

Environment and Community Protection Standards and guidelines

(Local Law No. 1 of 2014)



Our people



Our city



Our future

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Preliminary

These standards and guidelines provide a guide for staff in implementing Wodonga City Council's Environment and Community Protection, Local Law No 1/2014.

Together with a number of other established publications, including the *Road Management Act*, *Road Management Plan* and the *Traffic and Local Laws Procedures Statement*, these standards and guidelines establish a framework for effective, consistent and efficient decision-making.

The standards and guidelines should be read in conjunction with the council's Environment and Community Local Law No. 1/2014 (parent document).

These standards and guidelines should be reviewed on a regular basis to ensure relevance and consistency with both the council and community expectations.

Scope

The standards and guidelines establish a series of measurable outcomes designed to protect and enhance safety, the environment and amenity of the municipal district.

Purpose

The purpose of these standards and guidelines is to:

- provide a mechanism to ensure the amenity of the municipal district is maintained and improved;
- provide for the safety of the community;
- protect and enhance the environment; and,
- provide guidelines in administering Wodonga Council's Environment and Community Protection Local Law.

Relationship

These standards and guidelines should be read in conjunction with Wodonga Council's Environment and Community Protection Local Law No.1/2014 (parent document) and other relevant codes of practice and policies.

Definitions

Has same meaning as parent document.

Part A - Introduction

See sections 1 to 8 of parent document for details and explanations.

Part B - Administration and enforcement

Permits

7. Permits

A person wishing to vary any local law provision may do so by making application to the council providing all relevant details on an application form together with any fee applicable. Fees are set annually through the Wodonga Council budget process.

In some circumstances, additional information will be required such as copies of current public liability insurance, consent from property owners or specifications. If these documents are not supplied upon request then a permit will not be issued.

The permits will be assessed against the criteria established in these standards and guidelines.

8. Application for Permits

See Section 9 of these standards and guidelines.

9. Fees

The council will set permit fees annually through the budget process.

The relevant manager or their delegate may waive any applicable fee for community, charity groups or special need cases.

10. Permit Register

A permit register of all permits issued or amended or altered will be kept by the relevant department of the council.

11. Permit Expiry Date

See Section 13 of the parent document.

12. Correction of a Permit

The council may cancel or amend any permit, if it considers that there has been:

- a material misstatement or concealment of facts in relation to the application for a permit;
- any material mistake in relation to the issue of the permit;
- any material change of circumstances which has occurred since the issue of the permit;
- a failure to comply with the conditions under which the permit was issued; or,
- a failure to comply with a Notice to Comply issued under section 15 of the Environment and Community Protection Local Law No 1/2014 within the time specified in such notice.

The council or an authorised officer must notify the holder of a permit of the council's intention to amend or cancel the permit and give the holder of that permit an opportunity to make a submission within 14 days of notification before the permit is amended or cancelled.

If the council or an authorised officer, after considering any submission made by the permit holder, determines to cancel or amend the permit, the council must note that cancellation or amendment in the register of applications and permits if the permit contains:

- a clerical mistake or an error arising from any accident, slip or omission;
- 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; or,
- is no longer compliant with over arching legislation or council policy.

The council must notify the permit holder of its decision in writing by registered post giving the reasons for the decision and provide a reasonable amount of time to the permit holder to rectify the situation in accordance with the notification.

Enforcement

13. Notice to Comply

A Notice to Comply must be in the form of Schedule 1 of the local law, or to the like effect, on Wodonga Council letterhead and must state the period within which the thing referred to must be remedied.

The time allowed for remedial action by a Notice to Comply must be reasonable in the circumstances and this will vary depending on the matters to be remedied, but should take into account, if applicable:

- the amount of work involved;
- the degree of difficulty;
- the availability of necessary materials or other necessary items;
- climatic conditions;
- the degree of risk or potential risk; and,
- any other relevant matter.

If any person fails to take remedial action in accordance with a Notice to Comply within the time specified, the council may undertake such action/works that meets the requirements of the Notice to Comply and recover all costs associated with the action/works undertaken.

A Notice to Comply shall remain active or in force for a period of up to one year unless otherwise stated for continuing offences.

A Notice to Comply can be withdrawn by an authorised officer if the notice was issued incorrectly, has errors or in any other reasonable circumstance.

14. Power of an Authorised Officer to Act in Urgent Circumstances

In circumstances where an authorised officer believes the breach of Community Local Law No 1/2014 is urgent, the authorised officer may immediately impound the offending material and serve on the person or authorised representative a notice of impoundment.

Urgent circumstances include but are not limited to the following:

- goods and materials that are posing a danger or potential danger to the community;
- goods and materials that are causing undue obstructions;

- goods and materials that are a hazard or potential hazard;
- goods and materials that replicate or are similar to traffic management devices;
- goods or materials that are causing traffic congestion;
- whether there is an urgent risk or threat to public health; public safety; the environment or animal welfare; or,
- at a Victoria Police request;

provided that:

- it appears to the authorised officer that a breach of a local law is occurring or has occurred;
- the authorised officer considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice may place a person, animal, property or thing at risk or in danger;
- wherever practicable, the prior consent of the relevant manager, or their delegate, is obtained;
- the action taken by an authorised officer under this clause must not extend beyond what is necessary to cause the immediate abatement of or minimize the risk or danger involved;
- an authorised officer who takes action under this clause must ensure that as soon as practicable:
 - details of the circumstances and remedying action are forwarded to the person in breach of the provision of the local law in respect of which the action was taken; and,
 - a report of the action taken is submitted to the relevant manager.

The council may recover all costs associated with any action or works undertaken.

15. Power of an Authorised Officer to Impound

Section 17 of Community Local Law No 1/2014 provides the powers for an authorised officer to impound items which are stored or placed or left in breach of the local law.

The provision also details in what circumstances any impounded items maybe released.

Where any item has been impounded under the local law, the council or an authorised officer

must serve written notice of the impounding on the person who appears to be the owner of the impounded item, wherever it is practicable to do so.

A notice of the impounding must specify:

- the item;
- the place and times when it may be retrieved;
- the fee that must be paid for its retrieval;
- the date by which the item must be retrieved (which must be at least 14 days after the date on which the notice is issued); and,
- that the item will be sold or disposed of in accordance with this clause, if not so retrieved.

In any case where the name or the whereabouts of the owner of, or person responsible for the impounded item is unknown, an authorised officer must take reasonable steps to ascertain that information.

If an impounded item is not retrieved by the date specified in the notice, an authorised officer may take action to dispose of it according to the following principles.

- Where the item has no saleable value it may be disposed of in any manner considered appropriate in the circumstances.
- Where the item has some saleable value, it may be disposed of by public auction or tender, or by private sale, but if no sale results from the council's efforts, the item may be disposed of in any manner which the council sees fit.

Proceeds of any sale of an impounded item, less any costs incurred by the council in impounding the item and complying with the requirements of this local law, are to be held by the council for six months pending any claim by the owner. If the owner at any time provides reasonable proof of entitlement to the net proceeds of the sale of an impounded item, within six months of the sale, payment of such must be made to that person.

If no valid claim is made with the six months period any surplus proceeds of the sale becomes the property of the council.

16. Offences in Relation to an Authorised Officer

See the parent document for details.

17. Offences

See the parent document for details.

18. Infringement Notices

As an alternate to prosecution, an authorised officer may issue an infringement notice in accordance with section 234 of the *Local Government Act 1989* and section 13 of the *Infringements Act 2006*. The infringement notice must be in the prescribed form in the amount specified in the parent document (two penalty units except for sections 18 and 28 of the local law where 10 penalty units apply).

Infringement notices may be issued upon detection of a breach of any section of the council's local laws.

Where a Notice to Comply has been issued and is not adhered to, then an infringement notice may be issued.

Any person issued with an infringement notice:

- may pay the penalty indicated to the council within 42 days of the notice being issued; or,
- is entitled to not pay the penalty indicated in the notice and instead defend the prosecution in court.

If representations are made or further relevant information becomes available, an infringement notice may be withdrawn on the authority of the chief executive officer or their delegate.

If payment of the amount specified in an infringement notice is not made within the 42-day period and the notice is not withdrawn the authorised officer may:

- pursue the matter by prosecuting for an offence; or,
- take any steps which may be available for enforcing penalties by registration of infringement notices.

19. Behaviour in Municipal Places or Roads

Upon detection of a breach of section 21 of the local law, an authorised officer may issue a Notice to Comply directing the person responsible to rectify the behavior so that the behavior no longer breaches the local law. The Notice to Comply is detailed schedule 1 of the local law.

If the matter is considered urgent or is endangering anyone or anything, an authorised officer may request the person responsible to cease the activity immediately or leave the premises/area and if they refuse, commence enforcement proceedings on the person responsible for the behavior.

If the Notice to Comply has not been complied with or if the breach warrants, an authorised officer may issue an infringement notice on the person responsible for the behavior.

