



GANNAWARRA
Shire Council

Gannawarra Shire Council
Community Amenity Local Law 2023

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PART 1 – PRELIMINARY

1. TITLE

This Local Law is titled the Community Amenity Local Law 2023.

2. OBJECTIVES

The objectives of this Local Law are to:

- (a) protect and enhance community safety and neighbourhood amenity;
- (b) protect public assets;
- (c) regulate activities and conduct for the benefit of the Municipal District;
- (d) assist Council in maintaining a vibrant, caring and prosperous community which offers social, economic and environmental sustainability and is consistent with Council's overall vision, strategies and policies; and
- (e) provide for the administration of Council's powers and functions.

3. POWER TO MAKE THIS LOCAL LAW

Council's power to make this Local Law is contained in section 71 of the *Local Government Act 2020* and section 42 of the *Domestic Animals Act 1994*.

4. COMMENCEMENT

This Local Law commences operation on the day after it is adopted by Council.

5. DATE THIS LOCAL LAW CEASES OPERATION

Unless sooner revoked, this Local Law ceases to operate 10 years after the date on which it commenced.

6. REVOCATION OF OTHER LOCAL LAWS

Council's Local Law No.1 'Community Amenity' 2012, as revised in January 2014, was revoked on 19 April 2022. Any notice or approval given, permit issued or matter or thing commenced under the revoked Local Law, is not affected by the commencement of this Local Law.

7. GUIDELINES

Council may prepare operational Guidelines to assist Council officers in the administration and enforcement of this Local Law.

8. SCOPE OF THIS LOCAL LAW

- 8.1 This Local Law applies throughout the Municipal District.
- 8.2 Where this Local Law applies to a Road, it applies to all parts of the Road.
- 8.3 The provisions of this Local Law apply to the extent that they are not inconsistent with any Act or Regulation applicable to Council.
- 8.4 Anything allowed under any Act, Regulation or the Planning Scheme is not affected by any prohibition, requirement or restriction under this Local Law.
- 8.5 References to any land in this Local Law include buildings and other structures permanently affixed to the land and any land covered with water.

9. INTERPRETATION AND DEFINITIONS

- 9.1 In this Local Law, unless the contrary intention appears –
 - (a) a clause is a reference to a clause in this Local Law;
 - (b) a sub-clause is a reference to a sub-clause in this Local Law; and
 - (c) the singular also refers to the plural.
- 9.2 In this Local Law, words that are not defined will adopt their ordinary meaning, and unless the contrary intention appears, the following words have the meaning ascribed:

Act	means the <i>Local Government Act 2020</i> ;
Advertising Sign	means any board, notice, structure, banner or other similar device used for the purposes of soliciting sales or notifying people of the presence of an adjacent property or other address, whether real, internet-based or electronic and where goods or services may be obtained;
Abandoned Vehicle	means a Vehicle which: <ul style="list-style-type: none">(a) has no number plates;(b) is unroadworthy; or(c) has not been moved from the Road or Council Land on which it stands for 60 days or more;
Asset Protection Permit	means a Permit issued by Council pursuant to clause 48;
Authorised Officer	means an Authorised Officer appointed under section 224 of the <i>Local Government Act 1989</i> ;
Barbecue	means a device used for the cooking of food outdoors whether constructed or manufactured and whether powered by gas, electricity, liquid or solid fuel, or any combination of them, and includes a device for spit roasting when used outdoors;
Building Works	means works for or in connection with the construction, demolition or removal of a building in respect of which a building permit is required under the <i>Building Act 1993</i> ;

Bulk Rubbish Container	means a bin, container, skip, mobile storage unit, or other structure designed or used for holding a substantial quantity of rubbish or storage and which is unlikely to be lifted without mechanical assistance, but excludes a container used in connection with the Council's regular domestic rubbish collections;
Busking	means to perform to the public, including by acting, juggling, singing, playing a musical instrument or otherwise entertaining passers-by, with or without collecting money;
Camp	means to use a tent, swag, blanket, sleeping bag, bedding, clothing, tarpaulin, Vehicle, vessel, caravan or any temporary structure for accommodation, but excludes the use of roadside parking bays for fatigue management purposes;
Camping Area	means any land within the Municipal District that has been declared by Council or another public authority to be a Camping Area for the purposes of this Local Law;
Chief Executive Officer	means the person appointed by Council to be its Chief Executive Officer or any person acting in that position;
Child	means any person under the age of 18 years;
Council	means Gannawarra Shire Council;
Council Asset	means any road, drain, drainage infrastructure, tree, road, sign or other property vested in or under the control of Council;
Council Land	means any land owned or vested in, or under the control and management of the Council, including, but not limited to, Roads, Municipal Reserves, watercourses and reservations;
Domestic Bird	means small birds such as canaries, finches, budgerigars and the like but excludes Large and/or Noisy Birds (including Roosters) capable of causing disturbance and discomfort to neighbours;
Droving of Livestock	means a single driving of Livestock in or through the Municipal District or from one location to another for the purpose of changing their grazing area or for the purposes of sale or relocation after sale, but does not include the Grazing of Livestock;
Dwelling	means a building designed to be used for human habitation;
Farm Land	means land zoned as Farming Zoned Land under clause 35 of the Planning Scheme;
Fence	means any permanent enclosure by design or intent that is used for safety, security, boundary, amenity or the confinement of animals and includes a gate, grid or other similar structure, noting that the term 'permanent enclosure' excludes a wire or wires forming part or the whole of any moveable electric fence;

