement Notice is entitled to disregard the Notice and defend the prosecution in court.
- (7) If a person issued with an Infringement Notice makes a written representation to Council or an authorised officer within 21 days of the issue of the Infringement Notice, the representation must, if disputed, be brought to the attention of, Council's Chief Executive Officer.
- (8) The Chief Executive Officer must consider any written representations and any other relevant information provided and must consider any such material brought to his or her attention prior to Council taking further action on the Infringement Notice to which it relates.

58. REVIEW RIGHTS

- (1) If any person is aggrieved by the fairness or reasonableness of any action taken by Council or an authorised officer under this Local Law, he or she may request Council's Chief Executive Officer to review the fairness or reasonableness of the action taken.
- (2) Where Council's Chief Executive Officer reviews the fairness or reasonableness of any action taken by Council or an authorised officer, the result of that review must be communicated to the person who made the request in accordance with clause 58 (1).
- (3) If a further request to review the matter is made to Council, Council may at its discretion establish a sub-committee comprising the Mayor, one Councillor and the Chief Executive Officer to consider the review undertaken by the Chief Executive Officer.

PART 7– COMMON SEAL

59. THE COUNCIL'S COMMON SEAL

- (1) The Chief Executive Officer must not use the common seal when exercising delegated authority.
- (2) The common seal may be used only on the authority of the Council.
- (3) When the common seal is used on the authority of the Council the document must be signed by the Chief Executive Officer and at least one Councillor.
- (4) The Chief Executive Officer must keep a register of documents to which the common seal is affixed by resolution of Council.
- (5) A person must not use the Council's common seal, or any replica, without authority
- (6) The Chief Executive Officer must keep the common seal in safe custody.

SCHEDULE 1 – PENALTIES FOR INFRINGEMENT NOTICE PURPOSES

Clause		Penalty Unit
8	Damaging Council land or roads	3
9(1)	Tapping into Council drains	4
9(2)	Causing damage to Council drains	4
10	Failing to obtain a permit for excavation	3
11	Recreational vehicles on Council land and Public places	1.5
12	Behaviour on Council Land and Public places	2.5
13(1)	Failing to remove animal excrement	2
13(2)	Failing to possess a device or bag for the purpose of removing animal excrement	0.5
13(3)	Using a horse or donkey contrary to Local Law	0.5
14(1)	Failing to obtain a permit to use or carry out activities on Council land	3
15(1)	Failing to obtain a permit to camp	1.5
15(2)	Sleeping in vehicle overnight or camping on a road or Council land	1.5
16	Failing to obtain a permit for a special use or event on Council land	3
17	Using personal water craft contrary to Local Law	0.5
18	Consumption of alcohol contrary to Local Law	1.5
19(1)	Failing to obtain a permit to construct a vehicle crossing	4
20(1)	Failing to remove a redundant vehicle crossing	4
20(2)	Failing to remove vehicle crossing and reinstate road	4
21	Keeping unsightly land	2
22(1)	Noise and Alarms	1
22(2)	Noise and Alarms	1
22(3)	Noise and Alarms	0.5
23	Causing obstructions from trees or plants	2
24(1)	Interfering with nature strips	2
25(2)	Failing to display numbering of allotments	0.5
25(3)	Failing to maintain numbering of allotments	0.5
26	Using recreational vehicles on private land contrary to Local Law	1.5
27	Failing to comply with requirements applicable to domestic waste	2.5
28	Failing to comply with requirements applicable to commercial and industrial waste	4
29(1)	Depositing litter contrary to Local Law	1.5
29(2)	Interfering with waste left for collection	1.5
30(1)	Using incinerator or open air burning contrary to Local Law	4
30(4)	Burning any substance contrary to Local Law	2
32(1)	Failing to extinguish a fire	2
33(1)	Using a barbecue contrary to Local Law	2
33(2)	Using a barbecue contrary to Local Law	2
34	Discharging into Air	1.5
35(1)	Failing to comply with requirements applying to building sites	3
35(2)	Failing to obtain a permit for a temporary vehicle crossing	2
35(3)	Failing to deposit rubbish and refuse securely in skip	2
35(4)	Failing to comply with requirements applying to building work	2
35(5)	Failing to notify condition of roads	2
36	Failure to maintain building in good repair	2

Clause		Penalty Unit
37(1)	Derelict and Abandoned Vehicles and Boats	2
38	Failure to obtain permit for vehicle signage	1.5
39	Repairing or displaying vehicles for sale	2
40	Failure to obtain permit to obstruct roads or Council land	2
41	Failure to obtain permit to occupy roads for works	3
42	Failure to obtain permit for itinerant trading	3
43	Failure to obtain permit for a street appeal	3
44	Failure to obtain permit for functions and broadcasts on a road or Council land	0.5
45	Failure to obtain permit to park or leave vehicle on Council land	1.5
46(1)	Keeping animals on residential property contrary to Local Law	2
48(1)	Failing to comply with 'Notice to Comply'	3
50	Failing to comply with additional requirements	1.5
54	Failing to obey signs	3
55	Failing to complying with directions	2.5
59	Using the common seal or a replica of the seal without authority	10

Note: The Sentencing Act 1991 prescribes the value of a penalty unit in the Local Law at \$100. Penalty Units are indexed annually by the Department of Justice.

This Local Law was made by resolution of the Borough of Queenscliffe Council on

THE COMMON SEAL of	}
The MAYOR, COUNCILLORS AND	}
BURGESSES OF THE BOROUGH OF	}
QUEENSCLIFFE	}
was affixed hereto in the presence of:	}

..... Councillor

..... Chief Executive Officer

Council provided notice to the public of the intention to make this Local Law which was duly advertised in the Geelong Advertiser on [insert date], the Bellarine Times on [insert date] the Victoria Government Gazette on [insert date] and the Echo on [insert date].

Council resolved to adopt this Local Law at its meeting held and this was duly advertised in the Geelong Advertiser on [insert date], the Bellarine Times on [insert date], the Victoria Government Gazette on [insert date] and the Echo on [insert date].