In circumstances where the *Road Management Act* or *Road Management Plan* duplicates any activity prescribe under section 21 of the local law the local law provisions are not to be applied.

In relation to section 21.3.7 – use an amplifier or similar electronic device – consideration should be given to whether the emissions are unreasonable, offensive or intrusive. Reference should be made to *Environment Protection (Residential Noise) Regulations 1997* for guidance.

In relation to section 21.3.8 of the local law, specified wetlands are listed in schedule 2.

20. Access to Municipal Places

Any person who enters any municipal place other than through an entrance provided may be asked to leave the municipal place and if they refuse, enforcement action may be initiated.

In relation to motor vehicles being driven, ridden or parked in areas not designed for that purpose in a municipal place, in the first instance the driver/rider should be requested to remove the motor vehicle and enforcement action be initiated against the driver/rider or owner of the motor vehicle.

In urgent circumstances and where it appears the motor vehicle has been abandoned or no one is available to take responsibility for it or it has been left in a dangerous position, in addition to enforcement action, the motor vehicle maybe impounded.

21. Use of Council Buildings or Municipal Places

In determining whether to grant a permit in relation to section 23 of the local law, the following must be taken into consideration:

- the health and safety of the public;
- the need to ensure that activities of a person or group do not adversely affect the activities or enjoyment of another person or group;
- the need to protect the council or public authority assets or infrastructure from damage;
- legislation and policy directives of the Commonwealth and state governments and the Wodonga Council;
- whether the applicant has provided public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming activities subject to the application are covered under the policy; and,
- whether the event is small or low impact.

To determining if an event is small/low risk it should not be where:

- the use or activity is restricted solely to an individual, group or club, or organisation;
- there is a higher risk to the public, such as any risk of injury, media interest, or significant risk of damage to council

- facility or grounds or other asset;
- an entry fees is to be charged to participants, visitors, stall holder/s;
- donations are to be collected;
- a market is to be conducted;
- a significant structure is to be erected which may impact on grounds or other assets such as watering systems, electrical or plumbing work, or the risk of damage to flower beds, gardens or other material;
- food or other items are to be sold;
- alcohol or soft drinks are to be sold;
- any road, pathway or access is to be closed or restricted access to;
- there are animals on display, show or for sale or hire;
- vehicular access is required, i.e., show and shine, or other static display, i.e., caravan and leisure show in a public place; or,
- forms of onsite advertising is required, such as A-Frames, teardrop flags, or other structure is to be erected.

22. Activities Prohibited in Municipal Places

For clause 24.1 to 24.8, any person detected in breach of these provisions should be requested to cease the activity immediately and initiate enforcement proceedings.

If a Notice to Comply has been issued and not complied with or if the breach warrants, an authorised officer may commence enforcement proceedings on the person responsible for the breach. Note: These standards and guidelines have no effect where the *Wodonga Council Planning Scheme* has applicable provisions.

A person or persons may apply for a permit to undertake activities that relate to clause 24.9 through to 24.16. In determining whether to grant a permit or not, the following criteria must be followed.

Criteria for Issuing Permits:

A completed permit application form must be submitted a minimum 21 days prior to the proposed commencement of the event. In deciding whether to grant a permit the council must take into consideration:

- the location of the land;
- whether the proposed location is a municipal place or road;
- the suitability of the land for the proposed event;
- the duration of the event;
- the proposed hours of operation;
- the availability of sanitary facilities to the land;
- any likely damage to council assets and restatement proposals;
- the effect on the quiet enjoyment of other users of the municipal place or road and the amenity of the area;
- the availability of adequate safe parking;
- the likely effects on traffic in the area;
- whether the applicant has provided public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming activities subject to the application are covered under the policy; and,
- any other matter relevant to the circumstances associated with the application.

Permit Conditions May Include:

- specific location of event;
- the times and duration of the event;
- the type of event or function;
- facilities and services required, eg. rubbish, toilets, security, health and safety services;
- promotion and advertising;
- a requirement to provide public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming activities subject to the permit are covered under the policy;
- litter control facilities;
- provision of adequate parking facilities;
- a minimum footpath width for pedestrian traffic of 1.8 metres is to be maintained;
- details of the event organiser and emergency contact numbers; and,
- any other condition which the council considers to be appropriate.

23. Protection and Use of Drains

Upon detection of a breach of section 25 of the local law, an authorised officer may issue a Notice to Comply directing the property owner, the occupier or person responsible to rectify the behavior so that the behavior no longer breaches the local law.

If the Notice to Comply has not been complied with or if the breach warrants, an authorised officer may issue an infringement notice on the property owner, occupier or person responsible for the behavior. In urgent circumstances, enforcement proceedings can be commenced without the issuance of a Notice to Comply.

If the drain remains in contravention of the local law provision, an authorised officer may arrange to have the drain reinstated with all costs including administration, being the responsibility of the property owner, occupier or person or persons responsible.

24. Interfere with Council Assets

The listing of council assets as detailed in section 26 of the local law is not an exhaustive list. Any assets including trees, footways etc. are considered assets for the purposes of the local law.

Upon detection of a breach of this section of the local law, an authorised officer may issue a Notice to Comply directing the person or persons responsible for destruction, damage or interference to reinstate the asset to its condition prior to the destruction, damage or interference.

In urgent circumstances, enforcement proceedings can be commenced without the issuance of a Notice to Comply. If the Notice to Comply has not been complied with or if the breach warrants, an authorised officer may issue an infringement notice on the person or persons responsible for the behavior.

If the asset remains in a state of disrepair, an authorised officer may arrange to have the asset reinstated with all costs including administration, being the responsibility of the person or persons responsible.

25. Vehicle Access

The council may require:

- the construction of a temporary or permanent vehicle crossing; or
- the repair or reconstruction of a vehicle crossing by the owner or occupier of any adjacent land at his or her own cost, except that no person may be charged for the reconstruction of a vehicle crossing which has been an element for which an owner has previously paid, as part of a private street construction.

The owner or occupier of any land required to construct a permanent vehicle crossing by the council or an authorised officer under this clause must make application to the council for a permit in accordance with clause 27.2.

In determining such standards, the council must take into account:

- standards which commonly apply to comparable situations;
- the expected use of the crossing;
- the health and safety of the public;
- the need to ensure that activities of a person or group do not adversely affect the activities or enjoyment of another person or group;
- the need to protect the council or public authority assets or infrastructure from damage;
- legislation of the Commonwealth and state governments; and,
- the need for work to occur which is authorised by Commonwealth or state legislation, or by the council or a public authority.

26. Protection of Council infrastructure Assets During Building Work

To help protect the council's infrastructure and assets during construction, an Asset Protection Permit is required to be taken out in accordance with section 28 of the local law.

An Asset Protection Permit may contain conditions that:

- require payment of a security bond;
- require works to be done on or around the site to protect council infrastructure assets, the health and safety of the public, the environment and the amenity of the area;
- require entry to and exit from the site only at designated locations; and,
- any other reasonable condition.

If the council does not receive advice in writing as required under section 28.1.2, it will be deemed that there was no existing damage to the council infrastructure assets.

As soon as practicable after receiving notice of the issue of an occupancy permit or Certificate of Final Inspection, with respect to any building works, the council must cause an inspection of council infrastructure assets to be carried out.

If as a result of the inspection, the council considers that the building works have damaged council infrastructure assets, the council may:

- direct the builder and owner to repair the damage at their cost, in accordance with standards specified by the council and within a period of not more than 28 days; or,
- repair the damage and recover the cost from the security bond.

If repair of damaged council infrastructure assets is required, the builder or owner of the building site (as the case may be) must effect the repairs to the standards and within the time specified by the council.

If repair work is completed by the council and the cost is greater than the amount of the security bond, then the builder or the owner of the building site must pay to the council, the amount of the shortfall, being the difference between the cost of the repair work and the amount of the bond.

If the repair work is completed and the cost is less than the amount of the security bond, council may refund or release the unused portion of the security bond.

If as a result of inspections, the council considers that the building work has not damaged council infrastructure assets, council must refund or release the entire security bond.

An authorised officer may commence enforcement proceedings if the person responsible fails to take out an asset protection permit as required.

27. Building Works

The person in charge of a building site must ensure all provisions of section 29 of the local law are complied with. This includes ensuring site management as per section 29.1 and 29.2, management of waste including sediment, storm water and air pollutants and associated building activities

Where an authorised officer is of the opinion that a person in charge of the building site has failed to comply with any requirement of section 29 of the local law, a Notice to Comply may be issued on that person.

If the Notice to Comply has not been complied with, an authorised officer may issue an infringement notice on the person in charge of the building site.

In urgent circumstances, enforcement proceedings can be commenced without the issuance of a Notice to Comply and remedial action initiated to reinstate the matter. All costs including administration, being the responsibility of the person in charge of building works.

In situations where the person in charge of a building site has been previously issued a Notice to Comply for similar breaches, enforcement action may be initiated upon detection of the breach.

