



Wellington Shire Council

Community Local Law 2021

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PART 1 – PRELIMINARY

1.1 Title

- 1) This Local Law is the Wellington Shire Council Community Local Law 2021 and is referred to as this Local Law.

1.2 Authorising Provisions

- 1) This Local Law is made under the provisions of Division 3 of the *Local Government Act 2020*, This Local Law was prepared following due consideration of the *Charter of Human Rights and Responsibilities Act 2006*.

1.3 Objectives

- 1) The objectives of this Local Law are to:
 - Provide for those matters that require a Local Law under the *Local Government Act 2020* and any other Act;
 - Prohibit, regulate and control activities, **events**, practices and behaviour in places throughout the municipality, so that no **nuisance** is caused and there is no detriment to the amenity of the neighbourhood, to a person or to a person's real or personal property;
 - Supports **Council's** objectives to promote a physical and social environment throughout the municipality in which residents and visitors can enjoy a safe quality of life, that meets the reasonable expectations of the community.
 - Provide for the administration and exercise of **Council** powers and functions;
 - Provide for the peace, order, and good government of the **municipal district** of the Wellington Shire; and
 - Repeal any redundant Local Laws.

1.4 Operation Date

- 1) This Local Law comes into operation at the beginning of the day on which this Local Law is made, or at the beginning of such later day as is expressed in the Local Law as the day on which the Local Law comes into operation at which time, Local Laws 2-5 of 2011 are revoked.

1.5 Revocation Date

- 1) Unless this Local Law is revoked sooner, its operation will cease on the tenth anniversary of its making.

1.6 Scope

- 1) This Local Law applies to the whole of the **municipal district**, except where it is apparent from its wording that a clause or schedule applies to a specific area or areas. Its provisions apply to the extent that they are not inconsistent with any Act, Regulation or Planning Scheme applicable to the **Council** or to its **municipal district**.

1.7 Division of Parts

- 1) This Local Law is divided into Parts. Each Part is divided into separate clauses. Some of the clauses may be divided into paragraphs.
 - a. Standards and Schedules form a part of this Local Law.
 - b. References to a particular provision of this Local Law or one of its Standards or Schedules may appear abbreviated, for example:
 - i. S1 means Standard 1 of this Local Law
 - ii. 7.3 means clause 7.3 of this Local Law
 - iii. SCH1 means Schedule 1 of this Local Law
- 2) Local Law Provisions, Administration, Standards, and their Relationships
 - a. Parts 2 to 7 of this Local Law set out legal provisions.
 - b. Parts 8 to 10 of this Local Law sets out administration, enforcement, and fees and charges.

- c. Part 11 of this Local Law explains the standards which are applicable to parts 2 to 7 and the criteria to which persons exercising discretions under this Local Law must take into consideration.
- d. Schedules and **Guidelines**
- e. Part 12 of this Local Law includes any forms and **Guidelines** for the purpose of this Local Law, that **Council** may adopt, modify, or revoke from time to time.

1.8 Related Guidelines

- 1) This Local Law is to be read in conjunction with the following guidelines:
 - Wellington Shire Council Roadside training guidelines August 2018
 - Wellington Shire Council Roadside footpath trading guidelines (2011)

1.9 Definitions

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

“Act” means the *Local Government Act 2020*

“Advertising sign” means any board, notice, structure, banner, flag or other similar device used for the purposes of soliciting sales, promoting a brand or person or notifying people of the presence of an adjacent property, organisation, business or **event** where goods and/or services may be obtained.

“Alfresco Dining” means an outdoor or open-air area which may be partially enclosed or covered, in which tables, chairs and other structures are provided for the purpose of the consumption of food and beverages.

“Animal Boarding” means land used to Board domestic pets, such as boarding kennels and a cattery.

“Applicant” means the person who applies for a permit under this Local Law.

“Authorised Officer” means a person authorised by the **council** under Section 313 of the **Act** and includes any member of the Victoria Police Force so appointed under the **Act**.

“Bin” means a waste container for the removal and collection of waste by the **council** or other person.

“Bulk” means a number, volume, size or mass that is greater than for ordinary personal use.

“Bulk Rubbish Container” means a **bin**, skip, container, or other structure designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance. It does not include containers used in connection with the **council**'s regular domestic rubbish collections.

“Busker” means any person undertaking or proposing to undertake entertainment in a **public place**, whether by playing a musical instrument, singing, conjuring, juggling, miming, dancing operating puppets or otherwise, with or without collecting money.

“Camp” means and includes **camping** in tents, **caravans**, or similar temporary accommodation.

“Camping” means to make or set up a **camp**, including erecting or occupying a **caravan**, tent, or any temporary form of accommodation, for the purpose of staying for a period of time.

“Camping Area” means land that is set aside by the **council** for **camping**.

“Caravan” means any movable dwelling whether or not the wheels or axles thereof have been removed and whether it is resting directly on the ground or is placed on blocks or other supports and any structure annexed to the **caravan**.

“Caravan Park” means any public **caravan park** or **camping area** owned or under control of the **council** or land which is licenced pursuant to the provisions of the *Residential Tenancies Act 1997*.

“Chief Executive Officer” means the member of **council** staff appointed to be its principal executive.

“Collector Road” means a road which provides a principal route of access into a local **traffic** area or, in an area where the spacing of arterial roads is too great to cater for all major **traffic** movements, a **road** which performs a significant **traffic** carrying function.

“Council” means the Wellington Shire **Council**.

“Daylight Hours” means the hours between sunrise and sunset.

“Declared Road” means a **road** for which Regional Roads Victoria is the **road** authority under the *Road Management Act 2004* as amended from time to time.

“Disease” means any contagious or infectious **disease** or any condition to which **livestock** is subject, or an exotic **disease** as declared by the Governor in **council** for the purposes of the *Livestock diseases Control Act 1994* as amended from time to time.

“Drover” means the person responsible for the **droving of livestock** and includes the owner of those **livestock** or an employee or contractor of that person engaged for the purposes of supervising the droving of those **livestock** or taking them from or to a market.

“Droving of Livestock” means a person or persons droving **livestock**, from one location to another for the purpose of changing their grazing area or moving **livestock** from their grazing areas to a location for purposes of sale or from a sale location to a grazing area but does not include **movement of Livestock**. It includes mere **droving of livestock** in or through a **municipal district** for the purpose of or including supplementing their feeding or taking them from or to a market.

“Effective Control (Livestock)” means control by person or persons alone or using dogs, devices, fences, or other equipment to ensure that **livestock** are not trespassing or endangering persons or objects.

“Environmental Health Officer” means an **Environmental Health Officer** appointed by the **Council** pursuant to Section 29 of the *Public Health and Wellbeing Act 2008* as amended from time to time.

“Event” means a planned or organised occasion for members of the public or a particular interest group.

“Exemption” means an **exemption** issued by or under the authority of **Council** under this Local Law.

“Farming Zone” means **land** so defined under the **Wellington Planning Scheme**.

“Furniture” means chairs, tables, waiter’ stations, planter boxes, umbrellas, screens, barriers, awnings and any other structure set up in the **Alfresco Dining** area.

“Footpath” means any area open to the public that is designated for, or has as one of its main uses, use by pedestrians.

“Grazing of Livestock” means causing **livestock** to enter and remain on a **road** or roads within the **municipal district** for purposes of grazing rather than for purposes of droving or **movement of livestock**. It relates to grazing a particular or designated area and not to indiscriminate droving for purposes of or including supplementing feeding.

“Guidelines” means any guidelines adopted by resolution of the **Council** from time to time for the purposes of this Local Law and are included in Part 12 of this Local Law.

“Heavy Vehicle” means a **vehicle** with a Gross Vehicle Mass of 5 tonnes or more.

“Incinerator” means a structure, or device (not enclosed in a building) which:

- (a) is used or intended, adapted, or designed to be used or capable of being used for the purpose of burning any matter, material, or substance;
- (b) is not licensed or otherwise subject to control under the provisions of any other Act; and is not a barbecue.

“Land” means any **land** whether publicly or privately owned and includes buildings and other structures temporarily or permanently fixed to the **land**.

“Large Cattle” means cattle over 9 months of age.

“Livestock” means an animal of any species used in connection with primary production or kept or used for recreational purposes or for the purpose of recreational sport, other than a dog or cat.

“Local Street” means a street, which provides for local **traffic** access and circulation. It includes an access place and access street.

“Long Vehicle” means a vehicle that, together with any load or protection is 7.5 metres long, or longer.

“Manager” means the relevant person being the employee of the **Council** or an employee of a contractor to the **Council** who is from time to time in charge of the relevant **municipal place**.

“Meal” means a serving of food removed from pre-packaging and prepared and presented for consumption from a plate, bowl, or similar dish.

“Movement of Livestock” means:

- (a) individual or regular **movement of Livestock**;
- (b) as part of normal farm management operations of **one farming enterprise** but not for purposes of grazing;
- (c) property within the **municipal district** or from or to one property in the **municipal district** to or from a property within an adjacent **municipal district**;
- (d) at the rate of not less than one kilometre per hour in the direction of movement between the two properties;
- (e) where the properties concerned are occupied by the **one farming enterprise**; and
- (f) the movement is completed on the day of commencement.

“Municipal District” means the **municipal district** of the Wellington Shire Council.

“Municipal Facility” means any building or **land** occupied, managed, or otherwise controlled by **Council** and includes **Council** offices, community facilities, open spaces and **Council** managed **roads**.

“Municipal Place” means a **public place** which is owned or occupied by the **Council** which the public has access whether an admittance fee is required or not.

“Municipal Waste Facility” means municipal landfill, transfer stations or any other **land** set outside for the deposit, collection and/or sorting of waste or recyclable products.

“Nuisance” as the same meaning as given in the *Public Health and Wellbeing Act 2008* as amended from time to time.

“Occupy” includes residing or living in any shed, tent, **Caravan, vessel**, or the like for any purpose including entertaining, resting, sleeping, cooking, eating or for any similar use, whether permanent or temporary.

“Offensive” has the same meaning as in the *Public Health and Wellbeing Act 2008* as amended from time to time

“One Farming Enterprise” means a business of farming **Livestock** run by one or more persons as one business.

“Operator Onus” has the same meaning as given in section 84BC of the *Road Safety Act 1986*.

“Penalty Unit” has the same meaning as given in the *Sentencing Act 1991* as amended from time to time.

“Permit” means a **permit**, including any conditions, issued by the **Council** under this Local Law.

“Permit Holder” means a person to whom a **permit** has been issued under this Local Law.

“Portable Advertising sign” means a moveable free standing sign on public display used for advertising and includes signs which are known as “sandwich boards” and does not include any small free standing sign which is temporarily erected by a real estate agent for the primary purpose of directing the public to the pending sale or auction of a particular property.

“Procession” means an organised group of people proceeding along a **road** or gathering for a ceremony or function and includes fun runs and bicycle events.

“Public Place” has the same meaning as given in the *Summary Offences Act 1966* as amended from time to time.

“Recreation Vehicle” includes but is not restricted to off road vehicles, trail bikes, dune buggies, go carts and the like, but does not include motor vehicles used for farming purposes.

“Residential Area” means **land** which has been zoned as a Residential Zone under the **Wellington Planning Scheme**.

“Reservation” means anything constructed or located on a **road** which divides the **road** and includes a nature strip but excludes a line or series of lines marked on a carriageway.

“Road” has the same meaning as the *Road Management Act 2004* as amended from time to time, and includes:

- (a) a street; or
- (b) a **footpath**; or
- (c) nature strip; or
- (d) a public **road** under the *Road Management Act 2004*; or
- (e) a right of way; or
- (f) a bicycle path; or
- (g) a carriageway; or
- (h) any **land** reserved or proclaimed as a street or **road** under the *Crown Land (Reserves) Act 1978* or the *Land Act 1958*; or

- (i) any culvert or curbing.

“Road Rules” means the *Road Safety Road Rules 2017* as amended from time to time.

“Roadside Trading” means selling or offering for sale or hire goods or services from a temporary location on a **road**, or from place to place or from a **vehicle** including where goods offered for sale or hire are carried by the person.

“Rural Residential Area” means **land** so defined under the **Wellington Planning Scheme**.

“Service Authority” means any company or public body responsible for the installation of telecommunications, gas, electricity, water, sewerage or drainage facilities in or on a **road**, or in the case of **livestock; Council**, Victoria Police, State Emergency Service or any government, semi government or non-profit agency involved in remedying a problem associated with **livestock** on a **road**.

“Shopping Trolley” means a hand operated, wheeled container or receptacle supplied by a retailer for enabling customers to transport goods.

“Stock Crossing” means a location on a **road** used regularly for the purpose of **livestock** crossing that **road** and to which the requirements of the **Road Rules**, and any **guidelines** or standards or the like referred to in them, apply.

“Street Festival” means an organised recreational, cultural, commercial or social gathering of people which is held on a **road**.

“Street Party” means an organised social gathering of people from one or several adjacent **roads** that is held on a **road**.

“Toy Vehicle” means a **vehicle** other than a bicycle, designed to be propelled by human power or a small motor. It includes a child's tricycle, scooter, skateboard, roller skates, roller blades and similar toys or devices.

“Traffic” means the movement of people by foot or in or on **vehicles**, along, across or within a **road**.

“Vehicle” has the same meaning as given in rule 15 of the *Road Safety Road Rules 2017*.

“Vehicle Crossing” means a point of vehicular access to **land** from a **road**.