Footpath	means a pathway or other area constructed or developed for use by pedestrians;
Goods	includes animals, vegetation, merchandise, Vehicles, chattels, stone, timber, metal, fluid or any other article, substance or thing;
Grazing of Livestock	means the use of a Road for the purposes of grazing Livestock which includes supplementary feeding but does not include the Droving of Livestock;
Heavy Vehicle	<p>means a motor vehicle or trailer that has a gross vehicle mass greater than 4.5 tonnes, and includes:</p> <p>(a) any other Vehicle that is physically connected to the heavy vehicle (even if that other Vehicle is not a heavy vehicle); and</p> <p>(b) a bus that is used, or that is intended to be used, to carry passengers for reward or in the course of a business (<i>as in the Road Safety Act 1986</i>).</p>
Incinerator	<p>means a structure, device or contraption (not enclosed in a building) which is -</p> <p>(a) used or intended, adapted or designed to be used or capable of being used, for the purpose of burning any matter, material or substance;</p> <p>(b) not licensed or otherwise subject to control under the provisions of any legislation; and</p> <p>(c) not a Barbecue.</p>
Infringement Notice	means an Infringement Notice issued under this Local Law;
Itinerant Vendor	means a person that sells goods or services from a Vehicle by periodically stopping to sell such goods, but excludes the use of a fixed site;
Large and/or Noisy Birds (including Roosters)	means, in relation to the keeping of Animals, any Large and/or Noisy Birds capable of causing disturbance or discomfort to neighbours particularly by noise, such as cockatoos, geese, macaws, Peacocks, large parrots, pheasants, roosters, turkeys or other similar sized birds and any other Noisy Birds regardless of size, but does not include Poultry, pigeons or small non-noisy birds;
Liquor	means a beverage intended for human consumption that contains alcohol;
Litter Device	means in relation to dog or cat excrement, an apparatus designed for the purpose of removing dog or cat excrement and includes a paper, plastic bag or biodegradable bag;

Livestock	has the same meaning ascribed by the <i>Impounding of Livestock Act 1994</i> meaning an animal (including a bird) of any species used in connection with primary production or kept or used for recreational purposes or for the purposes of recreational sport, other than a dog or cat;
Motor Bike or Motorised Recreational Vehicle	<p>means a motor vehicle, whether registered or unregistered, used for recreational purposes on Private Land or Council Land but not on Roads, including but not limited to the following vehicles:</p> <ul style="list-style-type: none"> (a) a motor vehicle with two wheels, with or without a sidecar attached that is supported by a third wheel; (b) a motor vehicle with three wheels, that is ridden in the same way as a motor vehicle with two wheels; or (c) any other motorised recreational vehicle, including, but not limited to, mini-bikes, trail-bikes, motorised scooters, motorised go-carts and quad bikes, <p>but excludes a motorised wheelchair or other aid used by persons with disabilities and motorised farm vehicles being used for farming purposes;</p>
Movement of Stock	means the walking of stock during daylight hours between adjoining or adjacent paddocks or separate properties as part of normal farming practices;
Municipal Building	means any building (and its grounds) owned, occupied, controlled or managed by Council, which may have some or all areas designated for public or community access but may also have some or all areas designated for employee or staff only access;
Municipal District	means the district of Gannawarra Shire Council;
Municipal Place	means any place within the Municipal District, which is owned or occupied by Council and/or controlled or managed by Council, which the public may or may not have access to (whether an admittance fee is required or not), and includes a Municipal Reserve, library, Municipal Building, Footpath or Road;
Municipal Reserve	means any land, or waterway or water course either owned or vested in, or under the control and management of the Council, and used or set aside as a reserve but excludes Roads and any areas leased to other parties;
Notice to Comply	means a Notice to Comply issued under this Local Law;
Outdoor Eating Facility	means any tables and/or chairs located out of doors at which food or drinks are served and may be consumed;
Penalty Unit	means a penalty unit under <i>the Sentencing Act 1991</i> ;
Permit	means a Permit issued by Council under this Local Law;

Person	includes a legal entity, whether a corporation, incorporated association or otherwise, but excludes Council;
Planning Scheme	means the Gannawarra Planning Scheme;
Poultry	means any bird, such as chickens, fowl, bantam or ducks kept for the production of eggs of meat for human consumption or exhibition but does not include roosters, geese or turkeys (see Large and/or Noisy Birds definition);
Private Land	means any land other than Council Land;
Procession	means an organised group or gathering of people along a Road for the purpose of attending a ceremony or function, including a fun run and bicycle event, but excludes funerals;
Recyclable Material	means any Recyclable Material in respect of which a separate Council or Council authorised or approved collection service applies;
Residential Land	means land zoned as a Residential Zone under clause 32 of the Gannawarra Planning Scheme;
Road	has the meaning ascribed to it in section 3 of the <i>Local Government Act 1989</i> and includes a Public Highway (as in that Act), meaning: <ul style="list-style-type: none"> (a) a street; (b) a right of way; (c) any land reserved or proclaimed as a street or road under the <i>Crown Land (Reserves) Act 1978</i> or the <i>Land Act 1958</i>; (ca) a public road under the <i>Road Management Act 2004</i>; (d) a passage; (e) a cul de sac; (f) a by-pass; (g) a bridge or ford; (h) a footpath, bicycle path or nature strip; and (i) any culvert or kerbing or other land or works forming part of the road.
RV Park	means a place where recreational vehicles are permitted to stay in allotted spaces;
Smoke Free Area	means an area which has been declared by Council as “smoke free” or “non-smoking” and has appropriate Smoke Free Area signage erected and maintained;
Street Festival	means an organised recreational, cultural, commercial or social gathering of people that is held on a Road;

Tree means any perennial plant having one or more permanent, woody, self-supporting trunks and with branches, forming a crown, and includes all parts of the plant, whether above or below ground;

Unsightly when used in relation to land, includes land which contains:

- (a) unconstrained rubbish;
- (b) excessive building materials;
- (c) discarded, rejected, surplus or abandoned solid or liquid materials;
- (d) dilapidated structures;
- (e) graffiti;
- (f) machinery or machinery parts visibly stored for more than 28 days;
- (g) unregistered, unroadworthy, disassembled, incomplete or deteriorated motor vehicles, caravans, trailers or similar, visibly stored on the land for more than 2 months;
- (h) anything being built which is left incomplete and is detrimental to the appearance of the surrounding area; or
- (i) any other thing making the land visually unsightly or detrimental to the general amenity of the area, including land which is neglected or unsecured.

When used in relation to buildings, includes buildings which are:

- (a) derelict;
- (b) abandoned;
- (c) damaged;
- (d) neglected;
- (e) incomplete;
- (f) unsecured; or
- (g) any other thing making the building visually unsightly or detrimental to the general amenity of the area.