28. Condition of Land and Premises

In determining whether land is unsightly, dangerous or detrimental to the general amenity, the following attributes need to be considered.

Unsightly/Detrimental to Amenity

Unsightly is deemed to include but is not limited to anything that:

- is detrimental to the general amenity of the neighbourhood;
- is not in keeping with the housing and/or amenity standards of nearby properties”;
- harbours unconstrained rubbish;
- contains a disused excavation or waste material;
- has grass or weeds or similar vegetation that is in excess of 200mm from the natural surface of the ground;
- has dismantled vehicles or vehicle parts visible from adjoining roadway or properties; or,
- has any other matter on the property deemed to be unsightly by an authorised officer of the council.

Dangerous

Dangerous is deemed to include but is not limited to:

- a haven for vermin, noxious weeds, insects;
- excessive vegetation growth that adversely impacts on neighbouring properties;
- anything determined by an authorised officer to be dangerous or likely to cause danger to life or property; or,
- any other matter deemed to be offensive.

Upon detection of a dangerous or unsightly property, an authorised officer may issue a Notice to Comply directing the property owner or occupier to rectify the matter that is dangerous and or unsightly. The Notice to Comply may include:

- the name and address of the land owner or occupier of the dangerous and or unsightly property;
- the address of the subject property;
- the works to be undertaken;
- the period for the works to be completed by;
- the penalties associated with non compliance including compulsory removal; and,
- any other conditions deemed appropriate.

In urgent circumstances, enforcement proceedings can be commenced without the issuance of a Notice to Comply.

If the Notice to Comply has not been complied with or if the breach warrants, an authorised officer may:

- issue an infringement notice on the person or persons responsible for the behaviour; and
- have all necessary works undertaken as detailed in the Notice to Comply with all costs including administration, being the responsibility of the person or persons responsible.

29. Machinery, Materials, Goods or Vehicles on Land

Section 31 of the local law shall not apply to persons who, for recreational purposes repair, service, assemble, dismantle or store old or second hand motor vehicles, machinery, materials or goods provided that such activity is:

- not conducted for financial gain; and,
- not conducted in a manner which is unsightly or detrimental to the general amenity of the neighbourhood (see section 30 for details).

30. Parking of Vehicles in Residential Zones

Upon detection of a heavy vehicle being stored on land, an authorised officer may issue a Notice to Comply directing the driver to remove the heavy vehicle.

A driver/property owner/resident may apply for a permit to vary the local law provision.

In deciding whether to grant a permit or not, the council may take into consideration:

- the likely impact on the residential amenity of the neighbourhood;
- the level of noise emanating from the heavy vehicle;
- the opinion of the immediate community;
- pedestrian and motorist safety;
- any damage likely to be caused to council assets and street trees;
- fumes or related smells resulting from the parking of heavy vehicles;
- the proximity of neighbouring habitable buildings to the storage area;
- whether the manoeuvring requirements of the vehicle and the carriageway width will enable the vehicle to be turned within a maximum crossing width of four metres;
- any load limit restriction in force on the relevant road or surrounding roads;
- whether the property is of sufficient size and layout to enable the vehicle to be properly garaged; and,
- any other matter relevant to circumstances of the application.

The conditions of any permit may include:

- the period of the permit;
- placement of screening trees and plants;
- prohibiting repairs and servicing of the heavy vehicle;
- the location on the property where the heavy vehicle will be stored;
- times for entry and egress by the heavy vehicle to and from the property;
- the condition and maintenance of the storage location;
- installation of appropriate road crossover;
- details of the permit holder and emergency contact numbers; and,
- any other condition deemed appropriate.

If an application for a permit is received, the council shall require that notice of the application be given to adjoining or nearby land owners seeking their comment on the application prior to any decision being made.

31. Alarms

Despite the provisions of section 33 of the local law, an alarm may operate for a further period of up to 10 minutes, should another detection device in the same building be activated following the cessation of the alarm noise in accordance with section 33.1 of the local law.

The owner or occupier of a premise containing an alarm, which does not comply with the requirements of this section may be issued a Notice to Comply to:

- adjust the alarm, or have it adjusted, to comply with the requirements;
- replace the alarm with an alarm that complies with the requirements; or ,
- permanently disconnect the alarm, or have it permanently disconnected.

32. Camping and Caravans

Upon detection of camping on any land, road (other than a freeway or arterial road) or municipal place, an authorised officer may issue a Notice to Comply directing the camping to cease.

A person may apply for a permit under this section and in consideration of any permit, the council will take into account the following:

- the reason for the application ie. any special needs of the applicant;
- the location of the land;
- the amenity of the area;
- whether the camping is for the purpose of housing for the applicant while a home is being erected on the site;
- the size of any camp/caravan and the number of occupants;
- the suitability of the land for the intended use;
- the location of the camp/caravan within the land;
- the proximity of adjacent habitable dwellings on adjoining land;
- the availability of toilet and sanitary facilities and the habitation standards;
- if in a municipal place or road, whether camping or caravanning is a suitable use of the area and that there are adequate toilet facilities available;
- if in a municipal place or road, the opinion of managing authority;
- if in a municipal place or road, if the proposed use is permitted; and,
- any other matter relevant to the application.

Permit Conditions

The conditions of any permit may include:

- details of the permit holder and emergency contact numbers;
- the duration of the permit (maximum period six months);
- the number of camps/caravans (maximum one) and occupants;
- the site of the camp/caravan;
- the use of the camp/caravan;
- the provision of toilet, sanitary and other facilities required (all wastes to be disposed of to an approved sewer or septic tank system); and,
- any other conditions deemed necessary.

A permit is not required under section 34 in respect of camping:

- in a licensed caravan or camping area which complies with relevant legislation;
- on a private property and provided not more than four persons are accommodated and the period of camping is not more than 14 days in any period of 12 months and no nuisance or public health or safety hazards are created by the activity; or
- notwithstanding clause 32.1, the council may declare an area or location within the municipal place as designated by the council as an area where a caravan or vehicle can park overnight for a maximum of 48 hours.

Newer RVs and caravans often have toilets and showers and do not pose the problems as in the past. A number of sites where overnights stays are permitted will be listed in the schedule.

The council will take into account the following:

- the duration of the permit;
- the location of parking and its proximity to other residential properties;
- the impact on the amenity of the resident/s;
- the width of the road/street/lane;
- is the parking in line with Wodonga Council central business area parking strategic direction;
- must be in consultation with other residents and permission must be obtained in writing;
- vehicle must comply with state vehicle registration requirements (be currently registered); and
- any other relevant matter.

33. Abandoned Vehicles

If a motor vehicle is left standing on any road for 14 continuous days, an authorised officer may serve a Notice to Comply directing the motor vehicle's owner to remove the motor vehicle from the place of storage.

34. Residential and Commercial Parking Permits

A person may apply for a permit to under this section and in consideration of any permit, the council will take into account the following:

- the duration of the permit (maximum period 12 months);
- the location of parking and its proximity to other residential properties;
- the impact on the amenity of the resident/s;
- the width of the road/street/lane, (in consultation with a council engineer);
- is the parking in line with Wodonga Council central business area parking strategic direction;
- must be in consultation with other residents and permission must be obtained in writing;
- Vehicle must comply with state vehicle registration requirements (be currently registered).

35. Materials and Vegetation which may cause danger or damage

Upon detection of any material or vegetation on land that may cause a danger to road or municipal place users, a Notice to Comply may be issued to the land owner or occupier requiring that either:

- the material be removed so as the potential danger is mitigated; or,
- the vegetation be reduced to allow unimpeded access.

Any vegetation adjacent to a road must not reduce lines of sight for approaching motorists, traffic signals or directions and be of sufficient height so as not to impede any vehicles.

36. Overhanging Vegetation

Upon detection of any vegetation that encroaches on to a road (including a road reserve or footway or similar), a Notice to Comply may be issued to the land owner or occupier requiring them to cut back the vegetation to the property line (minimum) and for any overhanging vegetation to a minimum height from the ground of 2.5 metres.

Where overhanging material impacts vehicles on a road, the Notice to Comply must direct the removal of the material so as not to impede any motor vehicle.

37. Vermin and Noxious Weeds

The council may, by a Notice to Comply, require the owner or occupier of any land to destroy and remove any vermin or noxious weeds, which are located on the land.

The time specified for compliance in a Notice to Comply served under this local law must be reasonable in the circumstances, taking into account, if applicable:

- the amount of work involved;
- the degree of difficulty;
- the availability of necessary materials or other necessary items;
- climatic conditions;
- the degree of risk or potential risk; and,
- any other relevant matter.

38. European Wasps

See the parent document for details.

39. Numbering of Allotments

If an allotment has been allocated a number, the owner or occupier must display that allocated number so as to be:

- an appropriate form and size;
- of durable material; and,
- maintained in good condition so that it continues to comply with the requirements of this section.