“Vessel” includes a ship, boat, or other waterborne craft.

“Veterinary Centre” means **land** used to:

- (a) diagnose animal **diseases** or disorders
- (b) surgically or medically treat animals; or
- (c) prevent animal **diseases** or disorders

“Wellington Planning Scheme” means the planning scheme which applies to the Shire of Wellington at the relevant time.

PART 2 – ACTIVITIES ON STREETS AND ROADS

2.1 Trees and Plants not to interfere or obstruct

- 1) An owner or occupier of **land** must not allow any tree or part of a tree or any plant or other vegetation to grow on that **land**, so that it interferes or obstructs with the passage of **traffic** by:
 - a. overhanging onto or over any pavement abutting that **land** at a height of less than three (3) metres from the level of the adjacent **footpath** or nature strip;
 - b. overhanging onto or over any **road** abutting that **land** at a height of less than five (5) metres from the level of the adjacent **footpath** or nature strip;
 - c. obstructing or impairing the vision of the driver of a **vehicle** travelling along a **road** adjacent to or near the **land** or approaching the intersection adjacent to or near the **land**; or
 - d. otherwise impacting on the safe and convenient use of any pavement or **road** adjacent to or near the **land**;
- 2) An owner or occupier of **land** must not allow any tree or part of a tree or any plant or other vegetation to grow on that **land** so that it causes damage to or interference with any:
 - a. fixture or other structure in a **road**, or on **Council Land**;
 - b. drains vested in or under the control of **council**; or
 - c. obscures a **traffic** control item, street sign or street

2.2 Placing of signs and posts not to interfere or obstruct

- 1) A person must not place a sign, post, or other similar object in such a way that it causes an interference or obstruction of a type referred to in Clause 2.1.

2.3 Discharge of irrigation water to Roads.

- 1) An owner or occupier of **land**, his agent, employees, or contractors must not allow the discharge of irrigation water onto the **road** formation section of any **road**.

- 2) A person guilty of a continuing offence under this clause will be liable to a penalty of not more than 3 **penalty units** for each day on which an offence is continued.
- 3) The owner or occupier of **land** will be responsible for damage caused to **roads** by the discharge of irrigation water.

2.4 Property Numbers

- 1) The owner or occupier of each property that has been allocated a street number by **Council**, must mark the property with the allocated number. These must be of sufficient size, in such a position, made of such material and kept in such state of repair to be clearly read from the **road** under all normal lighting conditions.

2.5 Vehicle Crossing Requirements

- 1) The owner or occupier of **land** must not allow any person to access their **land** by **vehicle** other than over a **Council** approved vehicle crossing.
- 2) A person must not without a **permit**, construct a **vehicle crossing**.
- 3) Every **vehicle crossing** must be constructed and situated to the satisfaction of **Council**.
- 4) **Council** or its delegates may by notice in writing to the owner or occupier of the **land** require the construction of a satisfactory **vehicle crossing** to any **land** with the full costs of such works to be borne by the owner or occupier.
- 5) **Council** or its delegates may by notice in writing to the owner or occupier of the **land** require the repair of a **vehicle crossing** which is in a state of disrepair with the full costs of such works to be borne by the owner or occupier.
- 6) **Council** or its delegates may by notice in writing to the owner or occupier of the **land** require the removal of a **vehicle crossing** and reinstatement of the kerb and channel and **footpath** where the **vehicle crossing**, in the opinion of **Council** is no longer required with the full costs of such works to be borne by the owner or occupier.
- 7) The owner or occupier of **land** must comply with any notice issued by **Council** under clause 2.5, paragraphs 4, 5 or 6.

2.6 Shopping Trolleys

- 1) A person must not leave a **shopping trolley** on any **road**, or vacant or municipal **land** except in an area designated for the purpose, or cause or authorise another person to do so.

2.7 Use of Toy Vehicles

- 1) Any person who uses a **toy vehicle** or causes or authorises another person to use a **toy vehicle** on a **road** must ensure that the use does not inconvenience, obstruct, hinder, endanger, alarm or prevent the free passage of any pedestrian or other user of the **road**.
- 2) The **Council** may designate areas from time to time, by resolution or through an appointed delegate, in which **toy vehicles** must not be used.
- 3) The areas so designated by **Council**, which may be modified from time to time, are set out in Schedule 6.
- 4) If the **Council** designates areas in which **toy vehicles** must not be used, it must erect signs in or on the areas designated by it indicating that **toy vehicles** must not be used.
- 5) A person must not use a **toy vehicle** in an area designated by the **Council**.
- 6) Where the **Council** fails to erect and maintain signs as required under sub-clause (2) no person may be prosecuted for an offence under this Part.

2.8 Stationary Heavy or Long Vehicles

- 1) A person must not without a **permit** allow a **heavy vehicle** or **long vehicle** to be parked, kept, stored or repaired on any property which is zoned as a residential zone under any planning schemes currently in force within the Wellington Shire.

PART 3 – SECONDARY ACTIVITIES ON STREETS AND ROADS

3.1 Portable Advertising

- 1) A person must not place a **portable advertising sign** on a **road** without a **permit**.
- 2) A **portable advertising sign** that may be placed on a **road** subject to a **permit** must:
 - a. be located on an existing **footpath** outside the premises to which the sign relates; or
 - b. where no **footpath** exists be located as near as possible to such premises.

3.2 Real Estate Signage

Unless inconsistent with the Wellington Planning Scheme

- 1) All Real Estate signs offering a property for sale must be placed on or within the property boundaries of the property being offered for sale unless a **permit** has been issued by **Council**.
- 2) For seven (7) days prior to a public auction of a property, additional signage of up to 0.3 square metres in area is permitted on **Council** property and in a position not affecting vehicular or pedestrian **traffic**. This additional signage, not on the property for sale is to have clear directional intention with only one sign permitted at the nearest **Collector Road** intersection.
- 3) The seven (7) daytime restriction in clause 3.2 (2) will not apply within rural zones of the municipality as defined in the planning scheme.
- 4) All Real Estate signs must be covered by extended public liability insurance of at least \$10 million and the policy. Any application must show the inclusion of a clause to the effect that Wellington Shire **Council** is indemnified against all claims, losses or demands made on Wellington Shire **Council** directly or indirectly resulting from any occurrence in connection with a sign placed on public **land**.
- 5) Real Estate signage must not be placed in the following positions:
 - a. nature strips;

- b. trees;
- c. area of plantings;
- d. **traffic** islands;
- e. central median islands; or
- f. roundabouts.

3.3 Event Signage

Unless inconsistent with the Wellington Planning Scheme

- 1) A person must not place any sign advertising or providing directions to an **event** on any **Council** managed **road** or **municipal place** without obtaining a **permit** from **Council**.
- 2) All **event** sign **permit** applications must be covered by extended public liability insurance of at least \$10 million. The application must show the inclusion of a clause to the effect that Wellington Shire **Council** is indemnified against all claims, losses or demands made on Wellington Shire **Council** directly or indirectly resulting from any occurrence in connection with a sign placed on a **road** or **municipal place**.
- 3) **Event** signage must not be placed in the following positions:
 - a. nature strips;
 - b. trees;
 - c. area of plantings;
 - d. **traffic** islands;
 - e. central median islands; or
 - f. roundabouts.
- 4) Permitted **event** signs are to be installed no earlier than fourteen (14) days prior to the **event** and must be removed prior to two (2) days after the event.

Note: A **permit** for the placement of **event signage** is not required if a **permit** has already been granted under clause 3.10 of this Local Law, provided the conditions in standard S5 of this Local Law have been met.

3.4 Roadside Trading and Trading to a Person on a Road

- 1) A person must not without a **permit** erect or place on any **road** a **vehicle**, **Caravan**, trailer, table, stall or other similar structure for the purpose of selling or hiring or offering for sale or hire any goods or services.
- 2) All proposed trading sites must be identified in the application for the **permit** and approved by **Council**.
- 3) The requirement to obtain a **permit** for **roadside trading** does not apply to:
 - a. newspapers or magazines being home delivered;
 - b. goods purchased at another location being home delivered; or
 - c. goods which have been requested to be home delivered by the occupier of the house.
- 4) Unless otherwise authorised by legislation and subject to clause 3.4, no person without a **permit** may sell or offer for sale any goods or services from a property or a **public place** adjacent to a **road** to any person who is on that **road** or **public place**.
- 5) This clause does not apply to any activities conducted from permanent premises such as a shop or office or other such business premises in compliance with the relevant planning scheme.
- 6) [Roadside Trading Guidelines](#)

3.5 Displaying Goods for Sale

- 1) A person must not place or display any goods for sale or cause or **permit** another person under his or her control to do so on any **footpath** or other part of a **road** without a **permit**.

3.6 Alfresco Dining on Roads

- 1) A person must not without a **permit** establish an **Alfresco Dining** area on any **footpath** or other part of a **road**.
- 2) A person must not allow the consumption of alcohol within an **Alfresco Dining** area on any **footpath** or other part of a **road** without an endorsement to an **Alfresco Dining permit**.

3.7 Bulk Rubbish Containers on a Road

- 1) A person must not without a **permit** place or cause or **permit** another person to place a **bulk rubbish container** on a **road**.
- 2) Placement of a **bulk rubbish container** on a **road** is limited to a duration of no longer than six (6) continuous weeks unless otherwise agreed by **Council**.

3.8 Occupation of Roads for Works

- 1) No person without first obtaining a **permit** will, on a **road** under the control of the **Council** –
 - a. **occupy** or fence off part of a **road**;
 - b. use a mobile crane or travel tower for any building work;
 - c. make a hole or excavation; or
 - d. reinstate a hole or excavation
- 2) The reinstatement of any part of the **road** damaged or affected by works of a type listed in clause 3.8 (1) must be carried out in accordance with any conditions contained in the **permit**.
- 3) The fees to be applied in respect of reinstatement works will be those determined by the **Council** from time to time.
- 4) The provisions of this clause do not apply to the works of any **service authority** or works which a permit under the Road Management Act 2004 has been issued.

3.9 Repairs of Vehicles and Deposited Substances on Roads

- 1) A person must not repair, paint, maintain or service a **vehicle** on any **road** or **Council Land** except where it is necessary to undertake minor repairs to get the **vehicle** underway or moving.
- 2) A person must not **permit** unreasonable amounts of grease, oil, mud, clay or other substance to fall or run off a **vehicle** or **livestock** onto a **road** into any drain on or under the **road**, or **permit** or authorise another person to do so.
- 3) A person in charge of a **vehicle** or **livestock** from which unreasonable amounts of any substance has fallen or run off onto a **road** must take all reasonable steps to promptly remove the substance, make good any damage and remove any consequent hazard. Where any damage or hazard remains, he or she must promptly notify the **Council** or member of Victoria Police of the damage or hazard.

3.10 Street Parties, Festivals, Processions or Events

- 1) A person must not, without a **permit** hold a **street party, street festival** or procession on a **Council** managed **road**.
- 2) A **street party, street festival** or procession must not be held on a **declared road** unless the written consent of both the Chief Commissioner of Police and the Chief Executive of Regional Roads Victoria (formally VicRoads) has been obtained.
- 3) Political, military, or industrial marches are exempt under this clause, provided Victoria Police are informed prior to the march

3.11 Collection on Roads

- 1) A person must not without a **permit** solicit or collect any waste materials, gifts of money or subscriptions from any **footpath** or from house to house adjacent to any **road** or cause or authorise another person to do so.
- 2) Intersection collections, for the purpose of collection donations for charitable or not-for-profit groups must not be held on a **declared road** unless the written consent of both the Chief Commissioner of Police and the Chief Executive of Regional Roads Victoria has been obtained.

3.12 Busking Activities

- 1) A person must not, without a **permit**, busk in a **municipal place**.

- 2) A **Busker** must comply with directions given by any member of Victoria Police or an **authorised officer** to cease busking or move from a busking location where congestion, inconvenience or **nuisance** is being caused.
- 3) This clause does not apply if the busking activities are part of an authorised **street party**, festival, or **event**.

PART 4 – MUNICIPAL PLACES AND PUBLIC RESERVES

4.1 Behaviour in, and Access to Municipal Places

- 1) A person must not whilst in or on a **municipal place**:
 - a. Behave in a manner that endangers others or unreasonably interferes with the quiet enjoyment of the **municipal place** by any other person
 - b. damage, destroy, write on, interfere with, or remove any thing to any building, improvement, or other structure of any kind.
 - c. distribute, leave, or post any pamphlet, poster, literature other than with the consent of the facility **manager**;
 - d. affix or display any item to any building, improvement, or other structure of any kind unless in accordance with a **permit** under the **Wellington Planning Scheme**.
 - e. use any lifesaving or firefighting device unless during an emergency or with the approval of a person in charge or an **authorised officer**.
 - f. Act contrary to any conditions of use, written notice or rules laid down by **Council** from time to time;
 - g. Act contrary to reasonable instructions from any **authorised officer** of **Council** or a member of **Council** staff;
 - h. Act contrary to any signage authorised and installed by **Council**;
 - i. use any computer or other device for the downloading or display of pornography, illegal or offensive picture, words, works or for transmitting viruses in a **municipal facility**.
- 2) The **Council** may from time to time by resolution determine any fees and charges for the use of a **municipal place**.
- 3) The **Council** may determine or change the time of which a **municipal place** is open to the public.
- 4) An **authorised officer** or **manager** may at any time close a **municipal place** or any part of it for any purpose, including maintenance and cleaning.