Vehicle means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn, and includes –

- (a) a motor bike, vehicle, trailer or tram;
- (b) a bicycle;
- (c) an air-cushion vehicle;
- (d) motorised recreational vehicle; and
- (e) an animal that is being ridden or is drawing a Vehicle

but does not include a reference to –

- (i) a wheelchair other than a motorised wheelchair capable of a speed of 10 kilometres per hour or more;
- (ii) a Wheeled Non-Motorised Recreational Device;
- (iii) a Wheeled Child’s Toy; or
- (iv) a train.

Wheeled Non-Motorised Recreational Device means a wheeled device, built to transport a person propelled by human power or gravity, and ordinarily used for recreation or play and –

- (a) includes in-line wheeled skates, roller-skates, skateboards and similar wheeled devices; but
- (b) excludes a golf buggy, pram, stroller, trolley, bicycle, wheelchair or Wheeled Child’s Toy; and

Wheeled Child’s Toy means a Child’s pedal car, scooter or tricycle or similar toy, but only when it is being used solely by a Child who is under 12 years old.

PART 2 – YOUR PROPERTY AND ANIMALS

DIVISION 1 - YOUR PROPERTY

10. ROAD NAMES

A Person must not apply a name to a Road without the written consent of Council.

11. PROPERTY NUMBERS

Where Council has allocated a property number to a property, the owner of that property must -

- (a) mark the property with the number allocated by Council; and
- (b) ensure that the number is of a sufficient size and is located in a position where the number can be clearly read from the nearest Road under normal lighting conditions.

12. UNSIGHTLY LAND

An owner or occupier of Private Land must not cause or allow that land to be kept in a manner which is –

- (a) Unsightly; or
- (b) detrimental to the general amenity of the neighbourhood in which it is located.

13. DANGEROUS LAND

An owner or occupier of Private Land must not cause or allow that land to be kept in a manner which is dangerous or likely to cause danger to life or property.

14. DOMESTIC WASTE COLLECTION

The occupier of any Dwelling on Private Land or Council Land to which the Council provides a waste collection service must ensure that any Council issued bin is –

- (a) maintained in a clean and sanitary manner;
- (b) positioned for collection adjacent to the roadside at least half a metre clear of any other object or obstruction with the lid closed;
- (c) not overloaded to a weight exceeding 70 kilograms;
- (d) placed out for collection and returned inside the property boundary within 24 hours of collection;
- (e) only filled with refuse generated from the household to which the bin has been issued to; and
- (f) not filled with inappropriate materials including non-domestic waste, e-waste, hot or burning ashes, commercial materials or explosive, hazardous or dangerous materials.

15. REMOVING RECYCLABLE MATERIAL

Unless authorised by Council, a Person must not remove or interfere with any Recyclable Material left on a Road, or at any other collection point.

16. OPEN AIR BURNING

- 16.1 A Person must not, on Private Land under 0.5 hectares, light a fire or allow a fire to remain alight in the open air, including in an Incinerator.
- 16.2 A Person must not burn or cause to be burnt, or allow to remain alight in the open air, including in an Incinerator or other similar device, in the Municipal District any:
- (a) offensive materials; or
 - (b) materials that cause offensive emissions of smoke and odour to enter any neighbouring residential property.
- 16.3 The following matters are exempt from this clause:
- (a) a fire lit for domestic cooking purposes in a permanent or portable Barbeque, a wood fire oven, copper stand burner or other similar cooking device;
 - (b) a properly constructed fireplace including a metal brazier, chiminea or similar type structure lit for heating purposes;
 - (c) persons authorised by Council to undertake controlled burning-off as a part of normal parks maintenance on any Council Land;
 - (d) training or fire hazard reduction works being undertaken by the Country Fire Authority; or
 - (e) special or unusual circumstances, such as emergencies, urgent circumstances or natural disasters where Council has granted a specific exemption.

17. CAMPING ON PRIVATE LAND

- 17.1 A Person must not, without a permit, camp or allow camping to occur on Private Land for more than 56 days in total over a 12 month period.
- 17.2 A person must not camp on Private Land unless the land contains access to a toilet and washing facilities.

18. SHIPPING CONTAINERS

A Person must not, without a Permit, keep, store, repair or use a shipping container on:

- (a) Private Land which is less than 0.5 hectares, (excluding Farm Land); or
- (b) Council Land.

19. TREES AND PLANTS NOT TO OBSTRUCT

A Person must not, allow any Tree or plant in, or growing on, Private Land owned or occupied by that person to:

-
- (a) overhang or protrude onto a Footpath at a height lower than 2.4 metres;
 - (b) extend, obstruct or obscure the passage of traffic; or
 - (c) constitute a danger to vehicles or pedestrians or compromise the safe and convenient use of the road.

20. TREES CAUSING DAMAGE TO A MUNICIPAL PLACE

An owner or occupier of Private Land must not allow any Tree or plant in, or growing on that land to cause damage to, or interference with a Municipal Place or drain vested in, or under the control of the Council.

DIVISION 2 – YOUR ANIMALS

21. KEEPING ANIMALS

An owner or occupier of Private Land must not, without a Permit, keep or allow to be kept on any one parcel of land at any time, any more than the number for each type of animal listed in the table below:

Type of Animal	In Flats, Units or Townhouses	On land up to 1 hectare, excluding Farm Land	On land greater than 1 hectare and up to 2 hectares, other than Farm Land	Farm Land
Dogs	2	2	2	5
Cats	2	2	2	5
Poultry (no roosters)	0	6	30	Municipal Planning Scheme Applies
Large or Noisy Birds	0	0	0	
Pigeons	0	50	150	
Domestic birds (caged)	2	50	100	
Horses/donkeys	Prohibited	0	2	
Cattle	Prohibited	0	5	
Sheep/goats	Prohibited	0	10	
Pigs	Prohibited	0	0	
Any other livestock	Prohibited	0	2	

- 0.5 hectares = 1.236 acres, 2 hectares = 4.94 acres
- For the purpose of calculating Animal numbers, the progeny of any dog or cat lawfully kept will be counted from 12 weeks after their birth.