The 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.

40. Prevention of Fire Risks

If the condition of any chimney or fireplace is such that it is not compliant with the relevant building regulations or is causing unreasonable nuisance to surrounding residents, a Notice to Comply may be issued on the owner or occupier of the premises to:

- undertake such works so as to make the chimney or fireplace compliant with those regulations; or,
- only burn material that does not cause unreasonable nuisance (see section 45).

41. Fires in the Open Air

This clause does not apply to any fire that:

- is lit by a member of the Country Fire Authority or other authorised authority in the course of their duties; or,
- is lit in a barbecue for the purpose of cooking food for human consumption.

Generally permits to burn will not be issued as the Wodonga Council is mainly an urban environment. However there are some residential/settlement areas (e.g. Baranduda, Patricevale, Barnawartha North) where wildfire threats exist and there is a limited need to burn off.

Residents wishing to reduce material should use existing resources including green organic collections and the Waste Transfer Station. However, in urgent circumstances a permit maybe issued if the fire risk to surrounding property owners is significant

In deciding whether to grant a permit, the council must have take into consideration:

- the location of the proposed burning in proximity to adjoining land;
- the size and zoning of the land on which the burning is to take place;
- any alternative means of disposal;
- any adequate means of supervising the burning;
- any adequate means of controlling and extinguishing the spread of fire;
- the degree to which the material to be burned may cause a nuisance;
- any policies of the Environment Protection Authority;
- whether the material to be burnt is offensive or toxic;
- whether any fire restrictions are in place;
- whether the burn is for environmental purposes; and
- any other matter relevant to the circumstances associated with the application.

Permit Conditions

The conditions of any permit may include:

- the days and times of the burn;
- restrictions/prohibition during certain weather conditions (e.g. smog alert days, total fire ban days, etc);
- notification of emergency services;
- prohibition of burning offensive and toxic material;
- no nuisance to be caused by the lighting of the fire
- supervision of the fire at all times;
- adequate water supply/fire fighting equipment available on site
- details of the permit holder and emergency contact numbers; and,
- any other conditions deemed necessary.

Offensive material includes but is not limited to:

- any manufactured chemical;
- any rubber or plastic;
- any petroleum or oil;
- any paint or receptacle which contains or which contained paint;
- food waste; and,
- any other material as determined by the council.

42. Incinerators

The construction and/or use of incinerators for any purpose is prohibited unless they are:

- A tool of trade and is used in a manner sanctioned by a permit issued under a planning scheme; or,
- Licensed under the *Environment Protection Act 1970*.

43. Nuisance caused by fire

An owner or occupier of any premises must not allow any smoke, ash, soot, dust or smell or any other thing to emanate, which interferes with the reasonable comfort or convenience of persons who occupy adjacent or nearby land.

This clause includes emissions from chimneys, fireplaces, barbecues or any activity involving fire.

An owner or occupier of land causing the nuisance is to be directed to take appropriate action to immediately cause the nuisance to cease. A Notice to Comply may also be issued subsequently directing that the nuisance not continue.

44. Dilapidated Buildings

See section 28.

In addition, any premises whose condition is not compliant with the relevant building code/ regulation is deemed to be in breach of this section.

45. Shopping Trolleys

Upon detection of a shopping trolley on any road or municipal place, an authorised officer may direct the person in charge of the retail premise where it came from, to remove the shopping trolley within the prescribed period.

Failure to comply with any Notice to Comply issued may result in penalty notices being issued for each non-compliance and all costs of removal incurred by the council being the responsibility of the nominated person on the Notice to Comply.

In circumstances where the trolley poses an environmental or traffic hazard, the authorised officer may remove and impound the trolley.

46. Signs, Good and Furniture

The Council may impound any –

- goods;
- advertising sign;
- mobile billboard; or,
- seat, umbrella, table, chair, planter box or other items,

placed or left on a road or council land in contravention of this section or any permit issued under this local law.

An authorised officer may give directions for the purposes of safety, public health or any emergency consideration.

Any permit issued under this section must incorporate disability access principles and relevant legislative and AS 1428.2 or equivalent requirements in the permit conditions.

Place any advertising sign

In deciding whether to grant a permit the council may take into consideration:

- whether an advertising sign is proposed to be placed in a location which would cause a danger/hazard to pedestrians or traffic;
- whether the application is consistent with relevant Planning Scheme provisions;
- whether the proposed location is directly outside the normal business address of the applicant;
- whether the signs relate to a registered business;
- whether adequate signage already exists;
- the width and height of the sign;

- whether the sign relates to a garage sale;
- whether the signs have any directional markings that are similar to traffic management devices;
- whether there are any other authorised signs displayed for the applicant's premises;
- whether AS 1428.2 or other disability standards can be complied with;
- whether more than one business resides at the address (if more than one, eg a factory complex, no permission is to be given);
- whether the applicant has provided public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming items subject to the application are covered outside the premises;
- whether the signs are proposed to be placed or erected on street furniture, traffic management devices, flora, trees, shrubs etc; and,
- any other matter relevant to the circumstances of the application.

Permit Conditions

Permit conditions may include:

- the period of the permit (maximum one (1) year);
- payment of a fee as prescribed by the council;
- details of the permit holder and emergency contact numbers;
- each sign must not exceed 1 metre height or 600mm width;
- no more than one sign per property;
- signs must be placed on the outer edge of the footpath and be set back 500mm from the face of the kerb;
- a minimum footpath width for pedestrian traffic of 1.8 metres is to be maintained;
- no sign or display is to have any moving, rotating, illuminated or reflective components;
- times allowed will generally be restricted to daylight hours;
- each sign must be made and maintained in a professional manner to ensure safety to the user and general public;
- all signs and displays must be kept to the front of the business that they promote;
- a requirement to provide public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming items subject to the permit are covered outside

- the premises; and,
- any other condition which the council considers to be appropriate.

Display any goods

In deciding whether to grant a permit the council may take into consideration:

- whether the goods are to be placed in a location which would cause a danger/hazard to pedestrians or traffic;
- whether the proposed location is outside the normal business address of the applicant;
- whether the goods relate to a registered business;
- the dimensions of the goods;
- whether permission has been granted for the display of any other goods, signs etc for the business;
- whether the goods pose a risk to pedestrians or traffic;
- whether AS 1428.2 or other disability standards can be complied with;
- whether the applicant has provided public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming items subject to the application are covered outside the premises;
- the area proposed is part of an intersection; and,
- any other matter relevant to the circumstances of the application.

Permit Conditions

Permit conditions may include:

- the period of the permit (maximum one (1) year);
- payment of a fee as prescribed by the council;
- details of the permit holder and emergency contact numbers;
- the goods must not take up more than 10% of the carriageway adjacent to the premises;
- the placement of the goods must be on the outer edge of the footpath and be set back 500mm from the face of the kerb;
- a minimum footpath width for pedestrian traffic of 1.8 metres is to be maintained;
- authorisation from other agencies if applicable eg Health Department;
- times allowed will generally be restricted to daylight hours;
- all goods must be kept to the front of the business that they promote;

- a requirement to provide public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming items subject to the permit are covered outside the premises; and,
- any other condition which the council considers to be appropriate.

Place any outdoor eating furniture or associated facilities

In deciding whether to grant a permit the council may take into consideration:

- whether the placement of the table and chairs would cause a danger to pedestrians;
- whether the proposed location is outside the normal business address of the applicant;
- whether permission has been granted for the display of any other goods, signs etc for the business;
- whether AS 1428.2 or other disability standards can be complied with;
- whether any planning controls are in place relating to the proposal;
- whether the applicant has provided public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming items subject to the application are covered outside the premises; and,
- any other matter relevant to the circumstances of the application.

Permit Conditions

The conditions of any permit may include:

- the period of the permit (maximum one (1) year);
- tables and chairs must be placed on the outer edge of the footpath and be set back 500mm from the face of the kerb;
- a minimum footpath width for pedestrian traffic of 1.8 metres is to be maintained;
- tables and chairs must be made and maintained in a professional manner to ensure safety to the user and general public;
- all tables and chairs must be kept to the front of the business that they promote;
- a requirement to provide public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming items subject to the permit are covered outside the premises;
- details of the permit holder and emergency contact numbers;
- payment of any prescribed fee; and,
- any other condition which the council considers to be appropriate.

Place any structure for the purpose of selling or offering to sell any goods or services

In deciding whether to grant a permit, the council must take into consideration:

- whether the safety of road users or the passage of vehicles will be affected by the placement;
- whether permits required by the *Health and Wellbeing Act 2008*, *Food Act 1984* or any other legislation have been obtained;
- whether the activity will disturb, annoy or disrupt adjacent property owners or occupiers;
- whether AS 1428.2 or other disability standards can be complied with;
- whether the activity will be detrimental to the amenity of the area;
- whether appropriate arrangements can be made for waste water disposal, litter and garbage disposal, lighting and advertising signs;
- whether the consent of the VicRoads has been obtained where the road is a declared highway;
- whether there are safe entry and egress points for vehicular traffic;
- whether the applicant has provided public liability insurance to the minimum value

as specified by the council's risk officer or nominated person with the council's interest noted and confirming items subject to the application are covered outside the premises;

- whether any sanitary facilities are required;
- whether off-road parking facilities are available;
- the proximity of permanent like businesses; and,
- any other matter relevant to the circumstances of the application.