- 5) A person must not:
- a. enter or remain in a **municipal place** without paying the appropriate fee (if any);
 - b. enter or leave a **municipal place** except through an entrance or exit provided for the purpose of the public unless in the event of an emergency or that person is one of a class for whose use the entrance or exit is specifically designated;
 - c. enter or remain in a **municipal facility** if that person has been excluded from the **municipal facility** by an **authorised officer** or **manager**;
 - d. re-enter a **municipal facility** within 24 hours (or such other time as directed) after being excluded from a **municipal facility**;
 - e. enter or remain in a **municipal facility** if that person is under the influence of alcohol;
 - f. eat or drink in a **municipal facility** unless in an area which may be designated for such a purpose;
 - g. have in their possession in or on a **municipal place** any liquor except:
 - i. in accordance with a **permit**; or
 - ii. in accordance with any other law.
- 6) A person must not enter or use any dressing room, shower or toilet in or at a **municipal facility**, or any passage leading to it, that is inappropriate for their sex unless that person is:
- a. a child under the age of 6 years; or
 - b. in the care of a responsible person; or
 - c. a person authorised by the **manager**.

4.2 Motor Vehicles on Public Reserves and Municipal Places

- 1) A driver of a motor vehicle, must not drive or park a motor vehicle on any public reserve or **municipal place** within the **municipal district**, other than where existing roadways or car parks exist, unless:
 - a. the driver is a **Council** employee or contractor, carrying out duties in respect of **Council**;
 - b. the driver is a member of the Victoria Police or other emergency service acting in the course of their duties; or
 - c. the driver of a motor vehicle has been given written permission by the relevant **manager** or **Authorised Officer**.
 - d. An offence under paragraph (1) of this clause is deemed to be **operator onus** offence.

4.3 Trees and Plants Not to Interfere with Public Reserves and Municipal Places

- 1) No person who owns or occupies **land** in the **municipal district** may allow trees, plants, or any other matter on his or her **land** to cause damage to or interference with a **municipal place**.

4.4 No Smoking in Smoke Free Areas

- 1) The **Council** may by resolution declare any part of a **road** reserve or **municipal place** to be a smoke free area.
- 2) Where a declaration is made by resolution, the **Council** must erect and maintain, or cause to be erected or maintained, appropriate signage indicating the boundaries of the declared smoke free areas.
- 3) A person must not smoke on a **road** reserve or municipal area that has been declared as a smoke free area and has appropriate smoke free signage displayed.

4.5 Consumption of Liquor in Municipal Roads and Places

- 1) Apart from in any licensed or authorised premises under the *Liquor Control Reform Act 1998*, a person must not, at any time on a **road** within the **municipal district**: -
 - a. consume any liquor; or
 - b. have in his or her possession or control any liquor, other than liquor in a packaged and sealed container.
- 2) Clause 4.5 (1) does not apply to any person who:
 - a. consumes liquor or who has liquor, in his or her possession or control, whilst taking part in a public ceremony or a function to which **Council** has given written permission or where a **permit** has been issued for street parties, **street festivals** and processions or other **events** pursuant to clause 3.10
 - b. is a patron of a business issued with a **permit** for an **Alfresco Dining** area with an endorsement for the consumption of alcohol and the person is within the designated area in accordance with the conditions of the **permit** and any liquor licence under the *Liquor Control Reform Act 1998*.
- 3) A person must not, between sunset and sunrise, in any public reserve, or in any motor vehicle on any public reserve (unless in accordance with a **permit**):
 - a. consume any Liquor; or
 - b. have in his or her possession or control, any Liquor other than liquor in a packaged and sealed container.

4.6 Camping in Municipal Places and Public Reserves

- 1) A person must not **Camp** on any **Council Land, municipal place** or reserve unless it is within a registered **Caravan Park** or **Camping Area**. Schedule 7 of this Local Law details designated **Camping Areas** self-contained **Caravans**.

4.7 Boat Launching Ramps

- 1) The **Council** may:
 - a. set apart any portion of a public reserve as a boat launching ramp; and
 - b. fix and collect such fees or set conditions as it may from time to time determine for the use of such boat launching ramp.

PART 5 – AMENITY, SAFETY, PROPERTY AND ENVIRONMENT

5.1 Dangerous and Unsightly Land

- 1) An owner or occupier of **land** must not at any time allow or permit the **land** to be kept in a manner which is dangerous or likely to cause danger to life or property and this includes **land** which is:
 - a. a haven for vermin, noxious weeds, insects, or excessive vegetation growth;
 - b. used without a **permit** for the storage of any substance, object or thing which is dangerous or likely to cause danger to a person or property; or
 - c. contains an unfenced or unsecured hole or excavation
- 2) An owner or occupier of any **land** must not cause or allow the **land** or any structure on the **land** to be kept or remain in a manner which:
 - a. Is unsightly or detrimental to the general amenity of the neighbourhood in which it is located; or
 - b. Through accumulation or hoarding of rubbish, waste, or other materials, gives the appearance of neglect and is out of character with other properties in the vicinity.
- 3) Subject to clause (4), a person must not without a **permit** use any **land** in the **municipal district** for the storage of **Bulk** quantities of machinery or **Bulk** quantities of second-hand goods of any kind or for the assembly or dismantling of such machinery or goods.
 - a. Clause (3) does not apply to the following:
 - i. **land** which is in a Business or Industrial Zone under the **Wellington Planning Scheme**; or
 - ii. persons authorised by a planning **permit** to carry out activities which would otherwise require a **permit** under clause (3).

5.2 Outdoor Fires

- 1) A person must not, without a **permit**, light or allow to be lit or remain alight, any fire in the open air or in an **incinerator** on any **land** other than a rural living zone or a **Farming Zone**.
 - a. Clause (1) does not apply to:
 - i. a barbecue while being used for the purpose of cooking food; or
 - ii. a fire in a brazier or chiminea while it is being used for heating; or
 - iii. a fire lit during the course of duty by a member of a fire or emergency services agency.
- 2) A **permit** to light an outdoor fire will only be issued if the permit **applicant** has satisfied **Council** or an **authorised officer** that no other viable alternative to remove the material to be burnt is available.
- 3) A person who lights, allows to be lit a fire for which **Council** or an **authorised officer** has issued a permit, must comply with the conditions of the permit.
- 4) No outdoor fire permits will be issued by **Council** or an **authorised officer** during the Country Fire Authority (CFA) Declared Fire Danger Period.

5.3 Burning of Offensive Materials

- 1) Notwithstanding clause 5.2, A person must not light a fire in the open air, including in an incinerator, cause or allow to be burnt any materials that may result in the emission of fumes or odours, or discharge of dust, grit, ashes or smoke that is offensive or dangerous to health including, but not limited to:
 - a. non timber based building materials;
 - b. rubber or plastic, including plastic mulch, plant pots and packaging materials;
 - c. furnishings and carpets;
 - d. manufactured chemicals;
 - e. petroleum or oil products;

- f. paint, including any container in which paint is kept;
- g. food waste;
- h. manure and straw;
- i. household waste; or
- j. other offensive, noxious, or toxic matter

5.4 Recreation Vehicles

- 1) A person must not without a **permit** use a recreation vehicle on any **Council land** unless the **land** has been designated by the **Council** for that purpose.
- 2) The **Council** may designate areas from time to time, by resolution, upon which **recreational vehicles** may be used. Initial areas so designated by the **Council**, which may be modified from time to time, are set out in SCH8.
- 3) A person must not without a **permit** use a recreation vehicle on any private **land** in a residential or town zone, within the **municipal district**.
- 4) An offence under paragraph 1 of this clause is deemed to be **operator onus** offence.

5.5 Occupation of Caravan During Construction of a Dwelling

- 1) A person must not without a **permit occupy** (or allow to be occupied) a **Caravan** on private property during the construction of a dwelling.
- 2) Any **permit** issued under this clause shall be issued for an initial period of 6 months and may be extended by periods of 6 months subject to substantial progress on building activities.
- 3) Any application for a **permit** must be accompanied by a current building certificate and must be approved by **Council's Municipal Building Surveyor** and an **Environmental Health Officer**.

5.6 Camping on Vacant Private Land

- 1) A person must not **Camp** on any vacant private **land** in the **municipal district** for a period longer than 28 days in a calendar year.
- 2) A person **Camping** on any vacant private **land** in the **municipal district** for a period up to 28 days in a calendar year must do so in accordance with the requirements set out in S21 of this Local Law.
- 3) Notwithstanding clause (2) **Council** may require a **permit** to be obtained for **Camping** on vacant private property for a period up to twenty eight (28) days in a calendar year if an **Authorised Officer** forms the opinion that the location, size or suitability of the **land** is such that specific conditions should apply.
- 4) Where the occupation of a **Caravan** is permitted, the placement of the **Caravan** must be no less than six meters from the frontage of the property, and no less than two meters from any other boundary of the property.

5.7 Camping or Caravans on Roads

- 1) A person must not **Camp** in a **Caravan** on a **road** unless the area has been designated by **Council** as being available for this purpose. Initial areas so designated by the **Council**, which may be modified from time to time, are set out in SCH7.
- 2) A person must not keep, erect, or place a tent on any **road**.
- 3) To establish whether an offence has been committed under this Local Law the provisions set out in S22 should be considered.

5.8 Circuses, Carnivals and Festivals

- 1) A person must not without a **permit** conduct a circus, carnival, or other similar **event** on any **land** under the control of **Council**.

5.9 Wastewater

- 1) A person must not deposit any wastewater on any **land** or in water or a watercourse or drain or stormwater drain unless authorised and licensed under the *Environment Protection Amendment Act 2018*.

5.10 Domestic Waste Collection

- 1) The owner of every dwelling or other property where the **Council** provides a domestic waste collection in the **municipal district** must comply with **Council** requirements for collection otherwise collection may be refused without notice.
- 2) All waste must be placed in **bins** ready for collection on the days and times from time to time specified by the **Council**.
- 3) Once the waste has been collected by the **Council**, the empty **bins** must be returned to the property by the occupier and any waste which has spilled onto the **road**, nature strip or surrounding area, must be removed by the occupier responsible for the **bin**, as soon as practicable.
- 4) **Bins** must be maintained by the occupier of the property to which the **bin** relates, in good order and in a clean and sanitary condition.
- 5) **Council** provided **bins** remain the property of **Council**.
- 6) An owner occupier of any property to which **Council** does not provide a waste collection service must remove any waste from the property and dispose of it into appropriate receptacle or to a waste disposal facility in a manner that is clean, inoffensive and does not harm the environment, and in compliance with any relevant Environmental Protection Authority guidelines.

5.11 Depositing of Household or Commercial Waste in Public Litter Bins

- 1) A person must not deposit any domestic or commercial waste in any public litter **bin** placed in a **municipal place** or reserve.

5.12 Hard Waste and Recycling Collections

- 1) Where the **Council** has notified occupiers of a recycling or hard waste collection, the material to be recycled and the hard waste to be collected must be left for collection in accordance with the **Council's** instructions otherwise collection may be refused without notice.

5.13 Trade Waste, Skips and Bins

- 1) An occupier of property may arrange for the collection of trade waste or for the placement of a waste hopper or recycling bin subject to compliance with the standards in S26 of this Local Law.

- 2) A person must not place any waste or material in a container, waste hopper or recycling bin, contrary to any notice on the container, waste hopper or recycling bin required by the standards in S26 of this Local Law.

5.14 Transportation of Waste

- 1) A person must not convey or cause to be conveyed in any vehicle on any **road** in the **municipal district**, any manure, dead animal or remains, offal, bones, hides, skins, offensive matter, refuse, rubbish or other waste matter unless the vehicle is constructed, fitted, loaded and covered so that:
- 2) no leakage occurs or other material is dropped or deposited from the vehicle on any street or **road** or area near the **vehicle**; and
- 3) the possibility of escape of offensive odours is reduced.

5.15 Depositing Waste at Municipal Waste Facilities

- 1) Any person using the **municipal waste facility** must deposit waste in accordance with **Council** instructions, the directions of any person working, any signs erected at the **municipal waste facility** and must pay the applicable fees and charges.

5.16 Scavenging at Municipal Waste Facilities and Other Places

- 1) Subject to clause (3) a person must not remove material of any kind which has been deposited at such **municipal waste facility**.
- 2) Subject to clause (3), a person must not remove or interfere with any domestic waste, hard waste or recyclable material left out on any **road** or at any other collection point, for collection in accordance with any instruction determined by **Council**.
- 3) Clauses (1) & (2) do not apply to the following persons:
 - a. a person authorised by the **Council** to remove such material from the **municipal waste facility** or collection point or an employee of such person in the course of his or her employment;
 - b. an **authorised officer** in the course of that officer's duty.

