



Appendix 4b

15.2 Draft General Local Law 2021

*Policy and Procedures Manual - Additional Requirements
Applying to Local Laws*

Ordinary Meeting of Council

Wednesday 16 December 2020 at 7:00pm

(Via Videoconference)



Borough of Queenscliffe

Policies and Procedures Manual

Additional Requirements Applying to Local Laws

Adopted by Council:
[insert date]

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In addition to any requirements in the Local Law or conditions of a permit a person must comply with the following requirements.

PART 1 – DOMESTIC WASTE, GREEN WASTE AND RECYCLABLE MATERIALS

1. These requirements apply to the occupiers of every dwelling or other property where the Council provides a domestic garbage collection service.
2. All domestic waste, green waste and recyclable material left for collection must be placed in bins ready for collection in accordance with the Council requirements established in this Part and on the days from time to time specified by the Council.
3. If the Council has notified occupiers of a hard waste collection, the recycled material and the type of hard waste to be collected must be left for collection in accordance with the Council's instructions.
4. Sub-clause (3) does not apply to material which is recycled on the property in a manner which causes no nuisance to neighbours or kept on the property for recycling in accordance with a Council sponsored recycling program.
5. Where the Council supplies or arranges the supply of bins for domestic waste, green waste or recyclable material, waste and recyclable materials must be stored in the bin supplied and must be used for no other purpose.
6. Bins must be placed on the verge of the vehicle crossing or roadway abutting the property within 2 metres of sealed or trafficked surface and should not constitute a hazard to vehicular traffic.
7. Material that may cause a hazard or a safety risk is prohibited from being placed in bins provided and collected by the council for domestic waste or recycling.
8. Once the waste has been collected by the Council, the empty bins must be returned to the property as soon as practicable.
9. Where any waste from a container has spilled onto the road, nature-strip or surrounding area before collection it must be removed by the occupier responsible for the bin, as soon as practicable and may be reported to the Council.
10. Bins must be maintained in a clean and tidy manner so that they do not cause a health threat or are offensive to any person.
11. The owner of any flats or units if required to do so must provide a clearly defined storage area for the storage of bins and every occupier must keep the bin allocated to the flat or unit in that defined storage area.
12. Any container issued to a property:
 - (a) is owned by the Council;
 - (b) must be kept and remain on the property;
 - (c) if it is damaged or lost the occupier of the premises must notify the Council as soon as possible and may be required to pay the costs of replacement and
 - (d) if it is stolen, the occupier of the premises must complete a statutory declaration and submit to Council as soon as possible and if satisfied Council will provide a replacement.

PART 2 – GENERAL REQUIREMENTS APPLYING TO INDUSTRIAL, TRADE AND COMMERCIAL WASTE

1. The occupier of property must ensure that any container used for the storage of industrial, trade or commercial waste is:
 - (a) not kept on a road or Council land and must be kept on the property for which the bin as been obtained unless the Council has approved an alternative location;
 - (b) constructed of material to prevent leakage, is water-tight, fly and vermin proof ;
 - (c) of a sufficient size to contain all waste generated on the premises in between clearances;
 - (d) kept in a clean, sanitary and inoffensive condition; and
 - (e) emptied at least weekly or more regularly if the contents become offensive.

2. The occupier of any premises must ensure that any area where any container used for the storage of industrial, trade or commercial waste is kept is:
 - (a) maintained at all times in a clean, sanitary and inoffensive condition;
 - (b) adequately screened from adjoining properties; and
 - (c) adequately fenced or otherwise constructed so that access to the public is not possible.

3. Every skip, waste hopper or recycling bin used for the collection of waste or recyclable material must display a notice indicating the type of waste or material which is permitted and stating that it is an offence to deposit any material contrary to the notice.

PART 3 – REQUIREMENTS APPLYING TO HARD WASTE COLLECTION

1. The Council may notify occupiers of a declared day or period during which hard waste or green waste items may be placed outside the premises near the kerb or nature strip for collection.
2. In this Manual:

“**hard waste**” means any material that is not reasonably capable of being contained within a domestic rubbish container. Hard waste left for collection must not exceed 32kg in weight, 1.20 metres in length and 0.6 metres in width.

Materials excluded from hard waste collection are:

- (a) vehicle tyres;
- (b) chemicals and paints;
- (c) industrial or liquid wastes;
- (d) automotive batteries;
- (e) waste oils;
- (f) asbestos;
- (g) pharmaceutical or pathological wastes; and
- (h) chemical containers.