Permit Conditions

The conditions of any permit may include:

- the period of the permit (maximum one (1) year);
- requirement for *Food Act* registration if relevant;
- the location and time of roadside trading;
- a requirement to provide public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming items subject to the permit are covered outside the premises;
- safe entry and egress points;
- the provision of sanitary facilities
- a minimum footpath width for pedestrian traffic of 1.8 metres is to be maintained;
- permission from any other authorities that may have an interest in the land;
- details of the permit holder and emergency contact numbers;
- payment of any prescribed fee; and,
- any other condition which the council considers to be appropriate.

Signs on municipal places

The purpose of these standards and guidelines is to ensure that signs located on municipal places do not have adverse impacts in relation to amenity and public safety and the protection of the council and other assets

Permanent signage/banners

Authority to erect, affix or place permanent signage at any municipal place must:

- require that the sign be securely fixed to fences and/or buildings or so displayed that the possibility of injury to any person or damage to any facility is avoided;
- be limited in time to the period of the lease/hire/seasonal use of the property or facility;
- require that any such sign be removed within seven days of the end of the lease/hire/seasonal use, unless agreement is reached between tenants;
- require that advertisements/sponsorship signs around the sports ground be placed so that they face inward to the reserve or municipal place;
- not contain advertising of alcohol, cigarettes, or tobacco products;
- require the size of any sign fixed to boundary fences to be limited to three square metres, and to not extend above or below the fence;
- require any other sign within the reserve to be limited to three square metres;
- prohibit signs or banners being secured to trees or safety rails or bollards, or in such a manner that council assets are damaged or public safety is compromised;
- require that a next game sign facing outward from the sporting area or facility, or which is visible within the surrounding park, must be limited to three colours (including the background colour), be no more than three square metres in size and is to have a maximum commercial sponsorship (including logos) of 20% of the total sign size;
- prohibit any other permanent sign which faces outward from the sporting reserve and/or facility;

- prohibit any banner or signs which are worded or contain illustrations that are likely to cause offence to any person or organisation; and,
- require the applicant to provide public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming items subject to the application are covered under the policy.

Temporary signs/banners

This section of the standards and guidelines allows the placement of temporary community event signs to be displayed on municipal places provided that they comply with the specification and requirements detailed following.

A temporary community event sign is prescribed as a sign promoting a local event that is for non-commercial purposes. The community event must be held within the municipal boundary.

For the purposes of allowing the advertising of community events, the following site is available for the erection of signs to promote local, not for profit organisations, or community events that are being conducted within the municipality.

- Lincoln Causeway – Gateway Island

Advertising on all other council properties to be limited to promoting community activities on the site and within 500 metres of the sign.

- Allow a maximum of two signs on each site at any one time.
- Require the size of the sign to be limited to a maximum size of three square metres.
- Be considered on a 'first come, first served' basis.
- The council or its designated officer reserves the right to cancel bookings should works need to be carried out on that site at the time allocated. (Should this occur the council will endeavour to allocate an alternative site).
- Require all sites to comply with VicRoads requirements (where applicable).
- Allow an approved sign or banner to be installed a maximum of 21 days prior to the event and require removal within 48 hours of the conclusion of the event.
- Require that any sponsorship of the sign be acknowledged within a space that is no greater than 20% of the total surface area of the sign.
- Require the signs to be maintained in a clean state of repair at all times.
- Prohibit signs that are worded or contain illustrations that are likely to cause offence to any person or organisation.
- Require, prior to the erection of any sign, the applicant provide public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming items subject to the application are covered under the policy.
- Require that the sign must be securely fixed and so displayed that the possibility of injury to any person or damage to any facility is avoided.
- Sporting and recreational clubs may apply for one temporary sign at a time for display outside their sporting ground/facility for a special one-off event and/or to encourage new participants in accordance with these standards and guidelines.
- The maximum size of any banner displayed is limited to 3000mm x 900mm.

Prior to installation/erection of any sign or banner on a municipal place, an application must be made as follows.

- Applications for permanent signage shall be made to the recreation services co-ordinator or successor.
- Applications for temporary signage shall be made to the council's parks department.

Any sign found to be placed in contravention of these standards and guidelines may be impounded and the person responsible for its placement issued with enforcement proceedings with all costs for the sign's impoundment the responsibility of that person.

47. Clothing Bins

In consideration of allowing an owner or occupier of land to place a clothing bin, the following matters must be considered.

- The use of the land for that purpose is permitted under the Planning Scheme and any permit required there under, has been obtained.
- The requirements of the Fundraising Appeals Act 1998 and regulations there under are complied with.
- The bin is constructed, designed and finished in a manner which ensures stability and accessibility, restricts entry by persons and minimises vandalism. The bin is located so as to be stable in all conditions.
- The site is appropriately landscaped and attractive in presentation.
- The site is highly visible, well lit and secure for users.

A sign is erected on the site specifying that:

- materials must be placed in the bin and not alongside it;
- materials must be clean and of a specified type; and,
- materials which are putrescible refuse or offensive or dangerous must not be placed in the bin or on the site.

- The bin and site are kept in a neat and tidy condition at all times and free from any condition that may adversely affect the health and safety of any person.
- Any putrescible refuse or offensive or dangerous material placed in or alongside the bin is promptly removed within 24 hours of notification.
- The bin is placed in a position on the land that:
 - allows vehicular and pedestrian traffic good visibility and access when entering and leaving the site; and,
 - does not interfere with access to adjacent or nearby restricted parking zones;
- The bin is cleared at regular intervals, so that the contents at any time do not spill out onto the site.
- The bin is cleared within 48 hours of receiving a direction from the council to do so.
- The bin is kept free of graffiti.

In considering whether or not to issue a permit under this clause, the council or its delegate must take into account the matters specified above.

48. Bulk Containers and Obstructions on Roads or Municipal Places

In deciding whether to issue a permit under this section, the following items must be taken into consideration.

- Whether the placement will obstruct the passage of vehicles and pedestrians, obscure the view of motorists or present a physical hazard.
- Whether the placement will contravene any traffic control signs.
- Whether hazard lighting and or reflective tape can be securely placed so as an approaching motorist can identify the extent and form of the container or obstruction.
- Protection of any Council assets.
- Whether persons who may be liable for injury caused by the placing of the sign are insured against that risk.
- Whether the applicant has provided public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming items subject to the application are covered outside the premises.
- The period of the permit (that should not extend past five days).
- The location for the activity.
- Environmental protection works/activities.
- Details of the organiser and emergency contact numbers.
- Payment of any prescribed fee.
- Be registered with the City of Wodonga as a bulk container supplier.
- Any other condition which the Council considers to be appropriate.

The council may impound any:

- bulk rubbish container left on a road or footway or municipal place;
- other thing that was left and encroaches on, or obstructs the free use of, a road or other municipal place; or
- that reduces the breadth, or that confines the limits, of a road or other municipal place;

without a relevant permit or if permit conditions have been contravened.

This section does not apply to the works or activities of a public authority.

Shipping containers due to their size are generally considered inappropriate to be placed on any road or municipal place.

However, with the introduction of "pop-up" businesses constructed from a shipping container, these will be treated as a business and not as a storage unit.

Permit Conditions

Conditions of any permit issued may include:

- any bulk rubbish container placed on any road surface, any part of a road reserve or any part of a nature strip must have lighting and/or reflective tape in accordance with the industry code of practice affixed to the container at all times;
- any lighting and or reflective tape affixed must illuminate the bulk rubbish container and shall be self-activating so as to operate in darkness and/or reduced natural light conditions;
- any light affixed to a bulk rubbish container shall be clearly visible at a minimum distance of 200 metres from the container;
- the light shall be affixed to the topmost edge of the bulk rubbish container, which is the closest to the centre of the road;
- reflective material affixed to the bulk rubbish container in accordance with the requirements relating to Visibility and Reflective Marking of Waste Bins specified in *VicRoads Code of Practice* for the placement of Waste Bins on Roadsides' dated January 2001 or any amended or replacement code published by VicRoads from time to time dealing with the placement of waste bins on roadsides; and,
- a requirement to provide public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming items subject to the permit are covered outside the premises.

49. Occupation of Roads or Municipal Places for Works

In determining whether to grant a permit to enable works to be undertaken in these areas, the following must be taken into consideration.