5.17 Dumping of Refrigerators, Trunks or Similar Containers

- 1) Any person must not place or leave or allow to remain, a disused refrigerator, ice-chest, ice-box, trunk, chest or any other similar article on any **land** in the **municipal district** without first:
 - a. removing every door and lid; and
 - b. removing every lock, catch and hinge attached to a door or lid; or
 - c. otherwise rendering every door and lid incapable of being fastened; and
 - d. safely removing chlorofluorocarbons,

5.18 Prohibited Waste

- 1) A person must not place in any domestic waste **bin** or any street litter **bin** collected by **Council**, the following material:
 - a. slops, liquid waste, animal carcasses or offensive material;
 - b. ashes or other like matter unless they have been mixed with water to form a stiff paste before being wrapped and placed in the **bin**;
 - c. electrical waste – any item with a battery or cord;
 - d. commercial industrial and trade waste of any kind;
 - e. material containing asbestos;
 - f. oil, paints, solvents or similar substance or any other substance which may damage the **bin** or reduce its strength or effectiveness;
 - g. medical waste, needles, syringes, chemicals, prescribed waste, or other hazardous materials;
 - h. objects over eight (8) kilograms in weight; or
 - i. any item that would prevent the lid from closing.
- 2) The following is prohibited from being placed in recycling bins for collection by **Council**:

- a. any material prohibited from Domestic Waste Bins: and
- b. polystyrene, plastic bags and wrap and organic waste; or
- c. any recyclable product that is grossly contaminated with food or other product remnants.

PART 6 – ANIMALS**6.1 Keeping of Animals**

- 1) An owner or occupier of property must not keep or allow to be kept on that property without a **permit** a greater number of each type of animal other than as set out in the following table:

Type of Animal	Multi-dwelling and flat lots with an area less than 400 m2	Farming Zone	Rural Living Zone	Other (including Residential) Zones
Dogs	1	5*	3	2
Cats	1	5	3	5
Poultry	1	N/A	20	10
Roosters	0	N/A	1	Permit Required
Domestic Birds	No Limit	No Limit	No Limit	No Limit
Domestic Mice	2	No Limit	No Limit	10
Guinea Pigs	2	No Limit	No Limit	10
Domestic Rabbits	1	No Limit	No Limit	2
Ferrets	0	10	10	2
Horses, Donkeys, etc	0	N/A	N/A	Permit Required
Cattle	0	N/A	N/A	Permit Required
Sheep	0	N/A	N/A	Permit Required
Goats	0	N/A	N/A	Permit Required
Pigs	0	N/A	N/A	Permit Required

* Other than dogs kept for working stock

NOTE: The references to zones in the table above refer to the relevant zone in the **Wellington Planning Scheme**.

- 2) Clause 6.1, Keeping of Animals, will not apply if planning permission exists for the property for **animal boarding**, animal breeding, a **veterinary centre** or like use under the **Wellington Planning Scheme**.
- 3) For the purpose of calculating the maximum limit of the numbers of animals kept the progeny of any dog or cat lawfully kept will be exempt for a period of 12 weeks after their birth.

6.2 Animal Shelters

- 1) The owner or occupier of any **land** on which animals are kept must provide shelter in accordance with the standards or **guidelines** in S25 of this Local Law.
- 2) A person must not without a **permit** construct or reconstruct animal shelters on any property:
 - a. Within a distance of less than 20m from the frontage of the property to any street or **road**;
 - b. Within a distance of less than 6m from any **road** alignment other than the frontage of the property;
 - c. within a distance of less than 1.8 metres or in the case of domestic birds less than 1 metre from any boundary of the property not being a boundary to a **road**; or
 - d. within a distance of less than 9 metres from any dwelling on any adjoining property.

6.3 Animal Excrement

- 1) A person in charge of any animal on any **road** or **public place** within the **municipal district**, must carry a litter device suitable to clean up any excrement left by the animal and must produce such litter device upon request on any **authorised officer**.
- 2) Any person in charge of an animal must not allow any part of the animal's excrement to remain on any **land** owned, occupied, or managed by the **Council**.
- 3) This clause does not apply in such cases where a livestock permit has been granted under Part Seven of this Local Law

6.4 Animal Nuisance

- 1) An owner or occupier of **land** must not cause or allow to be caused any excessive or objectionable noises, smell or sounds to emanate from their **land** at any time from:
 - a. a domestic animal - except to the extent that s32 of the Domestic Animals Act applies
 - b. livestock;
 - c. poultry; or

- d. a domestic bird;
- 2) A noise, smell or sound is excessive or objectionable where it adversely affects the comfort, convenience or privacy of any other persons residing in the locality.
- 3) A person commits an offence under this clause whether the noises, smell or sounds are caused or allowed to be caused by a conscious or unconscious act, omission, or default or by any other means or method whatsoever.
- 4) A person keeping animals on **land** must not allow any animal to damage any flora or fauna on the **land**, or pollute any drain, gutter watercourse, or water catchment on or through the **land**.

6.5 Horses on Reservations

- 1) Except where written permission has been obtained from the **Council**, a person must not ride or lead a horse or cause or authorise another person to ride or lead a horse:
 - a. on a **footpath** or nature strip; or
 - b. in or on a municipal reserve.
- 2) The **Council** may give written permission subject to any conditions considered by **Council** to be appropriate for a horse to be ridden or led upon a reservation where it is reasonably necessary for this to take place and there is no reasonable and safe alternative.

PART 7 – LIVESTOCK

NOTE: Persons applying for a **Droving of Livestock** Permit, **Grazing of Livestock** Permit, or **Livestock** Movement Permit under this Part are encouraged to acquaint themselves with the *Livestock Disease Control Regulations 2017*. More information can be obtained from Agriculture Victoria.

NOTE: The provisions of clauses 7.1, 7.2 & 7.3 of this Part do not apply to **livestock** being transported by **vehicle** or other means in circumstances where there is no contact between the **livestock** and the road reserve or to a horse being ridden or driven or led by some attachment when the horse is being ridden driven or led by its owner or by a person authorised to do so by its owner.

7.1 Livestock on Roads

- 1) A person who owns or is in charge of **livestock** must not cause or allow the **livestock** to be on a **road** unless in accordance with a **permit** for:
 - a. **Droving of Livestock**;
 - b. **Grazing of Livestock**; or
 - c. **Livestock** movement.
 - d. **Grazing of Livestock** on **Roads**
- 2) An owner or person having charge of **livestock** must not allow or cause any **livestock** to graze on any **road** in the **municipal district** without obtaining a **permit**.
- 3) In determining whether to grant a **permit**, the **Council** must have regard to the standards of this Local Law and any **guidelines** determined by **Council** from time to time.

7.2 Droving of Livestock

- 1) The owner or occupier of a property in the **municipal district** must not allow the droving of any **livestock** along any **road** (whether or not the same **road**) without a **permit**.
- 2) In determining whether to grant a **permit** pursuant to paragraph (1) of this clause, the **Council** must have regard to the standards of this Local Law and any **guidelines** determined by **Council** from time to time.

- 3) Upon the issue of a **permit** under this clause, the **Council** must notify the Department of Agriculture of the **permit** and of the **livestock** to be driven.

7.3 Movement of Livestock

- 1) An owner or person having charge of **livestock** must not allow or cause the **movement of Livestock** on any **road** (other than a **declared road**) in the **municipal district** without obtaining a **permit**.
- 2) In the event of **livestock** being moved at a rate of less than one kilometre per hour, a grazing permit must be obtained.
- 3) A person must not move **livestock** on a **declared road** within the **municipal district**, without obtaining a **stock crossing** permit from Regional Roads Victoria.

7.4 Right of Way

- 1) Travelling **livestock** (being **livestock** being driven in accordance with a valid livestock droving permit) have right of way over other stock on a **road**.
- 2) If a person responsible for **livestock** on a **road** is notified of the approach of travelling **livestock**, the person must move the **livestock** for which he or she is responsible to an adjoining location or keep them separate from the travelling **livestock** by means suitable for the purpose.

7.5 Warning Signage

- 1) A person involved in **droving of livestock**, **grazing of livestock** or **movement of Livestock** in the **municipal district** must ensure that adequate warning of the presence of **livestock** on the **road** is given to other **road** users or potential **road** users.
- 2) Apart from any other warnings considered appropriate by the person involved in such activities under paragraph (1) of this clause, such a person must display signs conforming with guidelines prepared by Regional Roads Victoria and referred to in the **Road Rules**.
- 3) A person involved in **droving of livestock** or **grazing of livestock** must ensure that any signs referred to in paragraph (2) of this clause are removed from the **road** at the time of completing such **droving of livestock** or **grazing of livestock** or otherwise deactivated as set out in the guidelines referred to in the **Road Rules**.

- 4) A person involved in **movement of Livestock** across a **road** must comply with the crossing guidelines prepared by Regional Roads Victoria.
- 5) In addition to any other **permit** or **livestock** movement conditions relating to warning signs to other **road** users, lighting requirements and the location, size, contents and colour of such devices, the person in charge of **livestock** on **roads** must comply with:
 - a. any Australian Standards for such purposes;
 - b. any other requirements of Regional Roads Victoria communicated to the **Council** in respect of **Declared Roads**.

7.6 Relocation of Livestock Other Than in Daylight Hours

- 1) **Livestock** must not be driven or moved on **roads** other than in **daylight hours**, unless:
 - a. relocation of **livestock** by an **authorised officer**;
 - b. relocation of **livestock** in an emergency or to avoid or minimise danger; or
 - c. as provided in any **permit**.

PART 8 – ADMINISTRATION

8.1 Incorporation by Reference

- 1) Any **guidelines** resolved by **Council** and incorporated by reference in this Local Law, must be maintained by the **Council** in a register kept for that purpose.
- 2) Any **guidelines** resolved by **Council** and incorporated by reference in this Local Law, must be made available for inspection at the office of **Council** during normal working hours, or on **Council**'s website.

8.2 Application for Permits

- 1) An application for a **permit** under this Local Law must be in a form approved by **Council** or its delegates and accompanied by the appropriate fee as prescribed by **Council**.
- 2) **Council** or its delegates may waive, reduce, or alter any fee.

8.3 Considering Application for Permits

- 1) The **Council** or its delegates may require an **applicant** to provide additional information before determining an application for a **permit**.
- 2) In considering an application for a **permit**, **Council** or an its delegates may consider any;
 - a. relevant standard, policy or guideline adopted by **Council** relating to the subject matter of the application for the **permit**. Policies or **guidelines** may be updated from time to time;
 - b. submission that may be received in respect of the application;
 - c. impacts, if any, on other persons or places within the municipality;
 - d. comments that may be made in respect of the application by any public body, community organisation or other person; and
 - e. other relevant matter.

8.4 Indemnity

- 1) **Council** may request that an indemnity form indemnifying **Council** from any loss or damages may be completed. If an **applicant** is a company, the Indemnity must be guaranteed by an individual who is a director of that company.

8.5 Insurance

- 1) **Council** may request that prior to a **permit** being granted the **applicant** must provide a copy of a public liability insurance policy with a cover of no less than \$10 million per claim. The policy must be maintained for the duration of the **permit**.

8.6 Conditional Permits

- 1) A **permit** under this Local Law may be issued subject to the **Council** determining the conditions on which it is prepared to issue the **permit** including conditions relating to:
 - a. the payment of a fee or charge;
 - b. a standard to be applied;
 - c. a time limit to be applied which may specify the times, duration, commencement, or completion date;
 - d. that the **permit** is subject to the happening of an event;
 - e. the rectification, remedying or restoration of a situation or circumstance;
 - f. where the **applicant** is not the owner of the subject property, the consent of the owner;
 - g. the granting of some other **permit** which may be required by the **Council** whether under this Local Law or otherwise; or
 - h. any other condition as is required to give effect to the objectives of this Local Law.

8.7 Privacy

- 1) Personal information that is requested on an application form is collected for the purpose of processing an application for a **permit** and will be used solely by **Council** for that primary purpose or directly related purposes.
- 2) The **Council** may disclose some of this information to relevant organisations or people (including property owners) if the nature of the activity for which the **permit** has been applied requires consent by parties other than **Council** or has the potential to affect neighbourhood amenity.

8.8 Cancellation of Permits

- 1) A **permit** may be cancelled or modified by the **Council** at any time, if a hazard or a danger to the public exists, or if any of the conditions under which the **permit** was issued have not been complied with.

8.9 Duration of Permits

- 1) Except where expressly stated in this Local Law or in the **permit**, the **permit** will operate from the date it is issued and will expire one year after the date of issue unless cancelled beforehand.

8.10 Correction of Permits

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

8.11 Exemptions from Permits

- 1) A delegated officer of **Council**, may, with the written authority of the **Chief Executive Officer**, grant an **exemption** from any requirement to obtain a **permit**.
- 2) The **exemption** may be granted subject to conditions.
- 3) A person must comply with the conditions of an **exemption**.

- 4) An **exemption** may be withdrawn or corrected as if it were a **permit**.

PART 9 – ENFORCEMENT

9.1 Offences

- 1) A person is guilty of an offence if the person:
 - a. does something which a provision of this Local Law prohibits;
 - b. fails to do something which a provision of this Local Law requires;
 - c. engages in an activity without a current **permit**, where that activity requires a **permit**; or
 - d. breaches or fails to comply with a **permit**.
- 2) If a person charged with an offence against this Local Law is a corporation, any person who is concerned or takes part in the management of the corporation may be charged with the same offence.

9.2 Operator Onus Offences

- 1) Except as otherwise provided by this clause, the person who at the time of an offence involving a **vehicle** against this Local Law, is the responsible person in relation to the **vehicle** or trailer and is guilty of the offence as if that person were the driver or person in charge (as the case requires) of the motor vehicle or trailer at that time.
- 2) Nothing in paragraph (1) affects the liability of the person actually driving, or in charge of, as the case requires, the motor vehicle or trailer at the time of the offence.
- 3) The operator of a motor vehicle or trailer only ceases to be the responsible person in relation to the motor vehicle or trailer if another person is nominated the responsible person in relation to that **vehicle** or trailer.