22. ANIMAL ACCOMMODATION

The owner or occupier of Private Land on which an animal is kept must provide accommodation for that animal which is adequate and appropriate in the circumstances, taking into consideration the –

- type and number of animals to be kept;

-
- (b) capacity to maintain the housing in a sanitary and inoffensive condition;
 - (c) capacity to protect neighbours from noise caused by the animals on the land;
 - (d) size, height and location of the accommodation; and
 - (e) security of the accommodation.

23. ADEQUATE FENCING

Where an animal is kept on Private Land, the owner or occupier of that land must ensure that the land is fenced in a way that will prevent the animal from straying or escaping from that land.

24. ANIMAL EXCREMENT

A person in charge of any dog or cat on Council Land must –

- (a) not allow any part of the excrement of the dog or cat to remain on Council Land; and
- (b) carry a Litter Device suitable to clean up any excrement left by their dog or cat and must produce such Litter Device when requested to do so by an Authorised Officer.

25. ANIMAL AND BIRD NOISE

The owner or occupier of Private Land must take all necessary steps to prevent any animal or Large and/or Noisy Birds on that land from sounding noise at unreasonable times that may adversely affect the comfort, convenience, quiet enjoyment or privacy of any other Person.

Note: Dogs which cause a nuisance by barking are regulated under the Domestic Animals Act 1994.

26. FODDER ON ROADS

A Person must not place, keep, store, or retrieve, or authorise another Person to place, keep, store or retrieve fodder on any part of a Road.

27. LIVESTOCK ON ROADS

A Person must not allow the Grazing of Livestock or the Droving of Livestock on a Road.

Note: This clause does not apply to the Movement of Livestock as defined.

28. ANIMAL WASTE

A Person responsible for the movement of animals must ensure that any waste that is dropped onto the Road from those animals that is likely to be a danger to Road users or offensive, is removed from the Road as soon as practical.

PART 3 – ROADS AND VEHICLES

29. STREET FESTIVALS

A Person must not, without a Permit, (required to be obtained at least 21 days before the Street Festival or Procession commences,) hold a Street Festival or Procession on a Road.

30. STREET LITTER BINS AND RECYCLING BINS

30.1 A Person must not deposit any waste or other material in a street litter bin or Council recycling bin, contrary to any notice displayed on the bin detailing the type of waste that will be received in that bin.

30.2 A Person must not, without a Permit, place, cause or allow another Person to place a recycling, clothing or charitable bin on Council Land, including a Footpath or other part of a Road.

31. BULK RUBBISH CONTAINERS

A Person must not, without a Permit, place, cause or allow another Person to place a Bulk Rubbish Container on a Road.

32. MOTOR BIKES AND MOTORISED RECREATIONAL VEHICLES

A Person must not, without a Permit, use a Motor Bike or Motorised Recreational Vehicle on Council Land (other than on a Road), unless the Council Land has been designated for that purpose.

33. DISMANTLING VEHICLES ON A ROAD

A Person must not dismantle a Vehicle on a Road or allow another Person to do so.

34. DERELICT, ABANDONED AND UNREGISTERED VEHICLES

A Person must not, without a Permit, leave any derelict, abandoned or unregistered Vehicle on Council Land either temporarily or permanently.

35. USE OF HEAVY VEHICLES

A Person must not, without a permit, use a Heavy Vehicle contrary to any sign erected by Council regulating the use of those vehicles.

36. DAMAGE TO ROADS

36.1 A Person must not, without a Permit, behave in a way or undertake any activity that causes damage to, or is detrimental to any part of a Road.

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- 36.2 If Council considers that an activity or use on Private Land owned or occupied by a Person has resulted in damage to a Road, Council may serve a notice on that Person requiring that they repair the damage within the time specified.

PART 4 - BUSINESS AND BUILDING WORKS

DIVISION 1 - BUSINESS

37. BUSKING AND PERFORMING

A Person must not, without a Permit, on any Road or Council Land, Busk or perform to the public, play any musical instrument or use any sound amplification equipment.

38. TRADING ON A ROAD OR COUNCIL LAND

A Person must not, without a Permit, erect or place on any Road or Council Land a Vehicle, caravan, trailer, table, stall or other similar structure for the purpose of selling or offering for sale any goods or services.

Note: For the purposes of issuing permits under the clause, Council has established the following categories of trading vendors being, fixed vendors, temporary vendors and Itinerant Vendors.

39. REGULATION OF TRADING SITES

If Council has entered into an agreement (by way of Permit, lease, licence or otherwise) in relation to trading from a particular site, a second person other than the Person with whom Council has the agreement with must not trade from that site, unless authorised by Council to do so.

40. OUTDOOR DINING ON COUNCIL LAND

40.1 A Person must not, without a Permit, use Council Land (including a Footpath or other part of a Road) for any commercial outdoor dining or eating.

40.2 A Permit Holder must move or remove the Outdoor Eating Facility to which the Permit relates when requested to do so by an Authorised Officer.

41. ADVERTISING SIGNS

A Person must not, without a Permit, erect or place an Advertising Sign on any part of a Road or Council Land, or cause or authorise another Person to do so.

42. COLLECTIONS

A Person must not, without a Permit, from any Council Land to:

- (a) solicit or collect any gifts of money, subscriptions or waste materials; or

-
- (b) distribute any handbills, information brochures or books;

or cause or authorise another Person to do.

NOTE: Clause 42 does not apply to any solicitation or distribution of printed electoral material, the collection of signatures for a petition or fundraising by persons duly authorised by an educational, cultural or recreational facility or organisation located in the Municipal District for 2 years or more or a registered charity.

43. TRADE WASTE BINS AND TRADE RECYCLING BINS

- 43.1 An occupier of Private Land must arrange for the collection of trade waste from that land.
- 43.2 Where a trade waste, waste hopper or trade recycling bin is placed on Private Land the owner or occupier of that land must ensure that the trade bin or hopper is -
 - (a) constructed of impervious material to prevent leakage;
 - (b) water-tight, fly and vermin proof;
 - (c) fitted with a fly and vermin proof lid with overlapping flanges which must be kept continuously closed;
 - (d) constructed with a removable drain plug for the purpose of cleaning; and
 - (e) maintained in a clean and sanitary manner.
- 43.3 A Person must not place any waste or material in a trade waste bin, waste hopper or recycling bin contrary to the notice displayed on that bin.