- The health and safety of the public.
- The establishment of alternate access.
- The duration of the obstruction.
- The placement of barricades and warning devices.
- The need to ensure that activities does not adversely affect the activities or enjoyment of another person or group.
- The need to protect council or public authority assets or infrastructure from damage.
- Other legislation and policy implications.
- Whether the applicant has provided public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming items subject to the application are covered outside the premises.

For permits for works on roads the provisions of the *Road Management Act and Plan* must be taken into consideration.

50. Repair of Vehicles

In urgent circumstances a permit from the council is not required where minor works are required to make a vehicle roadworthy e.g. replace tail lights, change a tyre, etc to enable the vehicle to be removed.

In deciding whether to grant a permit the council must take into consideration:

- the nature and duration of the works;
- the likely hazard that the works may constitute to users of the road;
- whether the applicant has provided a written indemnification of Wodonga City Council against liability arising from activities authorised by the permit;
- available alternatives;
- the effect on the quiet enjoyment of other users of the municipal place or road and the amenity of the area;
- any adverse environmental impacts; and,
- any other matter relevant to the circumstances of the application.

Permit Conditions

Permit conditions may include:

- the period of the permit (that should not extend past two days);
- details of the permit holder and emergency contact numbers; and a requirement to provide public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming items subject to the permit are covered outside the premises;
- the types of works to be undertaken;
- environmental protection works/activities; and,
- any other condition which the council considers to be appropriate.

51. Substances Deposited on Road from Vehicles or Animals

A person in charge of a vehicle or animal from which any substance has fallen or been deposited onto a road or municipal place must take reasonable steps to promptly remove and properly dispose of the substance, make good any damage and remove any consequent hazard.

Proper disposal includes disposal in a manner that is lawful and does not cause any nuisance, health hazard or environmental damage. The person in charge of the vehicle or animal may be issued with enforcement proceedings should they not comply with this provision. Substances include but are not limited to grease, oil, mud, clay and faeces.

52. Consumption of Alcohol or Possession in Unsealed Container

This section does not apply:

- to a person in licensed premises or authorised premises under the *Liquor Control Act 1987*;
- where the consumption of alcohol is taking place in accordance with a relevant permit issued under this part, or
- where the consumption of alcohol is taking place within a public place defined in the table listed in schedule 2.

A completed permit application form must be submitted a minimum seven days prior to the proposed commencement of the event.

Criteria for Issuing Permits:

In deciding whether to grant a permit, the council may take into consideration:

- the effect on the quiet enjoyment of other users of the municipal place or road and the amenity of the area;
- the nature, time, location and duration of the event or function;
- the availability of sanitary facilities and rubbish removal;
- protection of council assets and the environment;
- any comments received in respect of the application;
- whether emergency services notification is required;
- the purpose of the municipal place or road;
- whether liquor consumption is consistent with the normal use of the municipal place or road;
- whether the applicant has provided public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming items subject to the application are covered outside the premises;
- the applicant's record in conducting similar events or functions;
- if the consumption of alcohol is an associated business activity of the applicant (ie restaurant, sporting club);
- any submissions lodged; and,
- any other matter relevant to the circumstances of the application.

Permit Conditions

Permit conditions may include:

- the name and description of the municipal place or road where the permit applies;
- the times and duration of the event;
- the event or function, the persons or groups permitted to consume liquor;
- facilities and services required eg. rubbish, toilets, security, health and safety services;
- promotion and advertising;
- a requirement to provide public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming items subject to the permit are covered outside the premises;
- the applicant's service address and emergency contact details; and,
- any other conditions deemed necessary.

53. Soliciting Gifts

This clause does not apply to any activity that:

- is authorised under the Fundraising Appeals Act or other state or Federal legislation;
- if conducted door to door, does not occur on any day other than a Saturday, Sunday or designated public holiday, and does not commence before 10am or continue after 4pm; and,
- is done only by means of a pamphlet or leaflet, which invites donations of used clothing or household goods for a charity, and which is put into the letterbox of any property.

Applying for a Permit

A completed permit application form must be submitted 14 days prior to the proposed commencement of the event.

Criteria for Issuing Permits:

Permits are available for the organisers of events or functions that are to be held in a municipal place or on a road. In deciding whether to grant a permit the council must take into consideration:

- the times and days it is proposed to collect;
- the matter or thing to be collected;
- where the application relates to an intersection collection, whether the proposed site is suitable;
- the impact on traffic and safety of pedestrians;
- whether persons who may be liable for

injury caused by the collection activity are insured against that risk;

- whether the applicant has provided public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming items subject to the application are covered outside the premises;
- any view of the Victoria Police or roads corporation (where relevant) concerning the proposed location or conduct of any collection;
- any other matter relevant to the circumstances of the application;
- if the site has been booked for the proposed date;
- whether the applicant is a registered charity in accordance with the *Charities Act*;
- whether the activity is for a not for profit community or charity group/activity;
- whether the activity is for a local, national or international organization;
- whether the organisation has a previous history of non-compliance;
- the number of similar events already undertaken by the organisation in the same calendar year (max 4);
- any submission lodged; and,
- any other matter relevant to the circumstances of the application.

Permit Conditions may include:

- the period of the permit including the days and times;
- disclosure of the name and nature of benefiting organisation;
- the identification of collectors;
- a requirement to provide public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming items subject to the permit are covered outside the premises; and,
- any other conditions deemed necessary.

54. Distribution of Unsolicited Material

This clause does not apply if the material is: delivered to a property and are either:

- put in a letterbox;
- delivered with consent of the owner or occupier of the property; or,
- properly authorised electoral material, or any other thing, distribution of which is authorised under state or federal legislation;
- distributed in a manner which:
- does not cause obstruction of any footpath or road, doorways or passageways on any other council land;
- does not cause an assemblage of persons that interferes unreasonably with the use and enjoyment of public areas by any person; and,
- does not cause a safety hazard for any person, is not likely to result in littering of, or damage to, any council facilities or infrastructure.

A person must not on any road or municipal place distribute to any person any advertising or promotional items or any printed material. Littering provisions may also be covered under the provisions of *EPA Act 1970*.

55. Persons Selling Goods or Services

In deciding whether to grant a permit the council must take into consideration:

- whether any undue obstruction will be caused to pedestrians or vehicle traffic in the area specified;
- whether any interference will be caused in relation to other approved activities in the area;
- the applicant's record in conducting similar events or functions;
- the effect on the quiet enjoyment of other users of the municipal place or road and the amenity of the area;
- the nature, time, location and duration of the event or function;
- whether AS 1428.2 or other disability standards can be complied with;
- whether the applicant has provided public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming items and/or services subject to the application are covered under the policy;
- whether the material is deemed offensive or unsuitable;
- whether there are safe entry and egress for motorists; and the provision of sanitary facilities;
- other legislation and policies including the *Food Act*;
- whether the activity is for not-for-profit charity or local community organisation; and,
- any other condition which the council considers to be appropriate.

Permit Conditions

The conditions of a permit may include:

- that no sound amplification equipment may be used;
- details of the permit holder and emergency contact numbers;
- the time and place the selling is to occur;
- a minimum footpath width for pedestrian traffic of 1.8 metres is to be maintained in accordance with *Disability Discrimination Act* principles and relevant codes and standards;
- that the permit holder will comply with all directions by an authorised officers or a member of the police force, including a direction that busking cease or that the location of the busking be moved to lessen congestion or inconvenience to other persons;
- that the permit holder is to leave the site clean and in its original condition and remove all litter and other material from the site;
- a requirement to provide public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming items and/or services subject to the permit are covered under the policy;
- selling of alcohol and tobacco products is prohibited; and,
- any other condition which the Council considers to be appropriate.

56. Busking

In deciding whether to grant a permit the council must take into consideration:

- whether any undue obstruction will be caused to pedestrians or vehicle traffic in the area specified;
- whether any interference will be caused in relation to other approved activities in the area;
- the applicant's record in conducting similar events or functions;
- the effect on the quiet enjoyment of other users of the municipal place or road and the amenity of the area;
- the nature, time, location and duration of the event or function;
- whether AS 1428.2 or other disability standards can be complied with;
- whether the applicant has provided public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming the activity as detailed on the application are covered under the policy;
- whether the material is deemed offensive or unsuitable; and,
- any other condition which the council considers to be appropriate.

Permit Conditions

The conditions of a permit may include:

- that no sound amplification equipment may be used;
- details of the permit holder and emergency contact numbers;
- the time and place the busking is to occur;
- a minimum footpath width for pedestrian traffic of 1.8 metres is to be maintained in accordance with *Disability Discrimination Act* principles and relevant codes and standards;
- that the permit holder is not to sell or offer or expose for sale any article or commodity;
- that any drawings, sketches or other artwork made on any footpath must be easily erasable, in a non-permanent medium such as chalk, charcoal or pastel, and must not be detrimental to the environment;
- that the permit holder will comply with all directions by an authorised officers or a member of the police force, including a direction that busking cease or that the location of the busking be moved to lessen congestion or inconvenience to other persons;
- that the permit holder is not to advertise or associate the busking activity with advertising in any performance;
- a requirement to provide public liability insurance to the minimum value as specified by the council's risk officer or nominated person with the council's interest noted and confirming the activity subject to the permit is covered under the policy; and,
- any other condition which the council considers to be appropriate.