9.3 Exercise of Discretions

- 1) In exercising any discretion contained in this Local Law the **Council** must have regard to:
 - a. the objectives of this Local Law;
 - b. the standards contained in this Local Law; and

- c. any **guidelines** prepared by the **Council** from time to time.

9.4 Notice to Comply

- 1) **Council** or its delegate may by serving a notice to comply direct any owner, occupier, or other relevant person to remedy any situation which constitutes a breach of this Local Law.
- 2) A notice to comply must state the time and date by which the situation must be remedied.
- 3) The time required by a notice to comply served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should consider if applicable:
 - a. the amount of work involved;
 - b. the degree of difficulty;
 - c. the availability of necessary materials or other necessary items;
 - d. climatic conditions;
 - e. the degree of risk or potential risk; or
 - f. any other relevant matter.
- 4) Any person who fails to remedy a situation in accordance with a notice to comply served under this Local Law is guilty of an offence and liable to the amount of the penalty specified by this Local Law.

9.5 Council to Carry Out Work at Cost

- 1) Where **Council** requires a person to carry out work under this Local Law and that person fails to carry out that work:
 - a. the **Council** may cause any other person to carry out the work; or
 - b. the **Council** may carry out the work.

- 2) If a person carries out the work on behalf of the **Council**, or the **Council** carries out the work, the **Council** may recover the cost of carrying out the work from the person who failed to do it.

9.6 Powers of Authorised Officers – Urgent Circumstances

- 1) If an **Authorised Officer** of **Council** is of the opinion that a person has breached any provision of this local law in respect of which a notice to comply may be issued and:
 - a. any person; or
 - b. any animal; or
 - c. any property; or
 - d. the environment of the **municipal district** is in danger of substantial detriment due to the breach; and
 - e. that danger may be exacerbated by the length of time it may take to serve and ensure compliance with a notice to comply, an **Authorised Officer** may take such action as he or she considers necessary to abate or minimise the danger without serving a notice to comply provided a subsequent notice in writing is given, if practicable.
- 2) The subsequent notice must include:
 - a. the reasons for taking the action; and
 - b. the action taken to the person in breach of the provision of this Local Law in respect of which the action was taken.

9.7 Impounding

- 1) An **Authorised Officer** of **Council** may:
 - a. impound any item that encroached or obstructs the free use of **Council land**, a **public place** or a **road**, or any item which contravenes or is being used in contravention of this Local Law.
 - b. release the item to its owner on payment of a fee determined by **Council**, which is not to exceed an amount that reasonably represents the cost to **Council** of impounding, keeping, and releasing the item; and

- c. sell, destroy, dispose, or give away the impounded item if the owner of the item has not paid the fee within the prescribed time as listed on the impoundment notice.
- 2) If an **Authorised Officer** impounds an item under this Local Law, he or she must serve on the owner a notice as soon as possible after the impoundment.
- 3) If the identity or whereabouts of the owner of an impounded item under this Local Law are unknown, **Council** must take reasonable steps to ascertain the owner's identity or whereabouts, prior to exercising its powers under paragraph (1) of this clause.
- 4) **Council** is entitled to retain out of the proceeds of any sale of impounded items, its reasonable costs incurred in impounding, keeping, and selling the item.

9.8 Review Rights

- 1) If any person is aggrieved by the level of fairness of any action taken by **Council** or an **Authorised Officer** under this Local Law, he or she may request **Council's Chief Executive Officer** to review the fairness or reasonableness of the action taken.
- 2) Where **Council's Chief Executive Officer** reviews the fairness or reasonableness of any action taken by **Council** or an **Authorised Officer**, the result of that review must be communicated to the person who made the request.

9.9 Failure to Provide Name and Address

- 1) A person is guilty of an offence if:
 - a. an **Authorised Officer** finds the person is committing or has committed an offence under this Local Law; and
 - b. the person fails to give his or her correct name and correct address to the **Authorised Officer** upon request.

9.10 Penalties

- 1) Except where otherwise indicated the penalty for breach of any provision of this Local Law is twenty (20) **penalty units**.

9.11 Infringement Notices

- 1) An **Authorised Officer** of **Council** may serve an infringement notice on a person who has committed an offence under this Local Law.
- 2) Schedule 5 of this Local Law sets out penalties for infringement notices which may be issued in respect of offences against this Local Law where the **Council** or its **Authorised Officers** determine to issue an infringement notice.
- 3) The provisions of this clause are subject to the *Infringements Act 2006*, as amended from time to time.

PART 10 – FEES AND CHARGES

10.1 Setting Fees and Charges

- 1) The **Council** may from time to time by resolution determine the fees and charges to apply under this Local Law which may include an administrative or processing fee or charge, and the **Council** must give public notice of its resolution to set or alter the fees and charges.

10.2 Differential or Structured Fees and Charges

- 1) In determining any fees and charges, the **Council** may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.

10.3 Waive or Alteration to Fees and Charges

- 1) The Council may waive, reduce, or alter any fee or charge with or without conditions.

PART 11 – STANDARDS

S.1 Vehicles Using a Road Contrary to signage

- 1) In determining whether to grant a **permit** to use a **road** contrary to any sign erected on it, the **Council** must consider:
 - a. the amount of the damage likely to be caused to the **road** by the **vehicle** requiring the **permit**;
 - b. the type of **vehicle**;
 - c. the goods to be transported and the weight of those goods
 - d. alternative **roads** which are available;
 - e. the necessity to impose speed limits; and
 - f. any other matter relevant to the circumstances of the application.

S.2 Heavy/Long Vehicles Parked, Kept or Stored on Residential Land

- 1) In determining whether to grant a **permit** to allow **heavy vehicles** or **long vehicles** to be parked, kept or stored on residential **land**, the **Council** must consider:
 - a. the likely impact on the residential amenity of the neighbourhood as a result of:
 - b. the intrusion of **heavy vehicle traffic**;
 - c. excessive noise from **heavy vehicles**;
 - d. pedestrian and motorist safety;
 - e. the likely damage to be caused to **Council** assets and street trees;
 - f. fumes or related smells resulting from the parking of **heavy vehicles**.
 - g. the **traffic** function, **traffic** volume and width of other **roads** in the vicinity;
 - h. whether the unobstructed sight distance when exiting forward from the property is capable of being a minimum of 80 metres;

- i. whether the manoeuvring requirements of the **vehicle** and the roadway width will enable the **vehicle** to be turned within a maximum crossing width of 4 metres;
 - j. any load limit restriction in force on the relevant **road**;
 - k. whether the property is of sufficient size and layout to enable the **vehicle** to be properly garaged; and
 - l. any other matter relevant to circumstances of the application.
- 2) Unless otherwise stated the following conditions apply to all permits granted:
- a. It must be garaged in a locked garage.
 - b. It must not be driven in reverse from the property onto the **road**.
 - c. It must not be carrying a load when brought onto the property.
 - d. It must not be started, driven or have its engine running on the property before 7 a.m. or after 7 p.m. on any day.
 - e. It must not be repaired, washed, or maintained on the property or on any adjacent **road**.
 - f. It must not be parked on any adjacent **road** (or any other **road**) for more than one hour. If parked during the hours of darkness, its parking lights must be illuminated.
 - g. **Nuisance** to neighbours from noise or smell must be avoided.
 - h. The property must be kept in a clean and tidy condition. There are to be no oil drums, large **vehicle** parts or other large associated articles on the property. Small parts or small associated articles are not to be within view from any **road** at any time.
 - i. The requirements of the **Wellington Planning Scheme** or any planning permit for the site must be complied with.

S.3 Abandoned Vehicles

- 1) In determining whether a **vehicle** has been abandoned, the **Council** must consider:
 - a. The **vehicle** is unregistered and/or not displaying registration plates;
 - b. The **vehicle** has not been moved for two (2) months

S.4 Portable Advertising Signs on Roads

- 1) In determining whether to grant a **permit** to allow a **portable advertising sign** to be placed on a **road**, the **Council** must consider:
 - a. whether an indemnity and evidence of public liability insurance has been provided to the **Council**;
 - b. the **guidelines**; and
 - c. any other matter relevant to the circumstances of the application.
- 2) A **permit** will not be issued where it is likely to introduce a hazard to **road** users or pedestrians due to:
 - a. boards or signs which obstruct a driver's line of sight at a corner or bend or between **roads** at a junction or at any point of vehicular egress from the property;
 - b. boards or signs which obstruct or detract or tend to interfere with a **road** user's view of a traffic sign or signal;
 - c. boards or signs which have insufficient clearance from **vehicles** on the carriageway or parking areas or from the points of access to premises for pedestrians;
 - d. boards or signs that interfere with free and easy pedestrian movement on **footpaths** or cause difficulty in opening **vehicle** doors; or
 - e. any other reason that is judged to be a threat to public safety.
- 3) A **permit** to allow a **portable advertising sign** to be placed on a **road** is subject to the conditions contained in the **guidelines**.

S.5 Event Signage on Roads and Municipal Places

- 1) In determining whether to grant a **permit** to allow the placement of **event** signage on a **Council** managed **road** or **municipal place**, the **Council** must consider:
 - a. whether an indemnity and evidence of public liability insurance has been provided to the **Council**;
 - b. the size and proposed location of the sign.
- 2) A **permit** will not be issued where it is likely to introduce a hazard to **road** users or pedestrians due to:
 - a. signs which obstruct a driver's line of sight at a corner or bend or between **roads** at a junction or at any point of vehicular egress from the property;
 - b. signs which obstruct or detract or tend to interfere with a **road** user's view of a traffic sign or signal;
 - c. signs which have insufficient clearance from **vehicles** on the carriageway or parking areas or from the points of access to premises for pedestrians;
 - d. signs that interfere with free and easy pedestrian movement on **footpaths** or cause difficulty in opening **vehicle** doors; or
 - e. any other reason that is judged to be a threat to public safety.

S.6 Use of Vehicle to Advertise

- 1) In determining whether to grant a **permit** to allow advertising on **vehicles** on the **road**, the **Council** must consider:
 - a. the duration and location of the relevant **vehicle** or **vehicles**;
 - b. the nature of the advertising material;
 - c. the regularity of such placement;
 - d. whether any **vehicle** is so parked as to obstruct the view of other **road** users;
 - e. whether the location of the **vehicle** creates a **nuisance** to other **road** users or occupiers of adjacent premises;

- f. whether an indemnity and evidence of public liability insurance has been provided to the **Council**;
- g. any **Council guidelines**; and
- h. any other matter relevant to the circumstances of the application.

S.7 Roadside Trading/Trading to a Person on a Road

- 1) In determining whether to grant a **permit** to allow **roadside trading** or to a person on a **road**, the **Council** must consider:
 - a. whether the safety of **road** users or the passage of **vehicles** will be affected by the placement;
 - b. whether a registration and/or **permit** required by the *Public Health and Wellbeing Act 2008* and/or the *Food Act 1984* or any other legislation has been obtained;
 - c. whether the activity will disturb, annoy, or disrupt adjacent property owners or occupiers;
 - d. whether the activity will be detrimental to the amenity of the area;
 - e. whether appropriate arrangements can be made for –
 - i. wastewater disposal
 - ii. litter and garbage
 - iii. lighting
 - iv. advertising signs
 - f. whether the consent of Regional Roads Victoria has been obtained where the **road** is a **Declared Road**
 - g. whether an indemnity and evidence of public liability insurance has been provided to the **Council**;
 - h. the **guidelines**; and

- i. any other matter relevant to the circumstances of the application.
- 2) A **permit** to allow a **roadside trading** is subject to the conditions contained in the **guidelines**.

S.8 Goods Displayed for Sale on a Road

- 1) In determining whether to grant a **permit** to allow goods to be displayed for sale on a **road**, the **Council** must consider:
 - a. whether the goods will be displayed outside the **applicant's** premises;
 - b. whether adequate lighting of the display area can be achieved if the normal business hours include hours of darkness;
 - c. whether the goods or the display may be of such material, layout or construction which could be a hazard to pedestrians;
 - d. whether an indemnity and evidence of public liability insurance has been provided to the **Council**;
 - e. the **guidelines**; and
 - f. any other matter relevant to the circumstances of the application.
- 2) A **permit** to allow goods to be displayed for sale on a **road** is subject to the conditions contained in the **guidelines**.

S.9 Alfresco Dining Areas on Roads

- 1) In determining whether to grant a **permit** for an **Alfresco Dining** area on a **road**, the **Council** must consider:
 - a. whether the facility is conducted in conjunction with and as an extension of food premises located immediately abutting the facility, and the **applicant** is the person conducting such food premises;
 - b. whether the food premises is registered in accordance with the *Food Act 1984*;
 - c. whether a site plan detailing placement of **furniture** has been provided;

- d. whether the facility would be located where it would obstruct the visibility at an intersection;
 - e. whether appropriate and safe pedestrian access can be maintained;
 - f. whether the tables, chairs, and other equipment to be used will be a hazard;
 - g. whether an indemnity and evidence of public liability insurance has been provided to the **Council**;
 - h. the **guidelines**; and
 - i. any other matter relevant to the circumstances of the application.
- 2) The following conditions will be applicable to all **Alfresco Dining** permits:
- a. Tables and chairs to be removed from the **footpath** area by 11.00 p.m. Barricades or screens to be removed unless permission has been granted for such structures to be permanently fixed;
 - b. the holder of the **Alfresco Dining** permit must move or remove the **Alfresco Dining** area when requested to by an **Authorised Officer** or a member of the police force or an emergency service; and
 - c. Conditions contained in the **guidelines**.
- 3) In determining whether to endorse an **Alfresco Dining** permit to allow the consumption of alcohol, the **Council** must consider:
- a. whether an indemnity and evidence of public liability insurance has been provided to the **Council**;
 - b. any **Council guidelines** and;
 - c. any other matter relevant to the circumstances of the application
- 4) The following conditions will be applicable to all **Alfresco permits**:
- a. **Permit** holders serving alcohol must operate in accordance with the rules and regulations of the *Liquor Control Reform Act 1998* and are responsible for the conduct of all persons in the approved area.