Building rubble and waste bulk material must not exceed 16kg for each item and must be capable of being lifted by one person.

PART 4 – POULTRY AND ANIMAL HOUSING

- 1.** If a person keeps poultry or animals on a property, the poultry or animal housing must be located on the property so that the amenity of the area or other premises is not affected by nuisance noise or odour experienced because of proximity of the poultry or animal housing.
- 2.** An owner or occupier must not construct or use any poultry or animal housing on any property unless it has adequate roofing and drainage.
- 3.** All poultry and animal housing must be maintained so that it does not cause a nuisance or offensive condition or harbours vermin.

PART 5 – USES AND ACTIVITIES ON COUNCIL LAND AND ROADS

ROAD ACTIVITIES

1. A person or organisation applying for a permit to conduct a road activity must provide the following information with the application:
 - (a) a sketch plan, prepared by an authorized traffic management company, showing the road or parts of the road required to be closed or where traffic conditions are to be altered and the places on or near the roads at which it is proposed to erect barriers, obstructions or signs;
 - (b) the date on which and the hours between which it is proposed to conduct the road activity and the times during which barriers and obstructions will remain;
 - (c) a full description of the road activity proposed to be undertaken including its organisation and control;
 - (d) details of any entry or other fees proposed to be charged;
 - (e) any other information that the Council considers is relevant to the application.
2. The Council must give a copy of the application to the police.
3. The Council:
 - (a) may publish or require the applicant to publish a public notice describing the proposed road closure or alterations to traffic conditions and the reasons for it, in the form and containing the details required by the CEO; and
 - (b) may also require a copy of it to be placed on Council's website and/or notice board at the Council office.
4. The Council must not initiate or proceed with or permit a road activity:
 - (a) until Council has complied with all obligations under the Act;
 - (b) until any objection to the road activity has been considered by the Council;
 - (c) unless the Council is satisfied that the majority of occupiers of premises adjoining the road activity do not object to the closure and the proposed road activity;
 - (d) if the police object;
 - (e) unless a public body whose approval is required has given that approval; and
 - (f) unless Council considers the proposed road activity appropriate in all of the circumstances.

SPECIAL USES AND EVENTS

5. Any application for a permit for a special use or event where the special use or event is considered by the CEO that it may have a significant impact on amenity in the municipal district, may be referred to the council.

PART 6 – REQUIREMENTS APPLYING TO ADVERTISING SIGNS, OUTDOOR EATING AND ANCILLARY EQUIPMENT AND DISPLAY OF GOODS.

1. OBJECTIVES

The objectives of this Part of the Policies and Procedures Manual are to:

- (a) To regulate the placing of signs, goods, tables and chairs on road reservations.
- (b) To minimise public risk, obstruction to the public and visual clutter.
- (c) To encourage thoughtful use of items in a way that adds to the character of the area.
- (d) To ensure the signage takes account of the heritage and urban character of the area.
- (e) To comply with any relevant town planning guidelines such as heritage and urban character guidelines.

2. CONTROLS

- (1) This policy relates to matters out of or applying to clause 14 of Local Law 2020 General.
- (2) This policy directs officers authorized to consider applications for a permit under the provision of clause 14 of the Local Law.

3. DEFINITIONS

Advertising Sign	means any placard, board, sign, frame, notice, card, or banner which: <ul style="list-style-type: none">(a) provides information about a business or industry; or(b) advertises goods, services, an event or a competition.
Footpath	includes every path, lane or other place within the Municipal district habitually used by pedestrians
Road	has the same meaning as 'Road' in the Act and means any road in the municipal district for which the Council has responsibility under the Road Management Act 2004.

4. APPLICATION

A permit to place any advertising sign, display of goods for sale or any item of street furniture on any road will not be granted unless the provisions of this policy are complied with.

5. INFORMATION TO BE SUBMITTED

An application for a permit must contain the following information:

- (a) Location and size of area to be occupied
- (b) building line
- (c) kerb
- (d) existing street furniture, fixtures and fittings
- (e) width of footpath
- (f) information to be contained on sign, such as text, colour
- (g) style of furniture
- (h) demonstrate the proposal complies with heritage or urban character values of the area (refer to town planning guidelines)..

6. PRESCRIBED SIZES

- (1) Despite any other provision of the Policy, signs must not be greater than 1.2 metres high and 600mm wide.
- (2) The maximum size of a table must not be greater than 900mm square or 900mm in diameter.
- (3) The maximum size for flag and pole type signs must not be greater than 1.5 metres high and 500mm wide.