Part F – Keeping of animals and birds

57. Restrictions on the Number of Animals or Birds that may be Kept on any Premises

For the purpose of calculating the number of animals and birds that are allowed to be kept without a permit, the progeny of any animal listed in section 58.1, 58.2 and 58.3 shall be exempt for a period of 12 weeks after its (their) birth.

In deciding whether to grant a permit the council must take into consideration:

- complaints received in relation to the keeping of the animals/birds;
- the amenity of the area;
- the type and additional numbers of animals to be kept;
- the likely effects on adjoining owners or occupiers;
- the adequacy of animal shelters;
- the proximity of any adjacent habitual dwelling to penning facilities;
- whether the local community is in support of the application;
- whether the dogs or cats are registered;
- whether relevant provisions of the *Domestic (Feral & Nuisance) Animals Act 1994* can be complied with;
- recommendations as a result of an onsite inspection from a ranger/authorised officer; and,
- any other matter relevant to the circumstances associated with the application.

Permit Conditions

The conditions of any permit may include:

- the period of the permit;
- the location where the animals/birds housing/shelter will be placed;
- the numbers and types of animals/birds to be kept;
- housing conditions;
- food storage facilities;
- nuisance minimisation requirements;
- details of the permit holder and emergency contact numbers;
- payment of the prescribed fee; and,
- any other conditions deemed relevant to the application.

58. Conditions under which Animals are kept

The occupier of any land on which an animal or bird is kept must ensure that:

- the ground within three metres of the place where the animal is kept is free from dry grass, weeds, refuse, rubbish; and other material harbouring, or which may harbour, rats or other vermin;
- all food for consumption by the animal is kept or stored in a vermin and fly-proof receptacle;
- the ground surrounding the place where the animal is kept is drained to the satisfaction of the council; and,
- all manure, excrement, refuse or rubbish produced or accumulated by the animal is, as soon after the production or accumulation as is reasonably practicable, placed in a container:
 - which is vermin and fly-proof;
 - which has impervious walls and an impervious floor;
 - which is maintained in a good state of repair so as to prevent escape or leakage;
 - which is kept covered by a fly and vermin-proof lid;
 - which is maintained in a clean and sanitary condition; and,
 - the contents of which are removed and disposed of at least once every week, or at such other intervals as an authorised officer considers necessary, having regard for the objectives of this local law.

Any structure used to house animals or birds must be placed a minimum distance of one metre from any boundary and:

- be insulated to minimise noise emissions;
- must have impervious walls and flooring; and,
- must be a minimum 15 metres from any adjacent habitable room.

A person must not keep any poultry in wire-mesh cages.

Any structure used for the housing of poultry must have an impervious floor, which is to be maintained in a clean and sanitary condition and in a good state of repair.

A person who keeps pigeons on any land must not permit the birds to fly free outside the loft, in the immediate neighbourhood, on any day between the hours of 10am and 4pm unless a permit specifying different hours is held except:

- when pigeons are returning to the loft on a designated race day organised by a National or State Homing Pigeon Association; or
- returning to the loft from a training flight where the release of the pigeons has been from a location outside the municipal district.

In deciding whether to grant a permit the council must take into consideration:

- the size and placement of the shelter;
- the number of animals to be kept in the shelter;
- the capacity to maintain it in a sanitary and inoffensive condition;
- the capacity to protect neighbours from noise and other nuisances from animals;
- the proximity of any adjacent habital dwellings to the shelter;
- provisions of section 4.1 of these standards and guidelines; and,
- any other matters considered to be relevant.

Permit Conditions

The conditions of any permit may include:

- the period of the permit;
- all waste to be removed and/or treated as often as necessary so that it does not cause a nuisance or offensive condition;
- all waste to be stored in a fly and vermin-proof receptacle until removed from the premises or otherwise disposed of to the satisfaction of the environmental health officer;
- the location of the housing is to be a minimum of five metres away from any adjoining habital building;
- the ground surrounding the housing is drained to ensure run off does not affect neighbouring properties;
- the area of land within three metres of the area or structure in which the animals/ birds are kept must be kept free from material capable of harbouring vermin;
- all food, grain, etc is kept in vermin-proof receptacles;
- the area where animals are kept must be maintained at all times in a clean and sanitary state;

- details of the permit holder and emergency contact numbers; and,
- any other condition deemed appropriate.

59. Noise and Smell

Upon detection of a breach of section 60 of the local law, an authorised officer may issue a Notice to Comply directing the person responsible to rectify the issue so that it no longer breaches the local law. The Notice to Comply is detailed schedule 1 of the local law.

If the matter is considered urgent or is endangering anyone or anything, an authorised officer may request the person responsible to cease the nuisance immediately and if they refuse or fail to comply, commence enforcement proceedings on the person responsible for the behaviour.

In circumstances where a permit has been issued, a show cause notice is to be sent to the owner of occupier of the land requesting detailing the permit breaches and request why the permit should not be rescinded. If no response is received within the specified period or the response will not negate the nuisance, then a notice rescinding the permit is to be issued giving a reasonable period to comply.

Failure to comply with this request may result in initiating enforcement proceedings.

60. Animal Litter

Persons in charge of dogs must remove any excrement left by that dog on a road or municipal place as soon as it is deposited.

Dog owners exercising dogs on a road or municipal place must carry a litter device to remove any excrement deposited. Excrement may be placed in a public litter bin.

Persons not removing their dogs excrement from a municipal place or road may be issued with a penalty notice.

61. Wandering Animals and Birds

Upon detection of stock wandering, the stock should be impounded or returned to the property where they are kept.

If returned to the property, an authorised officer is to issue a Notice to Comply directing the property owner or occupier to reinstate fencing or take such action so that the stock is adequately contained to the property. The Notice to Comply should include:

- the name and address of the land owner or occupier who owns the stock;
- the address of where the stock is normally kept;
- works to be undertaken;
- the date when the reinstatement of the fencing is to be completed by;
- the penalties associated with non-compliance including compulsory reinstatement; and,
- any other conditions deemed appropriate.

Part G - Waste collection service

62. Domestic Garbage

See the parent document for details.

Upon detection of a breach of this section of the local law, an authorised officer may issue a Notice to Comply directing the person responsible to comply with the relevant provision(s) of section 64 of the local law. The Notice to Comply is detailed in schedule 1 of the local law.

If the matter is considered urgent or is endangering anyone or anything, an authorised officer may request the person responsible to immediately remove the domestic garbage bin and if they refuse, commence enforcement proceedings on the person responsible for the behaviour.

If the Notice to Comply has not been complied with or if the breach warrants, an authorised officer may issue an infringement notice on the person responsible for the behaviour.

In circumstances where the *Road Management Act* or *Road Management Plan* duplicates any activity prescribe under section 21 of the local law, the local law provisions are not to be applied.

63. Recyclable Goods

See the parent document for details.

Upon detection of a breach of this section of the local law, an authorised officer may issue a Notice to Comply directing the person responsible to comply with the relevant provision(s) of section 65 of the local law. The Notice to Comply is detailed in schedule 1 of the local law.

If the matter is considered urgent or is endangering anyone or anything, an authorised officer may request the person responsible to immediately remove the recycling bin and if they refuse, commence enforcement proceedings on the person responsible for the behaviour.

If the Notice to Comply has not been complied with or if the breach warrants, an authorised officer may issue an infringement notice on the person responsible for the behaviour.

In circumstances where the *Road Management Act* or *Road Management Plan* duplicates any activity prescribe under section 21 of the local law, the local law provisions are not to be applied.

64. Green Organics Waste

See the parent document for details.

Upon detection of a breach of this section of the local law, an authorised officer may issue a Notice to Comply directing the person responsible to comply with the relevant provision(s) of section 66 of the local law. The Notice to Comply is detailed in schedule 1 of the local law.

If the matter is considered urgent or is endangering anyone or anything, an authorised officer may request the person responsible to immediately remove the green organics waste bin and if they refuse, commence enforcement proceedings on the person responsible for the behaviour.

If the Notice to Comply has not been complied with or if the breach warrants, an authorised officer may issue an infringement notice on the person responsible for the behaviour.

In circumstances where the *Road Management Act* or *Road Management Plan* duplicates any activity prescribe under section 21 of the local law, the local law provisions are not to be applied.

65. Restriction on Use of Street Litter Bins

See the parent document for details.

Any person detected in breach of this provision should be requested to cease the activity immediately and if necessary, an authorised officer may initiate enforcement proceedings.

If a Notice to Comply has been issued and not complied with or if the breach warrants, an authorised officer may commence enforcement proceedings on the person responsible for the behaviour.