- b. **Applicants** must obtain or have obtained permission from the Director of Liquor Licensing to serve alcohol in an **Alfresco Dining** area.
- c. **Applicants** must obtain a planning permit if necessary, before serving alcohol in **Alfresco Dining** areas. Site plans submitted with **permit** applications must show the licensed area proposed to be on public space.
- d. an endorsement will only be granted where the predominant activity is the consumption of a **meal** and alcohol can only be consumed during the process of partaking in a **meal**.
- e. **Permit holders** serving alcohol must, where appropriate, provide **Council** approved barricades or screens on at least three sides of the seating area, one side of which will be the kerbside.
- f. **Permit holders** serving alcohol must only permit alcohol to be consumed from a proper drinking glass. No cans or bottles are permitted (except bottles containing wine only and jugs of alcoholic drinks).
- g. **Permit holders** serving alcohol will be responsible for ensuring patrons consuming alcohol are properly seated on chairs at tables. There will be no standing while drinking in the designated area.
- h. alcohol must cease being consumed no later than one hour after the kitchen has finished serving the regular full menu or by 10pm, whichever is earlier.

S.10 Bulk Rubbish Containers on a Road

- 1) **Council** may permit the placement of **Bulk Rubbish Containers** on **roads** provided that **Council** considers it impracticable to place the container within the private property.
- 2) In determining whether to grant a **permit** for the placement of a **Bulk Rubbish Container** on a **road**, the **Council** must consider:
 - a. whether the placement will obstruct the passage of **vehicles** and pedestrians, obscure the view of motorists, or present a physical hazard;
 - b. whether the placement will contravene any traffic control signs;
 - c. whether there is insufficient room for placement within the private property of the owner;

- d. whether reflectors can be securely attached on the side nearest passing **traffic** or placed on a carriageway, so as an approaching motorist can identify the extent and form of the container;
- e. protection of any **Council** assets;
- f. whether an indemnity and evidence of public liability insurance has been provided to the **Council**; and
- g. any other matter relevant to the circumstances of the application.

S.11 Occupation of Roads for Works

- 1) In determining whether to grant a **permit** for the occupation of **roads** for works, the **Council** must consider-
 - a. the nature and duration of the works;
 - b. the likely hazard that the works may constitute to users of the **road**;
 - c. the impact of the works on the amenity of the adjoining area;
 - d. whether an indemnity and evidence of public liability insurance has been provided to the **Council**; and
 - e. any other matter relevant to the circumstances of the application.

S.12 Street Party on a Local Street

- 1) In determining whether to grant a **permit** for a **street party**, the **Council** must consider:
 - a. whether the **road** can be closed to vehicular **traffic** for the duration of the **street party**;
 - b. whether all owners or occupiers of all properties with any vehicular access via the section of **road** to be closed have been advised by letter and given 7 days to comment or object;
 - c. whether a person on behalf of the **applicant** has been nominated to erect and remove the barriers which close the **road** at locations and times specified by the **Authorised Officer**;

- d. whether the **footpath** on at least one side of the **road** can be kept clear of obstructions; and
- e. any other matter relevant to the circumstances of the application.

S.13 Street Party on a Collector Road, Street Festival, Procession or Event.

- 1) In determining whether to grant a **permit** for a **street party** on a **collector road**, **street festival**, procession or **event**, the **Council** must consider:
 - a. whether all owners or occupiers of properties with any vehicular access via the section of **road** to be closed have been advised by letter and given no less than seven (7) days to comment or object; and
 - b. any other matter relevant to the circumstances of the application.
- 2) The following conditions will apply to all **permits** issued:
 - a. a suitable **traffic** management plan completed by a suitably qualified person confirming that the **road** can be closed to vehicular **traffic**, or partly closed with safe and effective separation of vehicular **traffic** and festival/procession patrons and equipment is to be provided no less than seven (7) days prior to the commencement of the **event**.
 - b. evidence that the agreement of Victoria Police and Regional Roads Victoria (formally VicRoads) has been obtained and their requirements met, including an appropriate **traffic** detour signing scheme, is to be provided no less than seven (7) days prior to the commencement of the **event**.
- 3) Consideration has been given to allow access for emergency **vehicles** if required.

S.14 Collection on Roads

- 1) In determining whether to grant a **permit** to allow collections, the **Council** must consider:
 - a. the times and days that are proposed to collect;
 - b. the matter or thing to be collected;

- c. the **roads** or areas in which the collections will take place;
- d. the impact on **traffic** and safety of pedestrians;
- e. the age and capacity to supervise participants;
- f. whether an indemnity and evidence of public liability insurance has been provided to the **Council**;
- g. any **Council guidelines**; and
- h. any other matter relevant to the circumstances of the application

NOTE: Any application for an intersection collection **permit** must be made in the first instance to Victoria Police and if on a **Declared Road**, Regional Roads Victoria. **Council** will (if it has no objections to the proposed intersection collection), provide the **applicant** with a letter to support the application.

S.15 Busking

- 1) In determining whether to grant a **permit** to allow busking, the **Council** must consider:
 - a. whether an indemnity has been provided to the **Council**;
 - b. any **Council guidelines**; and
 - c. any other matter relevant to the circumstances of the application.
- 2) The following conditions will be applicable to all busking whether a **permit** is required or not.
 - a. Buskers must not cause any annoyance or obstruction to persons or **traffic**;
 - b. Buskers must not obstruct doorways or other entrances;
 - c. Buskers must obtain the written consent from the proprietors of the business outside which they intend to busk;
 - d. Buskers must, at all times, leave clear a minimum of 1.5 metres of **footpath** for use by pedestrians;

- e. Should any proprietor or occupier of any premises within hearing distance of the **Busker** request the **Busker** to move out of hearing distance, the **Busker** shall do so on direction from an **Authorised Officer**;
- f. Buskers must not perform within 20 metres of any school, kindergarten, child-minding centre, or hospital unless by advanced invitation of the facility **manager**.
- g. The use of fire, animals, materials, substances, or equipment that may pose a threat to public safety is subject to approval.

S.16 Unsightly Properties

- 1) In determining whether a property is unsightly, an **Authorised Officer** of **Council** must consider:
 - a. whether the property detracts from the general amenity of the surrounding area; or
 - b. whether the property, through the accumulation of rubbish, waste or other materials, gives the appearance of neglect and is out of character with other properties in the vicinity; or
 - c. whether the property has grass or weeds present on the **land**, which exceed 200 millimetres in height if the **land** is within a residential zone.

S.17 Storage of Machinery or Second-Hand Goods on Property

- 1) In determining whether to grant a **permit** for the storage of machinery or second-hand goods or for the assembly or dismantling of such machinery or goods, the **Council** must consider:
 - a. the zoning of the **land** under the **Wellington Planning Scheme**;
 - b. the proximity to adjoining properties;
 - c. the amenity of the area;
 - d. the capacity to screen the proposed use from adjoining **land** or from any street;
 - e. the nature of the machinery or second-hand goods; and

- f. the nature and quantity of the machinery or second-hand goods.
- g. any other matter relevant to the circumstances associated with the **permit** application.

S.18 Outdoor Fires/Incinerators

- 1) In determining whether to grant a **permit** for the use of **incinerators**, burning of offensive materials or outdoor fires, the **Council** must consider:
 - a. the location of the proposed burning in proximity to adjoining **land**;
 - b. the zoning under the **Wellington Planning Scheme** and surrounds of the **land** on which the burning is to take place;
 - c. any alternative means of disposal;
 - d. any adequate means of supervising the burning;
 - e. any adequate means of controlling and extinguishing the spread of fire;
 - f. the degree to which the material to be burned may produce offensive, toxic, or unpleasant smells or smoke;
 - g. any policies of the Environment Protection and Country Fire Authorities; and
 - h. any other matter relevant to the circumstances associated with the **permit** application.

S.19 Recreational Vehicles

- 1) In determining whether to grant a **permit** for the use of a recreation vehicle, the **Council** must consider:
 - a. the location of the **land** where the **vehicle** is to be used;
 - b. the proximity of the **land** where the **vehicle** is to be used to neighbouring properties;
 - c. the suitability of the **land** for use by recreation vehicles;

- d. the number of **vehicles** for which the **permit** is required;
- e. the days, times and hours the **vehicles** are to be used;
- f. the likely damage which may be caused to any **Council land**; and
- g. any other matter relevant to the circumstances associated with the **permit** application.

S.20 Caravan Occupation During Construction of Dwelling

- 1) The following requirements must be met, prior to a **permit** being issued:
 - a. A building permit under the *Building Act 1993* for the construction of a dwelling has been issued.
 - b. A site plan and proposal for the treatment and disposal of wastewater including grey water is provided. The site plan includes all existing and proposed structures and any proposed removing or re-planting of native vegetation on this site.
 - c. The **Caravan** can be located so the **Caravan** is no less than six metres from the frontage of the property, and no less than two metres from any other boundary of the property.
 - d. The application is considered and approved by the relevant building and health department before a Local Laws **permit** is issued.
 - e. The **land** on which the **Camping** is to take place is suitable for that use and the activity will not affect the amenity of the area.
 - f. Any **Caravan** used must be in good working order and be fitted with a smoke detector, an approved portable fire extinguisher and a fire blanket close to cooking facilities.

S.21 Camping on Private Land for up to 28 Days in a Calendar Year

- 1) **Camping** on private **land** for periods up to twenty-eight (28) days in a calendar year must be in accordance with the following requirements:
 - a. the **land** on which the **Camping** is to take place is suitable for that use and the activity will not affect the amenity of the area;

- b. any **Caravan** used must be in good working order and be fitted with a smoke detector, an approved portable fire extinguisher and a fire blanket close to cooking facilities;
- c. no native vegetation should be cut down or removed to site the **Caravan** or tent unless in accordance with a **permit** under the **Wellington Planning Scheme**;
- d. any tent or **Caravan** can be located so the tent or **Caravan** is no less than six metres from the frontage of the property, and no less than two metres from any other boundary of the property;
- e. The **land** must be maintained (in the opinion of an **Authorised Officer**) in a clean and tidy condition;
- f. All wastewater is discharged to a system capable of collecting, removing, and disposing of wastewater, including grey water to the satisfaction of **Council**. Some waste disposal systems may require a **permit** from **Council**.

S.22 Establishing if a Person is Camping

- 1) If a person has disengaged the **Caravan** from a **vehicle** and/or has extended the stabilizers on the **Caravan** and/or has extended the awning and/or has placed furniture or other facility outside the **Caravan** and/or erected a tent; they would be considered to be setting up **Camp**.
- 2) If a person has not set up **Camp** but is sleeping in a **Caravan** or other form of transportable accommodation and has stopped for longer than eight hours, they would be considered to be **Camping**.

S.23 Circuses, Carnivals and Festivals

- 1) In determining whether to grant a **permit** for a circus, carnival or festival, the **Council** must consider:
 - a. the location of the **land**;
 - b. the suitability of the **land**;
 - c. the duration of the **event**;
 - d. the proposed hours of operation;
 - e. the availability of sanitary facilities to the **land**;

- f. the likely damage to be caused;
- g. the amenity of the area;
- h. the availability of parking;
- i. the likely effects on **traffic** in the area; and
- j. any other matter relevant to the circumstances associated with the **permit** application.

S.24 Keeping of Animals

- 1) In determining whether to grant a **permit** for the keeping of animals where the number exceeds that determined by the **Council**, the **Council** must consider:
 - a. the zoning of the **land**;
 - b. the proximity to adjoining properties;
 - c. the amenity of the area;
 - d. the type and additional numbers of animals to be kept;
 - e. the likely effects on adjoining owners;
 - f. the adequacy of animal shelters
 - g. any previous justified complaints regarding the keeping of animals on the property; and
 - h. any other matter relevant to the circumstances associated with the **permit** application.

S.25 Animal Shelters

- 1) In determining what may be reasonable shelter, consideration should be given to:
 - a. the type of animals to be kept;
 - b. the height of the shelter;

- c. the distance from the street frontage of the property;
 - d. the distance from any other street or **road**;
 - e. the distance from the boundary of any adjoining property;
 - f. the distance from any neighbouring dwelling; and
 - g. any Code of Practice for the Keeping of Animals, published from time to time by Animal Welfare Victoria
- 2) All animal shelters must be maintained in accordance with the following standards so that:
- a. all manure and other waste is removed and/or treated as often as necessary so that it does not cause a **nuisance** or offensive condition;
 - b. all manure and other waste to be stored in a fly and vermin proof receptacle until removed from the premises or otherwise disposed of to the satisfaction of the **Authorised Officer**;
 - c. the ground surrounding the shelter is drained to the satisfaction of the **Authorised Officer**;
 - d. the area of **land** within 3 metres of the area or structure in which the animal is kept must be kept free from dry grass, weeds, refuse, rubbish, or other material capable of harbouring vermin;
 - e. all food, grain or chaff is kept in vermin proof receptacles; and
 - f. the area where animals are kept must always be thoroughly cleaned and maintained in a manner to the satisfaction of the **Authorised Officer**.