DIVISION 2 - BUILDING WORKS

44. OCCUPYING OR OPENING A ROAD / DRAINAGE TAPPING

- 44.1 A Person must not, without a Permit, occupy or open any Road in the Municipal District.
- 44.2 A Person must not, without a Permit, tap into or interfere with any drain including opening any Road, for any purpose, where any part of the drain or Road is under the control of Council.

45. VEHICLE CROSSINGS

- 45.1 The owner of Private Land must ensure that each point of Vehicle access from a Road to that land has a properly constructed Vehicle crossing between the Road and the boundary of the Private Land abutting the Road.
- 45.2 Any such Vehicle crossing must be properly constructed at the cost of the owner of that land in accordance with the Council's specifications and duly maintained.
- 45.3 For the purposes of this clause, a Vehicle crossing is properly constructed if:
 - (a) it was constructed by or in accordance with the terms of an approval by Council; or
 - (b) Council or Vic Roads has approved in writing the method of construction of the particular Vehicle crossing.

46. CONSTRUCTING / REMOVING A VEHICLE CROSSING

- 46.1 A Person must not, without a Permit, or written consent from Vic Roads, construct, install, remove or alter a Vehicle crossing, whether temporarily or permanently.
- 46.2 A Person must not, remove or damage any street Tree as a result of the construction, installation, removal or alteration of a Vehicle crossing.
- 46.3 Where works on Private Land involve the relocation or closure of a point of vehicular access, the owner and occupier of the Private Land who undertakes those works must ensure that any redundant part of a Vehicle crossing is removed and the kerb, drain, Footpath, or other part of the Road is reinstated to Council's satisfaction.

47. TEMPORARY VEHICLE CROSSINGS

- 47.1 Where it is likely that Building Works on Private Land will involve a Vehicle leaving the Road or entering the Private Land or the Private Land abuts a Road, the owner of the Private Land or the Person responsible for the Building Works must obtain a Permit for the construction of a temporary crossing, pay any inspection fee and protect all of the existing Road including the kerb, drains, street trees, footpaths, nature strip and any other part of the Road.
- 47.2 The owner of the Private Land on which the Building Works have been carried out must, to the satisfaction of the Council, repair any damage to the kerb, drains, Footpath, street Tree or existing Road caused by the carrying out of the Building Works.
- 47.3 Where an existing driveway crossing, Footpath, kerb, street Tree or other part of the Road has been damaged as a result of, or arising out of, the Building Works, the owner of the

Private Land on which the Building Works have been carried out must repair the damage or, when requested to do so by Council, reimburse Council for the cost and expense of the repair of such damage.

48. ASSET PROTECTION - BUILDING WORKS ON PRIVATE LAND

48.1 A Person must not cause or allow any Building Works to commence or continue on Private Land without:

- (a) notifying Council of the general nature of the works to be undertaken;
- (b) paying an inspection fee to Council not less than 5 business days prior to the commencement of the Building Works;
- (c) giving an opportunity for an Authorised Officer to inspect the Roads, Council Land and any other Council Assets in the vicinity of the Private Land; and
- (d) obtaining an Asset Protection Permit from Council.

48.2 A Person must not cause or permit any Building Works to commence or continue on Private Land without ensuring that:

- (a) the Private Land is properly fenced whether permanent or temporary and remains so for the duration of the Building Works;
- (b) a protective barrier is installed around any Tree which is -
 - (i) located on a Road or other Council Land within 4 metres of the building site unless reasonable grounds for its exclusion are determined by an Authorised Officer; and
 - (ii) nominated by an Authorised Officer as requiring a protective barrier;
- (c) building clean-up, wash-down, slurry or other wastes do not enter Council's stormwater system;
- (d) the Private Land is provided with proper site identification;
- (e) any Vehicle crossings to be temporarily or permanently installed, altered or removed are identified and included in the conditions of the Asset Protection Permit and the calculation of any bond; and
- (f) upon being requested by an Authorised Officer to do so, a traffic management plan and or a waste management plan is provided to the Council adequately addressing any parking or traffic or issues referable to the Building Works which have been identified by an Authorised Officer.

PART 5 – LIQUOR AND SMOKING

49. CONSUMPTION AND POSSESSION OF LIQUOR ON ROADS

Unless exempt under clause 52 a Person must not, at any time on a Road:

- (a) consume any Liquor; or
- (b) have in their possession or control any Liquor other than in a sealed container.

50. CONSUMPTION AND POSSESSION OF LIQUOR IN MUNICIPAL RESERVES

Subject to clause 51 and unless exempt under clause 52, a Person must not, in a Municipal Reserve (including on any Road within a Municipal Reserve) or in a Vehicle within a Municipal Reserve:

- (a) consume any Liquor; or
- (b) have in their possession or control any Liquor other than Liquor in a sealed container - between the hours of 10.00pm and 8.00am.

51. LIQUOR FREE AREAS

- 51.1 Council may, by resolution, declare in part or whole any Municipal Place, Road or other Council Land within the Municipal District to be an Alcohol Free Area as shown in the Maps in Schedule 2.
- 51.2 In those areas of the Municipal District declared alcohol-free area, Council must erect and maintain signage which indicates the boundaries and times of the Alcohol Free Area.
- 51.3 A Person must not, without a Permit, consume Liquor, or have in their possession or control any Liquor other than in a sealed container in any area declared by Council to be an Alcohol Free Area.

52. LIQUOR EXEMPTION

A Person who consumes Liquor or has in their possession Liquor in an unsealed container does not commit an offence if the person:

- (a) is taking part in a Procession, function, Street Festival or other activity on a Road or on or in a Municipal Reserve in respect of which Council has granted permission and in accordance with any other permit or licence required under any Act; or
- (b) is in Licensed Premises or an extension of Licensed Premises in respect of which the use of the area for consumption and possession of Liquor in unsealed containers is permitted in accordance with any other permit or licence required under any Act.

53. DECLARED SMOKE FREE AREAS

- 53.1 Council may declare in part or whole any Municipal Place, Road or other Council Land within the Municipal District to be a Smoke Free Area as shown in the Maps contained in Schedule 3.
- 53.2 Council must erect and maintain or cause to be erected and maintained in those parts of the Municipal District declared smoke-free, a sign which indicates that the area has been declared a Smoke Free Area.
- 55.3 A Person must not smoke in or on any part of the Municipal District that has been declared by the Council to be a Smoke Free Area.