66. Interference with Refuse, Recyclable Goods or Green Organics Waste

See the parent document for details.

Any person detected in breach of this provision should be requested to cease the activity immediately and if necessary, an authorised officer may initiate enforcement proceedings.

If a Notice to Comply has been issued and not complied with or if the breach warrants, an authorised officer may commence enforcement proceedings on the person responsible for the activity.

67. Screening of Bins and Hoppers

An authorised officer may issue a Notice to Comply requesting the owner or occupier of any land or the person responsible for the placement, to have any domestic or commercial garbage bin, recycling create or hopper or similar thing screened as a result of the domestic or commercial garbage bin, recycling create or hopper or similar thing is considered by an authorised officer to be:

- unsightly;
- dangerous; or,
- detrimental to the general amenity of the neighbourhood in which it is located.

68. Depositing of Waste at the Waste Transfer Station

See the parent document for details.

Upon detection of the placement of any material or items identified in section 70 of the local law, the matter is to be considered urgent and an authorised officer may request the person responsible to immediately remove the item or material and if they refuse, commence enforcement proceedings on the person responsible for the behaviour.

If the matter is considered urgent or is endangering anyone or anything, an authorised officer may request the person responsible to immediately cease the removal of items or materials, and return same, and if they refuse, commence enforcement proceedings on the person responsible for the behaviour.

If the Notice to Comply has not been complied with or if the breach warrants, an authorised officer may issue an infringement notice on the person responsible for the behaviour

69. Scavenging at the Waste Transfer Station

See the parent document for details.

Upon detection of a breach of this section of the local law, an authorised officer may issue a Notice to Comply directing the person responsible to comply with the relevant provision(s) of section 71 of the local law. The Notice to Comply is detailed in schedule 1 of the local law.

If the matter is considered urgent or is endangering anyone or anything, an authorised officer may request the person responsible to immediately cease the removal of items or materials, and return same, and if they refuse, commence enforcement proceedings on the person responsible for the behaviour.

If the Notice to Comply has not been complied with or if the breach warrants, an authorised officer may issue an infringement notice on the person responsible for the behaviour.

70. Bulk Rubbish Containers

See the parent document for details.

Upon detection of a breach of this section of the local law, an authorised officer may issue a Notice to Comply directing the person responsible to comply with the relevant provision(s) of section 71 of the local law. The Notice to Comply is detailed in schedule 1 of the local law.

If the matter is considered urgent or is endangering anyone or anything, an authorised officer may request the person responsible to immediately move the bulk container and if they refuse, commence enforcement proceedings on the person responsible for the behaviour. This may include the removal by the council (or its contractor) of the container.

If the Notice to Comply has not been complied with or if the breach warrants, an authorised officer may issue an infringement notice on the person responsible for the behaviour

71. On site Waste Water Disposal

See the parent document for details.

Any person detected in breach of this provision should be requested to cease the activity immediately and if necessary, an authorised officer may initiate enforcement proceedings.

If a Notice to Comply has been issued and not complied with or if the breach warrants, an authorised officer may commence enforcement proceedings on the person responsible for the activity.

Schedule 1

List of specified wetlands and lakes

No	Location	Type
1	Blue Bonnet Way	Wetland with side entry pit outlet
2	Streets Rd -Beechworth Rd (Four Ponds)	Wetlands with outlet grate
3	Yarralumla Drive - Beechworth Rd (Two Ponds)	Wetlands with outlet grate
4	Corner of Huon Creek Rd and Parkfield Drive	Wetland with outlet grate
5	Cambourne Park off Cambourne Court	Wetland with outlet grate
6	Stanger Crt off Yarralumla Drive	Wetland with inlet pipe and outlet box culvert
7	Yarralumla Drive - Melrose Drive end (Two Ponds)	Wetland with grated outlets
8	Felltimber Creek Rd - Melrose Drive (Two Ponds)	Wetland with outlet grate
9	Barton St Fire Trail (Old farm dam)	Farm dam with low-flow pipe and spillway
10	Bambrick Court Fire Trail (Old farm dam)	Farm dam with low-flow pipe
11	Mc Gaffins Rd Fire Trail (Old farm dam)	Farm dam with spillway
12	Golflinks Parkers Rd (Two Ponds)	Wetland with open outlet
13	Golflinks - Ace Court	Wetland with grated outlet
14	Innisbrook Ave	Wetland
15	Turnberry Circuit	Wetland with grated outlet
16	Gordan Craig Park - Moorefield Park Drive (Two Ponds)	Wetland with rock chute and concrete spillway
17	CFA wetland cnr of Scott St and McKoy St	Wetland
18	McKoy's Rd (western end - north side of road)	Wetland
19	Visy Wetlands as above, south side of road (Two Ponds)	Wetland with grated outlets
20	Sumsion Gardens main lake and overflow dam	Outlet grates
21	Sumsion Gardens upper wetland off Bank St	Wetlands with outlet grate
22	Sumsion Gardens litter trap cages - Bank St	Litter trap grate
23	Jack in the Box Creek litter trap	Litter trap grate
24	Grate on outlet pipe into House Creek at Brockley St bridge	Litter trap grate
25	Les Stone wetland and litter trap Brockley St	Wetland, outlet grate and litter trap
26	Willow Park wetland	Wetland on north side of Pearce St and litter trap grate on south side
27	Wodonga Showgrounds and Racecourse	Wetland with outlet grates
28	Wetlands on Baranduda Boulevard, Baranduda	Outlet grates
29	Stormwater system and outlet on Valerian Terrace	Outlet grates

Schedule 2

Sites or area where consumption of alcohol is permitted between sunrise and sunset

Environment
and Community
Protection
Standards and
guidelines

Acacia Crescent Reserve
Alan Cracknell Park
Alan Goynes Park
Albert Terrill Park
Alfred Ingram Park
Alma Rogers Park
Arthur Dunstan Park
Baranduda Community Centre
Baranduda Reserve
Barry Street Reserve
Basil Court Reserve
Belgrade Avenue Community Centre
Belvoir Park
Bernie Cox Park
Bill Black Park
Bill Buckpitt Park
Bill Orr Park
Birallee Park
Bob Crosby Park
Brian Esler Park
Byrne Lagoon
Cambourne Court Reserve
Cambourne Park
Carl Fietz Frontage
Castle Heights Park
Charles Ryan Park
Clover Avenue Reserve
Clyde Cameron Reserve
Coyle Park
Croyland Street Reserve
Daniel Rhodes Park
David Bayne Park
David Bishop Reserve
David Winterbottom Park
Diamond Park
Dr Bill Grant Park
Dr John Schlink Park
Dr Duncan Park
Ebden Reserve
Elfy Quick Park
Ern Hart Woodland
Ernest Condon Corridor
Ewart Brothers Reserve
Felix Grundy Park
Felltimber Community Centre
Frank Krier Park
Gamble Singh Park
Gateway Lakes
Gateway Village
Gayview Park
George Looms Park
Gerard Moylan Park
Gordon Craig Park
Gordon Hartsman Park
Graeme Sutherland Park
Graeme Andrew Park
Harold Draper Park
Henry Harkin Park
Henry Nowik Park

Herb Harris Park
Hicks Reserve
Holloway Park
Huon View Estate
Jack Eames Frontage
Jack Maher Park
Jack Perry Reserve
Jackson Drive Reserve
Jackson Point
James Taverney Park
Jamison Drive Reserve
Jim Matthews Park
John Aney Park
John Byrne Park
John Haddleston Park
John Potter Park
John Schwind Park
Julia Ronan Park
Kelly Park
Kent McKoy Reserve
Kit Hughes Park
Kookaburra Point
Les Stone Park
Lou Lieberman Park
Ludlows Reserve
Marimba Park
Martin Park
Max Gray Park
Michael Goulding Park
Norm Pietila Park
Pam Stone Park
Pat Parker Athletics Park
Peace Park
Peg Spry Park
Peter Frawley Snr Park
Phill Locke Adams Park
Phillips Street Reserve
Rex Chamberlain Park
Robert Prentice Park
Russell Cochrane Park
Simon Lane Reserve
Sister Willet Park
Southside Terrace Playground
Sumsion Gardens
Susan Campbell Reserve
Thomas Reidy Park
Tom Hales Park
Tony Plowman Park
Tooleys Park
Valentina Gillard Park
Walter Cottrell Park
Ward Morrison Park
Wattle Park
Western Park Estate Playground
Westlands Park
Wiggy Jackson Park
William Moulder Park
Willow Park

Significant tree register

Trees deemed significant due to cultural or heritage value.

[illegible]

48 hour overnight stay areas

Areas or sites deemed suitable for an overnight stay (up to 48 hours) of caravans and RVs.

[illegible]

Schedule 5

Environment
and Community
Protection
Standards and
guidelines

Tobacco ban areas

Areas or sites deemed suited to extending tobacco smoking bans.

[illegible]