S.26 Trade Waste and Waste Hoppers (Including Recycling Bins)

- 1) Construction of **Bins** - waste hoppers or **bins** used for the collection and storage of trade waste must:
- a. be constructed of approved impervious material to the satisfaction of the **Authorised Officer** to prevent leakage, absorption or accumulation of any refuse or rubbish that may be deposited in it;
 - b. be water-tight, fly and vermin proof;

- c. contain a removable drainage plug for the purpose of cleaning; and
 - d. be fitted with fly and vermin proof lid with overlapping flanges which must be kept continuously closed.
- 2) Emptying of Trade Waste **Bins** - Waste Hoppers or **Bins** must be emptied at least weekly or more regularly if the contents become offensive.
- 3) Cleanliness and Storage of **bins** - The occupier must ensure that:
 - a. the **bin** is stored and maintained in a clean, sanitary, and inoffensive condition and at all times kept clear of any footway, pavement or ground adjoining the storage area, to the satisfaction of the **Authorised Officer**;
 - b. the surface upon which the **bin** is stored, is impervious, graded and drained to the sewer or an approved outlet with such silt traps or other treatment devices as required by the **Environmental Health Officer**;
 - c. the storage site is supplied with a tap connection and hose of a size approved by the **Environmental Health Officer**;
 - d. the **bin** is screened in such a way and with such material as approved by an **Environmental Health Officer**
 - e. the **bin** is adequately fenced or constructed in such a way to deny access to the public; and
 - f. the **bin** is cleaned thoroughly after each emptying.
- 4) Notice of Materials to be Deposited - Every waste hopper or recycling **bin** used for the collection of waste or recyclable material must display a notice indicating the type of waste or material which is permitted and stating that it is an offence to deposit any material contrary to the notice.

S.27 Grazing of Livestock

- 1) In determining whether to grant a **permit** for the **grazing of livestock**, the **Council** must consider:
 - a. whether an indemnity and evidence of public liability insurance has been provided to the **Council**; and

- b. the location of the **road** or roads in relation to the property where the cattle are kept;
 - c. **Council** Roadside Vegetation Management Plan as amended from time to time; and
 - d. any other matter relevant to the circumstances of the application.
- 2) The **Council** must not issue a **permit** for the grazing of a **road** by **livestock** unless:
- a. the **road** or **roads** or part of them proposed to be grazed can be grazed without threat to areas of medium and high conservation significance;
 - b. the **applicant** for the **permit** provides evidence to the satisfaction of **Council**;
 - c. that the **livestock** will be adequately supervised and effectively controlled;
 - d. there will be compliance with all conditions of a **permit**;
 - e. where required, of the health and fitness of the **livestock**;
 - f. of an ability to adequately feed and water the **livestock** on the **road/s** proposed;
 - g. the **road** or **roads** or part of them are at the time proposed suitable for grazing by **livestock** which can be undertaken without damage to surface, plants, road infrastructure or adjacent structures;
 - h. in respect of any roadside not adjacent to the property owned or occupied by the **applicant**, the **applicant** has first obtained, in writing, the approval of the adjacent property owner/occupier.
- 3) Unless otherwise stated the following conditions apply to all **permits** granted:
- a. A person who is in charge of **livestock** which are being grazed on a **road** must ensure that:
 - i. the **livestock** are supervised and under **effective control** at all times by a person who is competent in the management of **livestock**;

- ii. the carcass of any **livestock** under that person's charge which dies on a **road** is properly disposed of;
- iii. **Livestock** are grazed only during **daylight hours**;
- iv. Signs conforming with guidelines prepared by Regional Roads Victoria and referred to in the **Road Rules** are in place;
- v. Appropriate precautions are taken to ensure that no damage occurs to **road** surfaces, furniture, drains, culverts, bridges, and private entrance ways or to trees and shrubs growing within the **road** reserve and that erosion is not caused by excessive grazing;
- vi. in the event that **livestock** are causing damage including where overgrazing occurs, they are removed from the **road** reserve;
- vii. the **livestock** are enclosed by an appropriate form of fencing or other control and removed from the **road** before **daylight hours** finish unless an **Authorised Officer** agrees to some other level of supervision or overnight arrangement;
- viii. an Inspector of Livestock of Agriculture Victoria administering the *Livestock Disease Control Act 1994* is notified if the person in charge of such **livestock** becomes aware or suspects that **livestock** (or any of them) have a **disease** or has died of a **disease** listed as a notifiable **disease** under that Act; and
- ix. he or she complies with the provisions of the *Livestock Disease Control Act 1994* and the *Prevention of Cruelty to Animals Act 1986*.

S.28 Droving of Livestock

- 1) In determining whether to grant a **permit** for the **droving of livestock** pursuant to clause 7.3, the **Council** must consider:
 - a. whether an indemnity and evidence of public liability insurance has been provided to the **Council**; and
 - b. **Council** Roadside Vegetation Management Plan as amended from time to time; and
 - c. any other matter relevant to the circumstances of the application.

- 2) The **Council** must not issue a **permit** for the **droving of livestock** if:
- a. the **road** used to drive **livestock** is a **declared road** and permission has not been granted by Regional Roads Victoria.
 - b. there are more than:
 - i. 3,000 sheep, ewes, wethers, and rams; or
 - ii. 500 **large cattle**; or
 - iii. 200 of any other **livestock**; or
 - c. it is not satisfied that the **livestock** are able to travel:
 - d. eight kilometres each day (being **livestock** referred to in paragraph (a)(i) or (iii)) in one direction; or
 - e. ten kilometres each day (being **livestock** referred to in paragraph (a)(ii)) in one direction- towards their destination; or
 - f. the **roads** proposed to be travelled:
 - g. are or will be in use for the purpose of the droving of other **livestock** at the time proposed;
 - h. are carrying such an extent of **traffic** or in such a condition or being used for such other purposes at the time proposed for the droving that the droving is impracticable; or
 - i. contain areas of medium or high conservation significance and the **applicant** cannot or is not prepared to give an undertaking to take all reasonable measures proposed to ensure that such areas are protected; or
 - j. the owner or **drover** or person in charge of the **livestock** does not provide evidence, to the satisfaction of **Council**, of an ability to adequately water and feed the **livestock** and to safely contain them overnight; or
 - k. the owner or **drover** does not supply a declaration of his/her knowledge of the health and fitness of the **livestock** in a form acceptable to the **Council**; or
 - l. a person proposing to introduce cattle into Victoria has not first obtained permission in writing from an Inspector of **livestock** under the *Livestock Disease Control Act 1994*, provided certification regarding the **livestock** to the Inspector nearest the first point of entry and ensured that the **livestock**

are ear tagged with approved ear tags prior to entry or otherwise complied with the *Livestock Disease Control Act 1994*.

- 3) Unless otherwise stated the following conditions apply to all **livestock** droving **permits** granted:
- a. A person who is in charge of **livestock** which are being driven on a **road** must ensure that:
 - b. the **livestock** are supervised and under **effective control** at all times by a person who is competent in the management of such **livestock**;
 - c. **Livestock** camped overnight are enclosed by a substantial and secure barrier (or otherwise isolated so as to prevent escape or danger to other **road** users)
 - d. proper disposal takes place of any carcass of any **livestock**, under that person's charge, which die on the **road**;
 - e. the **livestock** are only driven during **daylight hours**;
 - f. the **livestock** are not driven on **roads** which the **Council** or an **Authorised Officer** has notified the person must not be used for the **droving of livestock**;
 - g. an Inspector of Livestock of Agriculture Victoria administering the *Livestock Disease Control Act 1994* is notified if the person in charge of such **livestock** becomes aware or suspects that **livestock** (or any of them) have a **disease** or has died of a **disease** listed as a notifiable **disease** under that Act;
 - h. he or she complies with the provisions of the *Livestock Disease Control Act 1994* and the *Prevention of Cruelty to Animals Act 1986*;
 - i. in respect of any **declared roads**, the permission of Regional Roads Victoria has been obtained.
 - j. all **livestock** being driven along **roads** must be fitted with appropriate NLIS identification
- 4) The **Council** may impose any additional conditions as it considers appropriate including requirements that:

- a. **livestock** are not camped in an area which is a declared or designated area of medium or high conservation value;
 - b. appropriate reflective signs or flashing lights be erected in front of, and at the rear of, any **livestock** camped overnight on a **road**;
 - c. the number of **livestock** which may be driven in the **municipal district** at any one time does not exceed the number specified in respect of the **permit**;
 - d. the **livestock** travel not less than the distances specified by an **Authorised Officer** (which distances may allow for a rest day in appropriate circumstances);
 - e. signs conforming with the guidelines prepared by the Regional Roads Victoria and referred to in the **Road Rules** are in place; and
 - f. **livestock** are only to be driven on any **road** during **daylight hours**.
 - g. the route to be travelled must be specifically determined by **Council** having regard to the route requested by the **applicant**.
- 5) the route to be travelled must be specifically determined by **Council** having regard to the practicality of that route or alternative routes given:
- a. the respective volume of **traffic** regularly using **roads** in the vicinity;
 - b. the proposed commencing and finishing locations;
 - c. the sensitivity of vegetation on that route;
 - d. the duration and/or frequency of **livestock** droving proposed;
 - e. the number of **livestock** involved in the droving or each **livestock** droving;
 - f. any **permits** already granted for **livestock** droving, grazing or movement on or adjacent to the proposed area;
 - g. the condition of the **road** and prevailing weather conditions at the time of the proposed **droving of livestock** or throughout the proposed **livestock** droving;
 - h. the availability of alternative routes;

- i. the distance to be covered each day;
- j. the health and condition of the **livestock**;
- k. the nature of any weeds or growth along any proposed route and the potential for **livestock** to spread noxious or environmental weeds;
- l. the potential for safely accommodating any **livestock** overnight;
- m. the capacity to adequately warn other **road** users of the presence of **livestock** on the **road**;
- n. procedures for varying any route in situations of hardship;
- o. the availability of water and feed;
- p. the outcome of any consultation with the Department of Environment, Land, Water and Planning
- q. the views of Regional Roads Victoria concerning any droving on **declared roads**; and
- r. any other matters considered relevant by the **Council**.

S.29 Movement of Livestock on Council Managed Roads

- 1) In determining whether to grant a **permit** for the **movement of Livestock** on **Council** managed **roads**, the **Council** must consider:
 - a. whether an indemnity and evidence of public liability insurance has been provided to the **Council**; and
 - b. **Council** Roadside Vegetation Management Plan as amended from time to time and;
 - c. any other matter relevant to the circumstances of the application.
- 2) The **Council** must not issue a **permit** for **movement of Livestock** unless:
 - a. in respect of any movement or part of any movement before **daylight hours** commence or after **daylight hours** end, suitable warning lights

conforming with guidelines prepared by Regional Roads Victoria and referred to in the Regulations are in place;

- b. the length of direct travel is minimised so far as is practicable to the satisfaction of an **Authorised Officer** of **Council**;
 - c. areas of medium or high conservation significance are avoided or protected as far as practicable;
 - d. the location of any **road** crossing is chosen having regard to the safety of all **road** users;
 - e. the location of any **road** crossing is chosen having regard to the safety of all **road** users; and
 - f. any **stock crossing** requirements of Regional Roads Victoria or the **Council** are met;
- 3) A person who is in charge of **livestock** being moved across or along a **road** must ensure that:
- a. the **livestock** are supervised and under effective control by a person who is competent in the management of **livestock**;
 - b. except where paragraph (e) applies, signs conforming with guidelines prepared by Regional Roads Victoria and referred to in the Regulations are in place and removed or deactivated following completion of the movement;
 - c. subject to paragraph (2) of this standard, the **livestock** are not moved other than during **daylight hours**;
 - d. the **livestock** are moved promptly, to prevent unnecessary grazing of **roads**;
 - e. for permanent **stock crossings** on any **declared road**, permission has been gained from Regional Roads Victoria;
 - f. if, due to the nature of the terrain, volume of **traffic** or visibility, drivers' vision may be restricted, additional warning is given to other **road** users;
 - g. where **livestock** are to be moved across or along and across any **road** in fog or other than in **daylight hours**, there is compliance with the **livestock**

crossing guidelines prepared by Regional Roads Victoria and referred to in the Regulations as is appropriate to the circumstance of the crossing;

- h. any unreasonable amount of **livestock** deposits on any **road** pavement are removed as soon as practicable; and
- i. the **livestock** are healthy and free of **disease**.

SCHEDULE 1: NOTICE TO COMPLY



Our Ref:

Date of Notice: **Select Date**

NOTICE TO COMPLY

Community Local Law 2021

(Clause)

(Title)

Name: (Full name or Organisation/Business)

Address:

I, as an authorised officer of Wellington Shire Council, reasonably suspect that you are contravening the *Wellington Shire Council Community Local Law 2021*.

The particulars of the contravention are as follows:

You are required to cease this contravention, by taking the following action:

Compliance with this notice must occur by **Select Date**

If you fail to comply with this Notice, you may be guilty of an offence.