PART 6 - COUNCIL LAND

54. BEHAVIOUR IN MUNICIPAL PLACES

A Person must not, while in a Municipal Place, behave in a manner that endangers others or unreasonably interferes with the quiet enjoyment of the Municipal Place by any other Person.

55. DAMAGING OR DEFACING A MUNICIPAL PLACE

A Person must not, do the following in or on a Municipal Place:

- (a) destroy, damage or interfere with a Municipal Place;
- (b) destroy, damage, remove, plant or interfere with a Tree or plant on or within a Municipal Place;
- (c) remove anything belonging to Council from any Municipal Place; or
- (d) destroy, damage or interfere with any other property or Council Assets owned or managed by the Council, located in or on any Municipal Place.

56. INTERFERENCE WITH A WATER COURSE

A Person must not, without a Permit, destroy, damage or interfere with a water course, ditch, creek, gutter, drain, tunnel, bridge, levee, culvert, or any directly adjoining fence or foreshore of a waterway, vested in or under the control of Council.

57. OBSTRUCTIONS ON COUNCIL LAND

A person must not place or leave any object, material, thing or structure on any Road or Council Land so as to:

- (a) cause an obstruction;
- (b) constitute a danger to any Person; or
- (c) be in the way of or likely to obstruct traffic.

58. PLACING GOODS ON COUNCIL LAND

A person must not place, store or keep any item or Goods on Council Land.

59. BEHAVIOUR WITHIN MUNICIPAL RESERVES

A Person must not, while in a Municipal Reserve, behave in a manner that endangers others or unreasonably interferes with the quiet enjoyment of the Municipal Reserve by any other Person.

60. ACCESS TO MUNICIPAL RESERVES

60.1 Except as determined otherwise by Council or an Authorised Officer, all Municipal Reserves are open to the public on any day.

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- 60.2 Council may, in the case of any Municipal Reserve, set aside days and times upon which charges or entrance fees may be made for the use of the Municipal Reserve.
- 60.3 Council may restrict access to any part of a Municipal Reserve, whether for temporary works, for long or short-term lease use or any other purpose, and public access to such restricted areas may be non-existent, limited by condition or subject to a fee or donation.
- 60.4 A Person must not enter any Municipal Reserve, whether open to the public or subject to restricted access, other than via designated access points (where applicable), during hours of opening and subject to any conditions, fee or donation imposed, unless directed otherwise by a member of Council staff or authorised contractor in the course of their employment.

61. CAMPING ON COUNCIL LAND

- 61.1 A Person camping on Council Land must ensure that they are camping within an RV Park or in a Camping Area.
- 61.2 Any person camping on Council Land must not:
- (a) deliberately damage or destroy any Council property or vegetation;
 - (b) interfere with any Council structure, facility or equipment within the camping area;
 - (c) carry out domestic tasks unless in the appropriate area;
 - (d) use provided facilities in a way that makes them unclean or insanitary; and
 - (e) dispose of any liquid or solid waste other than at an approved waste transfer station or dump site provided for that purpose.

62. LIGHTING FIRES ON COUNCIL LAND

- 62.1 A Person must not, without a Permit, light or cause to be lit any fire in or on any Municipal Place or any Council Land other than a camp fire in a designated Camping Area or a permanent or portable Barbeque.
- 62.2 A Person must not, without a Permit, use or congregate around a fire which has been lit in or on any Municipal Place or any Council Land other than a camp fire in a designated Camping Area or a permanent or portable Barbeque.
- 62.3 A Person who, without a Permit lit or caused to be lit any fire, in or on any Municipal Place or any Council Land other than a camp fire in a designated Camping Area or a permanent or portable Barbeque, must not allow that fire to remain alight.

63. FILMING ON COUNCIL LAND

A Person must not, without a Permit, undertake any Filming on any Council Land where the film is for any commercial purpose and/or television broadcasting purpose other than news broadcasting.

64. PARKING ON MUNICIPAL RESERVES

A Person must not, without a Permit, park any motor car, motor cycle or other motor vehicle on any part of any Municipal Reserve other than in any parking area set aside for that purpose by Council.

65. USE OF WHEELED NON-MOTORISED RECREATIONAL DEVICES

- 65.1 Council may, by resolution, designate areas in which Wheeled Non-Motorised Recreational Devices and/or Wheeled Child's Toys must not be used as shown in Schedule 4.
- 65.2 If Council designates areas in which Wheeled Non-Motorised Recreational Devices and/or Wheeled Child's Toys must not be used, it must cause signs to be erected in or on the areas designated by it, clearly indicating the location and extent of the area in which Wheeled Non-Motorised Recreational Devices or Wheeled Child's Toys (as the case may be) must not be used.
- 65.3 A Person must not use a Wheeled Non-Motorised Recreational Device and/or Wheeled Child's Toy in an area designated by the Council as an area in which the use of such is prohibited as shown in Schedule 4.

66. BEHAVIOUR IN A MUNICIPAL BUILDING

A Person must not, in a Municipal Building, behave in a manner that endangers others or unreasonably interferes with the quiet enjoyment of the Municipal Building by any other Person.

67. AVAILABILITY AND HIRE

- 67.1 A Person must not organise, undertake or hold any event in a Municipal Building without the consent of Council.
- 67.2 During any period for which a Municipal Building or any part of it has been hired out, the Manager may refuse admission to any other Person unconnected with the hiring purpose.

PART 7 – PERMITS & FEES

68. APPLICATION FOR PERMIT

- 68.1 An application for a Permit must be in the form prescribed by Council and must be accompanied by the appropriate fee prescribed by Council.
- 68.2 Council may require an applicant to:
- (a) provide additional information; or
 - (b) give notice of the application or invite any person to make a submission or do both,
- before the application is determined.
- 68.3 A Permit may include any condition which Council considers to be reasonable and appropriate having regard to the activity to be authorised by the Permit and the effects or anticipated effects of that activity.
- 68.4 Unless otherwise stated in the Permit, a Permit:
- (a) only authorises the person named in the Permit to carry out the permitted activity;
 - (b) is not transferable;
 - (c) will operate from the date it is granted; and
 - (d) will expire 12 months from the date of issue.