7. RESTRICTIONS

- (1) No item or goods may be affixed to any sign, rubbish container or other fixture controlled or owned by the Council (Council fixture), without Council's prior approval.
- (2) No items or goods may be placed in such a way as to interfere with or otherwise obstruct the use of any Council fixture or item of furniture.
- (3) Items or goods may only be placed outside a business operated by the applicant.
- (4) Items or goods may only be placed on land contained within a Mixed Use Zone or Business 1 Zone as defined in the Queenscliffe Planning Scheme, except where the property has frontage to the Bellarine Highway.
- (5) Sufficient space must be maintained at all times to allow safe and unobstructed pedestrian movement from the roadway onto the footpath and vice versa.

- (6) Any sign, furniture or other approved sign must be maintained in good order and appearance otherwise an authorised officer may direct its removal.
- (7) No A Frame sign or advertising sign may be placed on a footpath within 2 metres of the building line or within 1.25 metres of an area where vehicles may stand, and may only be placed within the frontage of the premises to which the sign relates.
- (8) Tables, chairs and umbrellas may be located in a safe and stable manner adjacent to the kerb or shop front and at least two metres must be kept clear on the footpath for the passage of pedestrians. Tables, chairs and umbrellas may only be placed within the frontage of the premises that has the permit.
- (9) Umbrellas must have a minimum height of 1.9 metres from the ground to the lowest point of the canopy.
- (10) Selling or hawking from displays is prohibited.

8. HEALTH REQUIREMENTS

The preparation, handling and serving of food and drinks to patrons at table and chairs and display of food outside premises must be in accordance with the Food Act and Regulations and any applicable Codes of Practice.

9. PLANNING REQUIREMENTS

The erection of permanent advertising signage may also require planning approval. Applicants should consult with the Planning Department of Council.

10. INSURANCE/INDEMNITY

An authorised officer will not grant a permit unless the applicant:

- (a) is the holder of an acceptable and current public liability insurance policy of at least \$10 million; and
- (b) that Council is named as an "interested party" and that the policy contains a "cross liability" clause between Council and the applicant.

11. QUANTITY

- (1) No more than one (1) advertising sign will be permitted within the frontage of a premise.
- (2) No more than three (3) sets of tables and chairs per shop front will be permitted for each business (one set comprises of 1 table, 2 chairs and 1 umbrella) in business areas,

unless the space available allows a greater number while meeting the restrictions identified in Part 7(8) of this document.

12. CONSTRUCTION - FIXING

- (1) Signs must be constructed to the satisfaction of Council's Building Surveyor.
- (2) Signs must be fixed or secured at all times in such a manner so as to prevent their movement due to wind.

13. PROHIBITIONS

- (1) No items or goods may be placed on any carriageway, driveway crossover, footpath or emergency vehicle access way.
- (2) No items or goods may be placed in such a way as to restrict the line of travel to and from disabled parking bays or loading zones.
- (3) No items or goods may be located within 1 meter of an intersection or pedestrian crossover.

14. DURATION OF PERMIT

- (1) A permit remains valid from the date of issue until the next 1 July.
- (2) A permit applied for after 1 January in each year will only be required to pay 50 per cent of the full permit fee.
- (3) Upon expiry of a permit the relevant sign, goods or items must be removed unless a new permit has been issued.

15. FEES

- (1) A \$60 permit fee applies. Other charges, as determined by Council, may apply.
- (2) Council may, at its discretion, reduce or waive fees for signs associated with community activities, service clubs or the like.
- (3) The permit application fee is due at the time of applying for a permit and signs must not be displayed until this fee has been paid and the permit issued.

16. PERMIT REVOCATIONS

The Council reserves the right to withdraw its approval to the granting of a permit, to cancel or not renew any permit granted or to alter or modify the conditions of approval of any permit, at any time, if it so thinks fit. Such a withdrawal, cancellation, alteration or modification could be made necessary by changes in pedestrian volumes and other matters affecting the use of the

footpath. Prior to any withdrawal cancellation, alteration or modification, Council must provide the permit holder with an opportunity to comment on Council's proposed actions.

17. AMENITY

- (1) An authorised officer may reject an application if it is likely to cause detriment to the amenity of the area.
- (2) The permit holder must provide a litter bin within the premises and must keep the area clean at all times.
- (3) Where the permit allows outdoor dining, the applicant is to provide a selection of tables, chairs and street furniture, which is functional and safe and which compliments the heritage or urban character values of the area (refer to town planning guidelines).