You may contact Wellington Shire Council Local Laws Staff on 1300 366 244 between the hours of 9.00am and 5.00pm for any further information about this Notice.

Date:

NAME OF AUTHORISED OFFICER
Position

ECM:

Sale Service Centre 18 Desailly Street (PO BOX 506), Sale VIC 3850 Telephone 1300 366 244
Yarram Service Centre 156 Grant Street, Yarram VIC 3971 Telephone (03) 5182 5100
Web www.wellington.vic.gov.au Email enquiries@wellington.vic.gov.au



SCHEDULE 2: NOTICE OF IMPOUNDING



NOTICE OF IMPOUNDING

Date of Notice: **Select Date**

To: (Full name or Organization/Business)

Of: (address)

Pursuant to clause 9.7 of the Wellington Shire Council Community Local Law 2021, you are hereby notified of the impoundment of:

Description of item/s impounded:



From:

The item/s are currently located at Wellington Shire Council and unless the item/s are claimed and fees paid within fourteen days by you, the impounding, moving, keeping and releasing the item/s (and anything on or attached) may be sold, destroyed or given away.

Schedule of Fees:

Transport from (Location) to Wellington Shire Council:	\$
Impound Release Fee:	\$
Total Fees:	\$

Payment can be made in person at Wellington Shire Council Customer Service Centre, 18 Desailly Street SALE VIC 3850 by either cash or EFTPOS (cheques not accepted) prior to claiming the impounded items.

For further information, please contact Wellington Shire Council's Local Laws Department on 1300 366 244

Date:

NAME OF AUTHORISED OFFICER
Position

ECM:

Sale Service Centre 18 Desailly Street (PO BOX 506), Sale VIC 3850 Telephone 1300 366 244
Yarram Service Centre 156 Grant Street, Yarram VIC 3971 Telephone (03) 5182 5100
Web www.wellington.vic.gov.au Email enquiries@wellington.vic.gov.au



SCHEDULE 3: APPLICATION FOR A PERMIT



Application for a Local Laws Permit

Ph: 1300 366 244 | 18 Desailly Street, Sale Victoria | 156 Grant Street, Yarram Victoria | PO Box 506, Sale Victoria 3850

Wellington Shire Council Community Local Laws 2020

If you have questions concerning your application or the permit conditions, please contact our Local Laws Department on 1300 366 244.

i How to complete this form

- Step 1 Complete**
Complete all sections of the form
- Step 2 Sign**
Check all information and sign the declaration
- Step 3 Submit**
Submit a completed application form including any additional documentation and payment to Council
Note: Application of a Local Laws Permit is not complete until payment is made unless the fee is waived.
DO NOT USE THIS FORM FOR COMPLETING AN APPLICATION FOR KEEPING ANIMALS PERMIT

i How to submit this form

In person	Sale Service Centre 18 Desailly Street, Sale Monday-Friday 8:30am – 5:00pm	Yarram Service Centre 156 Grant Street, Yarram Monday, Tuesday, Thursday, Friday 10:00am – 2:00pm (closed Wednesday)
	Wellington Shire Council, PO Box 506, Sale Victoria 3850	
By Post	Wellington Shire Council, PO Box 506, Sale Victoria 3850	
Email	enquiries@wellington.vic.gov.au	

i What happens next?

Council's Local Laws Department will process the application. A Council staff member may contact you if any additional information is required.

How long does this process take?

- Allow up to 10 business days for your application to be assessed and processed.
- If you have not heard anything after this time, please contact our Local Laws Department on 1300 366 244.

What happens next?

- Once the application is processed, you will be informed in writing that your permit is active.
- Some permits are required to be renewed yearly or every 3 years, if you are applying for this type of permit you will be notified by Council asking if you still need the permit.

i Privacy

Information requested on this form is collected for the purpose of applying and obtaining a permit for a related register. Any personal information will be used solely by Council for that primary purpose or directly related purposes. Council may disclose part or all of this information as required to do so by law (including third parties and/or other agencies). The applicant understands that the personal information provided is for the purpose of obtaining a permit, and they may apply to Council for access to/or amendment of the information.

▼ S 1 Please tick one

Endorsement / Establish an Alfresco dining facility (Complete S2, S4 & S5)	☐	Roadside Grazing Permit (Complete S2, S3, S4, S6 & S7)	☐
Roadside Trading (S2, S4, S6, S7 & S8)	☐	Movement of Livestock (Complete S2, S3, S4, S6 & S7)	☐
Lighting an Outdoor Fire (Complete S2, S5, S6, S7 & S8)	☐	Display Portable Advertising /Goods on Footpath	☐
Occupation of Caravan during Construction of Dwelling (S2, S6, S7)	☐	Other please specify (please see our local laws for details)	☐

▼ S 2 Details of applicant

Name/Organisation			
Trading name (if different from above)			
Residential/business address			
Address/roads the permit applies to			
Postal Address (if different from above)			
Telephone		Email	
To opt out of having this permit issued to you by email please tick this box ☐			

▼ S 3 Livestock Details (if applicable)

Type & number of Livestock (eg cows 600)	
Description & Identification (eg Angus farm pick Number)	
Name & Address of owner of Livestock	
Name & Address of person in charge of Livestock Movement or droving)	
Proposed point of commencement	
Point of destination	
Date of commencement	

▼ S 4 Public Liability Insurance (if applicable)

If you are required to complete this section of the form please attach to this application a copy of your public liability insurance

▼ S 5 Adjoining Neighbour details (if applicable)

Neighbour 1 Details	
Name	
Address	
Neighbour 2 Details	
Name	
Address	

▼ S 6 Form of indemnity (if applicable)

This deed is made on the	day of	20
Between: (the permit holder)		
And the Wellington Shire Council ('the Council')		

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

EXECUTED as a Deed
SIGNED SEALED AND DELIVERED by.....
 Signature of Applicant

In the presence of:

Signature of Witness	Name and address of Witness

▼ S 7 Declaration of person completing this form

I declare that the information I have given is true and correct. I agree to abide by all conditions specified in the permit and Local Law and any relevant Guidelines. I have attached the relevant documentation that this form

Name	Signature	Date

▼ S 8 Site Plan

OFFICE USE:			
Receipt number	Processed by	Date:	Sent:

SCHEDULE 4: APPLICATION FOR A KEEPING ANIMALS PERMIT



Application for Keeping Animals Permit

Ph: 1300 366 244 | 18 Desailly Street, Sale Victoria | 156 Grant Street, Yarram Victoria | PO Box 506, Sale Victoria 3850

Wellington Shire Council Community Local Laws 2020

If you have questions concerning your application or the permit conditions, please contact our Local Laws Department on 1300 366 244.

i How to complete this form

- Step 1 Complete**
Complete all sections of the form
- Step 2 Sign**
Check all information and sign the declaration
- Step 3 Submit**
Submit a completed application form including any additional documentation and payment to Council
- Note: Application of a Local Laws Permit is not complete until payment is made unless the fee is waived.**

i How to submit this form

In person	Sale Service Centre 18 Desailly Street, Sale Monday-Friday 8:30am – 5:00pm	Yarram Service Centre 156 Grant Street, Yarram Monday, Tuesday, Thursday, Friday 10:00am – 2:00pm (closed Wednesday)
By Post	Wellington Shire Council, PO Box 506, Sale Victoria 3850	
Email	enquiries@wellington.vic.gov.au	

i What happens next?

Council's Local Laws Department will process the application. A Council staff member may contact you if any additional information is required.

How long does this process take?

- Allow up to 10 business days for your application to be assessed and processed.
- If you have not heard anything after this time, please contact our Local Laws Department on 1300 366 244.

What happens next?

- Once the application is processed, you will be informed in writing that your permit is active.
- Some permits are required to be renewed yearly or every 3 years, if you are applying for this type of permit you will be notified by Council asking if you still need the permit.

i Privacy

Information requested on this form is collected for the purpose of applying and obtaining a permit for a related register. Any personal information will be used solely by Council for that primary purpose or directly related purposes. Council may disclose part or all of this information as required to do so by law (including third parties and/or other agencies). The applicant understands that the personal information provided is for the purpose of obtaining a permit, and they may apply to Council for access to/or amendment of the information.

▼ S 2 Details of applicant

Name			
Residential address			
Address that the permit applies to (if different from above)			
Postal Address (if different from above)			
Telephone		Email	
To opt out of having this permit issued to you by email please tick this box ☐			
Do you currently have any domestic animals Yes ☐ No ☐			

▼ Provide details of animals already registered with please use reverse of page if you require further room

Animal Number (can be found on your animal registration papers)	Type of Animal i.e. dog/cat	Breed	Age

▼ What additional animals are you applying for please use reverse of page if you require further room

Type of animal i.e. dog/cat	Name	Breed	Age



Are these animals for breeding and rearing purposes?	Yes	☐	No	☐
Are these animals for training purposes (eg Greyhounds)?	Yes	☐	No	☐
Will your premises be used as a boarding establishment?	Yes	☐	No	☐

▼ S 7 Declaration of person completing this form

I declare that the information I have given is true and correct. I agree to abide by all conditions specified in the permit and Local Law and any relevant Guidelines. I have attached the relevant documentation that this form					
Name		Signature		Date	
OFFICE USE:					
Receipt number		Processed by		Date:	
				Sent:	

SCHEDULE 5: FIXED PENALTIES FOR INFRINGEMENT NOTICES



FIXED PENALTIES FOR INFRINGEMENT NOTICES

Clause	Offence	Penalty Units
9.1	Engages in activity without current permit where activity requires permit	2
9.1	Breaches or fails to comply with permit conditions	2
9.4	Fail to remedy a situation in accordance with a Notice to Comply	2
9.9	Fail to give correct name and address to an authorised officer upon request	3
2.1	Trees and Plants Interfering or Obstructing	2
2.2	Interfere or Obstruct Signpost	2
2.3	Discharge Irrigation Water on to a Road	3
2.4	Not Display Property Number	2
2.5	Access Land Other Than Over Council Approved Crossing	2
2.7	Leave Shopping Trolleys on Roads or Council Land	1
2.8	Use Toy Vehicle in a Manner that Hinders, Obstructs, Endangers, Alarms	1
2.8	Use Toy Vehicle in Area Designated not to be Used	1
2.10	Leave Derelict, Abandoned, Unregistered Vehicle on a Road	2
3.9	Repair Vehicle/Deposit Substance on a Road	2
4.1	Behaviour in Municipal Places Offence	3
4.1	Access to Municipal Place Offence	3
4.2	Drive/Park vehicle on Municipal Reserve	3
4.3	Allow Tree/Plant to Damage/Interfere with Municipal Place	2
4.4	Smoke on a Designated Smoke-Free Area	2
4.5	Consume/Possess Alcohol on a Road	2
4.6	Camping on a Road/Municipal Place	2
5.1	Allow Dangerous/Unsightly Land	3
5.5	Camping on Vacant Private Land Offences	2
5.7	Deposit Wastewater on Land/Watercourse	3
5.8	Domestic Waste Collection Offences	2
5.9	Hard Waste and Recycling Collection Offences	2
5.10	Trade Waste and Waste Hoppers Offences	3
5.12	Depositing Waste at Municipal Facility Offences	2
5.13	Scavenging at Municipal Facilities and Other Places Offences	2
5.14	Dumping of Refrigerators, Trunks or Similar Containers Offences	3
6.3	Animal Excrement Offences	1
6.4	Animal Nuisance Offences	2
6.5	Ride/Lead Horse on Reservation	2
7.5	Fail to Give Way to Livestock (Droving)	2
7.6	Fail to Provide Warning Signage while Droving/Grazing/Moving Livestock	2
7.7	Relocating Livestock Other Than in Daylight Hours	2

Where no penalty is specified, two (2) penalty units apply.

Note: Section 110 of the Sentencing Act 1991 describes the value of a penalty unit.

SCHEDULE 6: CONTROL OF TOY VEHICLES

Toy vehicles are not permitted to be ridden on or otherwise used in the following areas: -

- Sale Pedestrian Mall
- Raymond Street Sale between Stawell and Foster Streets
- Cunninghame Street Sale between Reeve and York Streets
- Macarthur Street Sale between Reeve and York Streets
- Macalister Street Sale between Reeve and York Streets
- York Street Sale between Stawell and Foster Streets
- Desailly Street Sale between Stawell and Foster Streets
- Pearson Street Sale between Stawell and Foster Streets
- Johnson Street Maffra between Foster and McMillan Streets
- Commercial Road Yarram between James and Devon Streets
- Temple Street, Heyfield between Macfarlane and Harbeck Streets

SCHEDULE 7: DESIGNATED AREAS FOR TEMPORARY CAMPING

(Self-Contained Caravans and RVs)

Further detailed information regarding designated area for temporary camping within the Shire of Wellington is accessible via the link provided: [Recreational-Vehicle-Strategy](#)

**SCHEDULE 8: DESIGNATED AREAS FOR USE BY
RECREATIONAL VEHICLES**

Further detailed information regarding designated areas for use by Recreational Vehicles (RV) within the Shire of Wellington is accessible via the link provided: [Recreational-Vehicle-Strategy](#)



Sale Service Centre

18 Desailly Street, Sale, Victoria 3850
Telephone 1300 366 244

Yarram Service Centre

156 Grant Street, Yarram, Victoria 3971
Telephone 03 5182 5100

www.wellington.vic.gov.au
enquiries@wellington.vic.gov.au