69. DECISION ON PERMIT APPLICATION

After considering all relevant documentation, Council may decide:

- (a) to grant a Permit;
- (b) to grant a Permit subject to conditions, including the requirement to lodge a bond with Council;
- (c) refuse to grant a Permit; or
- (d) exempt a person or class of persons from the requirement to obtain a Permit.

70. AMENDMENT, CANCELLATION & SUSPENSION OF PERMIT

- 70.1 Council may correct a Permit if the permit contains a clerical mistake, error or omission.
- 70.2 Council may cancel, suspend or amend a Permit at any time if:

- (a) requested to do so by the permit holder; or
- (b) it considers that there has been:
 - (i) a material mis-statement or concealment of fact in relation to the application for the Permit;
 - (ii) a material mistake in relation to the issue of the Permit;
 - (iii) a material change of circumstances which has occurred since the grant of the Permit; or
 - (iv) there has been a substantial failure to comply with the permit or a Notice to Comply.

70.3 Council must give written notice to a permit holder of any correction, cancellation, suspension or amendment of a Permit.

70.4 Before it cancels a permit, the Council must provide the permit holder an opportunity to make a submission on the proposed cancellation.

70.5 If a permit holder is not the owner of the land and the owner's consent was required to be given to the application for the Permit, the owner must be notified of any Notice to Comply subsequently issued by Council.

71. FEES

71.1 Council may by resolution determine fees and charges for the purposes of this Local Law.

71.2 Council may waive, reduce or defer payment of fees and charges in whole or in part, with or without conditions.

72. BONDS

If a permit holder is required to lodge a bond, Council may –

- (a) utilise those funds to remedy a breach of the permit or repair any damage caused by works carried out under the Permit;
- (b) request the permit holder increase the bond amount;
- (c) release all or part of the bond back to the permit holder upon completion of any works under the Permit; or
- (d) retain the bond amount and place it into Council's general revenue if the permit holder cannot be located or has not collected the bond payment within 12 months of notice being given.

PART 8 - ENFORCEMENT

73. OFFENCES

A person who:

- (a) contravenes or fails to comply with any provision of this Local Law including any incorporated document;
- (b) contravenes or fails to comply with any condition contained in a permit issued under this Local Law;
- (c) knowingly provides false information in support of an application for a permit issued under this Local Law;
- (d) knowingly supplies false or misleading information to an Authorised Officer;
- (e) fails to comply with a verbal or written direction issued by an Authorised Officer;
- (f) fails to comply with a Notice to Comply served by an Authorised Officer;
- (g) fails to comply with a Notice of Impoundment served by an Authorised Officer;
- (h) fails to comply with a sign erected by Council; or
- (i) makes or attempts to make any agreement with an Authorised Officer to induce that authorised officer to compromise their duty -

is guilty of an offence.

74. POWER TO ISSUE A DIRECTION

74.1 Where an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, the Authorised Officer may issue a direction, requiring the person to stop offending and do anything necessary to rectify the offence.

74.2 A direction may be verbal or written.

75. INFRINGEMENT NOTICES

75.1 Where an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, an infringement notice may be issued and served on that person.

75.2 A person to whom an infringement notice has been issued must pay to Council the amount specified within 28 days.

75.3 The amount of the fixed penalty to be specified in an infringement notice is set out in Schedule 1.

76. NOTICE TO COMPLY

- 76.1 Where an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, a Notice to Comply may be issued and served on that person.
- 76.2 A Notice to Comply must specify the time and date by which the person must comply with the specified directions, which must be reasonable having regard to the circumstances.

77. IMPOUNDMENT

- 77.1 An Authorised Officer may immediately move or impound any object, thing, goods or animal which the officer reasonably believes contravenes or results in a contravention of this Local Law.
- 77.2 Following impoundment, an Authorised Officer must, if practicable, serve a Notice of Impoundment on the person whom the officer reasonably believes is the owner of the object, outlining the process for collection and the fee payable for release (if any).
- 77.3 An Authorised Officer may sell, dispose of or destroy an object that isn't collected in the manner specified in the Notice of Impoundment, with any proceeds from the sale being placed into Council's consolidated revenue.
- 77.4 An Authorised Officer may direct any person responsible for causing or permitting an obstruction on Council Land to remove the obstruction.

78. APPEALS

An Applicant who is aggrieved by a decision made under this Local Law may, within 14 days of the date of the decision, lodge a written submission with an Appeals Officer of Council and may request to be heard in support of their submission. An application for review under this clause does not remove the Person's obligation to act in accordance with any decision, direction or notice given to that Person.

79. URGENT CIRCUMSTANCES

In any urgent circumstance arising under this Local Law, an Authorised Officer may take any reasonable action considered by the Authorised Officer to be necessary in order to abate or mitigate the risk or danger arising from the breach.

80. EXEMPTIONS

- 80.1 Council or an Authorised Officer may exempt a person or class of persons from the operation of any provision of this Local Law if it is in the public interest to do so.
- 80.2 Any exemption under sub-clause 80.1:
- (a) must be in writing; and

- (b) may be subject to such reasonable conditions that Council or an Authorised Officer sees fit.