18. HOURS

Advertising signs, goods, tables and chairs and street furniture must be removed when the premises is not open to the public.

19. COLOUR

- (1) Advertising signs, goods, chairs and table should have a contrasting colour to their background to assist the visually impaired.
- (2) Fluorescent and iridescent colours are not permitted.

20. PERMIT TRANSFERS

- (1) Permits may be transferred where there is a change in the ownership of a business.
- (2) In the event of any change in the ownership of the business, the Council must be notified immediately of the name(s) of the new proprietor(s).

PART 7 – ABANDONED VEHICLES

In this Part, “vehicle” includes a “boat”.

1. If:
 - (a) a vehicle is registered and has been standing contrary to advertised parking restrictions for at least 7 consecutive days; or
 - (b) a vehicle is registered and has been standing, legally parked, for at least 28 consecutive days;
on Council land or a Public place the authorised officer may affix a warning sticker or notice to the vehicle and serve a notice on the owner or proprietor. In determining whether it is appropriate to affix a warning sticker or notice a Council officer must have regard to whether the vehicle is registered to a property within close proximity to the vehicle.

2. If the owner or proprietor of the vehicle (or a person acting on their behalf) does not within 7 days of the date of a warning sticker:
 - (a) remove the vehicle; or
 - (b) notify the Council that the vehicle has not been abandoned -
an authorised officer may presume that the vehicle has been abandoned, provided that an inquiry of the police has been made and has revealed that it has not been reported stolen.

3. If a vehicle is unregistered, or if a vehicle is abandoned or presumed to have been abandoned, and in each case is standing on Council land or a Public place, an authorised officer may remove the vehicle and impound it.

4. Where a registered vehicle is impounded an authorised officer must as soon as practicable cause a notice in the form of Schedule “Notice of Impoundment” to be delivered or sent by registered post to the person who the records kept by the relevant authority states is the owner or proprietor of the vehicle.

5. A vehicle which has been impounded must be released to the owner or the owner’s representative on the production of satisfactory evidence of his or her right to the vehicle and payment of the fees.

6. If a vehicle is not claimed and the fees payable are not paid within 7 days after the vehicle is impounded or the giving of notice under 4 above, whichever is the later, the vehicle may then be sold by auction or public tender of which at least 7 days public notice has been given.

7. If a vehicle is not sold as a result of the auction or calling of tenders it may be disposed of at the Council’s discretion.

8. Despite clause 6, if the Council is of the opinion that the vehicle cannot be sold or the likely proceeds of the sale will be insufficient to cover the selling expenses, the Council may direct that it be destroyed or given away.
9. A person who was entitled to claim a vehicle pursuant to clause 6 may claim and be paid the net proceeds of the sale of the vehicle less any fees payable under clause 6.

SCHEDULE – DOGS ON LEADS ORDER

The Council in the exercise of its powers under section 26 of the **Domestic Animals Act 1994** resolves that from the date of publication of this Order that:

1. General Matters

(1) The owner of any dog must keep the dog under effective control by means of a leash or chain when they are in a public place in the municipal district, except where signs designate an area as being available for unleashed dogs.

(2) Dogs are not permitted on any beach in the municipal district between the hours of 9.00 am and 8.00 pm each day from and including the period from fifteenth day of December until the last day of February in any year.

2. Exceptions and obligations

Despite clause 1 (2), dogs may be exercised off leash at Narrows Beach provided that an owner has the dog under effective control at all times and provided –

(a) the dog remains under effective control by either voice or hand commands and the dog remains within sight of the owner so that it can immediately be brought back under control by placing it in a leash or chain if it becomes necessary to prevent the dog wandering out of effective control or to avoid any intimidating behaviour or threatening attack; and

(b) The owner does not allow the dog to worry or threaten any person or animal and does not allow the dog to attack any person or animal.

3. Interpretation

For the purposes of this Order:

(1) "Public Place" has the same meaning as the **Summary Offences Act 1966**.

(2) "Owner" has the same meaning as in the **Domestic Animals Act 1994**.

(3) Narrows Beach is the beach that is adjacent to the area described as Loggs carpark (also known as Dog Beach carpark) in the Narrows, between Point Lonsdale and Queenscliffe. The Narrows Beach extends from the end of the black rock sea wall eastwards to a boundary which is approximately level with the west end of Fraser Street, Queenscliffe to the low water mark.

Any previous Orders made under section 26 of the **Domestic Animals Act 1994** are repealed.

Published in the Government Gazette: 8 December 2016

SCHEDULE – CAT CONTROL ORDER

At its meeting on 4 September 2001, Council adopted a Cat Control Order pursuant to Section 25(1) of the Domestic Animals Act 1994, which:-

- (a) Requires cats to be securely confined to the owners premises, between 8.00pm (eastern standard time) or 9.00pm (daylight saving time) and 6.00am daily; and
- (b) Prohibits the presence of cats, other than restrained domestic cats, in any public area within the municipal district.

The penalties for offences in relation to such an Order are prescribed in the abovementioned Act and are the same as those currently applying to dogs.

Published in the Government Gazette: 13 September 2001

SCHEDULE – NOTICE TO COMPLY



Borough of Queenscliffe

NOTICE TO COMPLY

TO: _____
(Name of Person or Company)

Address: _____

I, (name of Authorised Officer) have reason to believe that you have contravened clause (insert clause) of General Local Law 2021 which states:

Offences against this provision may be subject to an Infringement Notice Penalty of \$ _____ or a maximum penalty of \$ _____ in the Magistrates Court.

You are required to comply with General Local Law 2021 by taking the following action:

This action must be taken on or before the following date: _____

Failure to comply with this Notice to Comply is an offence against clause _____ of General Local Law 2021 and an Infringement Notice Penalty of \$ _____ or a maximum fine of \$ _____ in the Magistrates Court may be imposed.

..... Date of issue:

Signature of Authorised Officer

NOTE: If this Notice relates to a contravention of a permit and the Notice is not complied with, the permit may be cancelled. If you do not wish to have the permit cancelled you should comply with the directions in this Notice or show cause to the Council in writing why the permit should not be cancelled.

SCHEDULE – NOTICE OF IMPOUNDMENT



Borough of Queenscliffe

NOTICE OF IMPOUNDMENT

TO: _____
(Name of Person or Company)

Address: _____

Under clause 37 of General Local Law 2021 of the Borough of Queenscliffe the unregistered/abandoned* vehicle/boat* described at the foot of this notice was removed from:

_____ and _____
(location from which removed)

taken to _____ on _____
(date)

If, within 14 days of that date, the vehicle/boat* is not claimed by you or your agent appointed in writing and a fee of \$250 plus \$20 for every 24 hours for which the vehicle/boat* has been kept, it will be sold by auction or public tender or destroyed or given away.

The vehicle will be released to you or your representative on the production of satisfactory evidence of your right to the vehicle/boat* and payment of the above fees.

Claim for the vehicle/boat* should be made at the Municipal Offices at 50 Learmonth Street, Queenscliff on weekdays between 9.00am and 4.00pm.

..... Date of issue:

Signature of Authorised Officer

Particulars of Vehicle/boat*

Registration Number:	
Engine Number:	
Make:	
Model:	
Colour:	

*Delete whichever is not applicable

SCHEDULE – DEED OF INDEMNITY



Borough of Queenscliffe

DEED OF INDEMNITY

This deed is made on the _____ day of _____ 202__

Between:

_____ ('the permit holder')

And

The Council of the Borough of Queenscliffe ('the Council')

Whereas:

- (a) Under the Local Government Act 1989 ("the Act") and General Local Law 2021 ("the Local Law"), the Council may permit activities on Council land and Roads, in particular those specified in clause 14 of the Local Law.
- (b) The Council has issued a permit to the permit holder for the use or activity the subject of the permit on the condition that the permit holder enter into this deed with the Council.

Operative Provisions

1. The permit holder indemnifies and releases the Council, its officers, employees and agents ("those indemnified") from and against all actions, claims, demands, losses, costs and expenses for which those indemnified shall or may become liable in respect of and arising from any loss, damage or injury from any cause whatsoever to property or persons caused or contributed to by the exercise of the rights granted to the permit holder by the permit or any purported right arising as a consequence of the grant of the permit and without limiting the generality of the foregoing including any actions, claims, demands, losses, damages or injury alleged to arise as a consequence of:
 - (a) the grant of the permit;
 - (b) the permitted conduct activities or actions;
 - (c) the placement of any goods or equipment on any road;
 - (d) the service of any food or drink to any patron of the permit holder's establishment on a road;
 - (e) the failure of the permit holder to observe or perform any of the conditions subject to which the permit was granted.

SCHEDULE 3 – DEED OF INDEMNITY (Continued)

EXECUTED AS A DEED:

SIGNED SEALED AND DELIVERED by)

In the presence of: }

..... }

Signature of Witness

.....

Signature of applicant

.....
Name of Witness (block letters)

.....
Address of Witness

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