SCHEDULE ONE – INFRINGEMENT PENALTIES

Clause No	Offence	Infringement Penalty
10	Road Names	1
11	Property Numbers	1
12	Unsightly Land	2
13	Dangerous Land	2
14	Domestic Waste Collection	1
15	Removing Recyclable Material	1
16	Open Air Burning	2
17	Camping on Private Land	2
18	Shipping Containers	1
19	Trees and Plants not to Obscure	1
20	Trees Causing Damage to a Municipal Place	1
21	Keeping Animals	1
22	Animal Accommodation	1
23	Adequate Fencing	1
24	Animal Excrement	1
25	Animal and Bird Noise	1
26	Fodder on Roads	1
27	Livestock on Roads	1
28	Animal Waste	1
29	Street Festivals	1
30	Street Litter Bins and Recycling Bins	1
31	Bulk Rubbish Containers	1
32	Motor Bikes and Motorised Recreational Vehicles	1
33	Dismantling Vehicles on a Road	1
34	Derelict, Abandoned and Unregistered Vehicles	1
35	Use of Heavy Vehicles	2

36	Damage to Roads	2
37	Busking and Performing	1
38	Trading on a Road or on Council Land	2
39	Regulation of Trading Sites	2
40	Outdoor Dining on Council Land	2
41	Advertising Signs	1
42	Collections	1
43	Trade Waste Bins and Trade Recycling Bins	2
44	Occupying or Opening a Road	2
45	Vehicle Crossings	2
46	Constructing or Removing a Vehicle Crossing	2
47	Temporary Vehicle Crossings	2
48	Asset Protection	5
49	Liquor on Roads	1
50	Liquor in Municipal Places	1
51	Liquor Free Areas	1
53	Declared Smoke Free Areas	1
54	Behaviour in Municipal Places	1
55	Damaging or Defacing a Municipal Place	1
56	Interference with a Water Course	1
57	Obstructions on Council Land	2
58	Placing Goods on Council Land	1
59	Behaviour within Municipal Reserves	1
60	Access to Municipal Reserves	1
61	Camping on Council Land	1
62	Lighting Fires on Council Land	2
63	Filming on Council Land	1
64	Parking on Municipal Reserves	1
65	Use of Wheeled Non-Motorised Recreational Devices	1

66	Behaviour in a Municipal Building	1
67	Availability and Hire	1
73	Offences	1

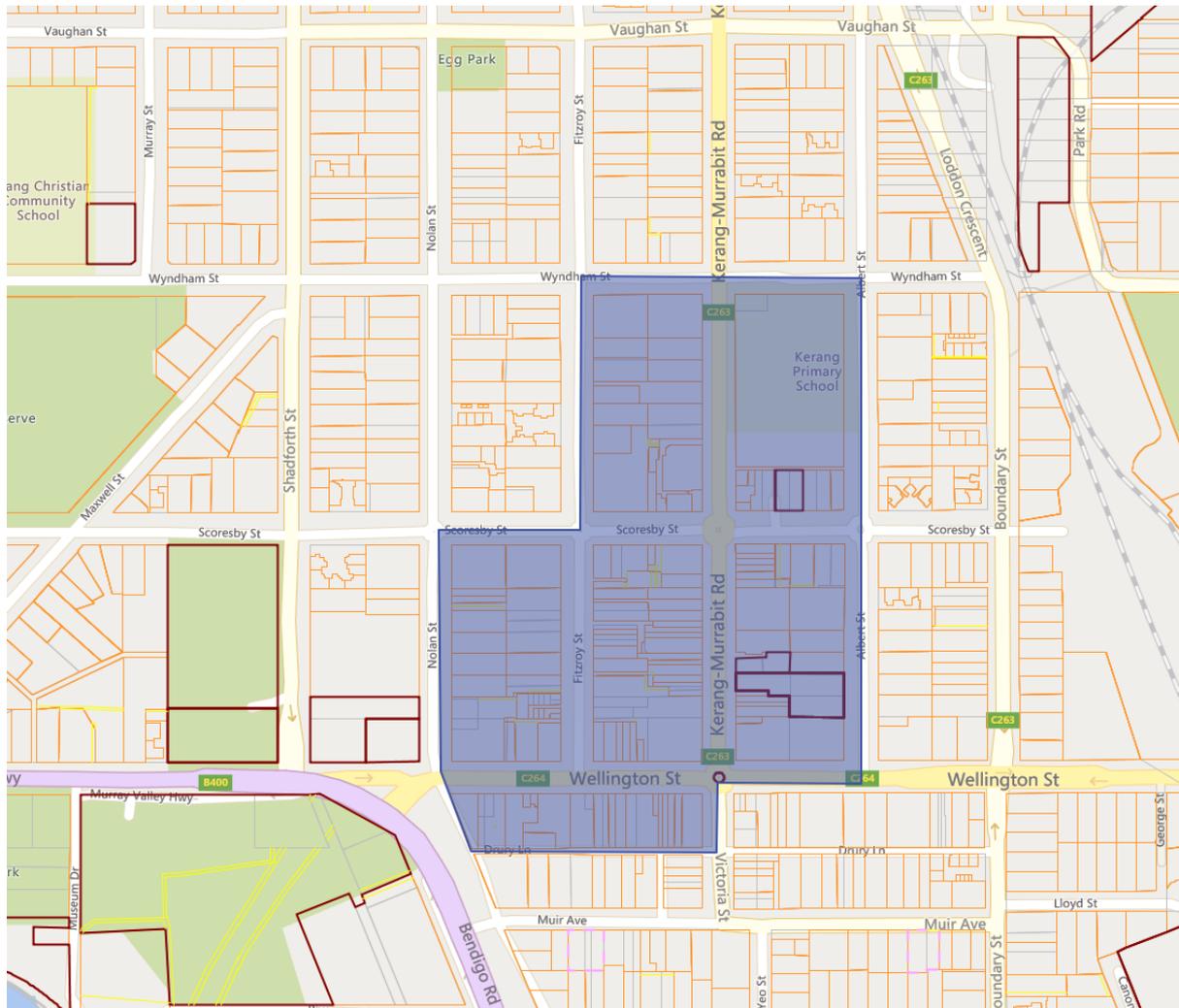
SCHEDULE TWO – DECLARED ALCOHOL FREE AREAS

Under clause 51 Council may by resolution declare any part of the Municipal District Alcohol Free. That declaration may be unconditional, or limited to times of the day, days of the year, defined public holiday periods, special events and/or particular places. It is an offence to consume alcohol in any declared area without a permit during the declared alcohol-free times, dates or events.

The following areas have been declared Alcohol-Free without a permit, unconditionally:

- (1) From 10 pm until 8 am on all Council land including all Municipal Reserves within the Municipal District of Gannawarra Shire Council.
- (2) Kerang central township: an area declared where the consumption of alcohol may not be consumed without a permit unconditionally: being the area bounded by the following streets/roads as shown in the map below: Nolan, Scoresby, Fitzroy, Wyndham, Albert, Wellington, Victoria, Little Wellington Land (back to Nolan).

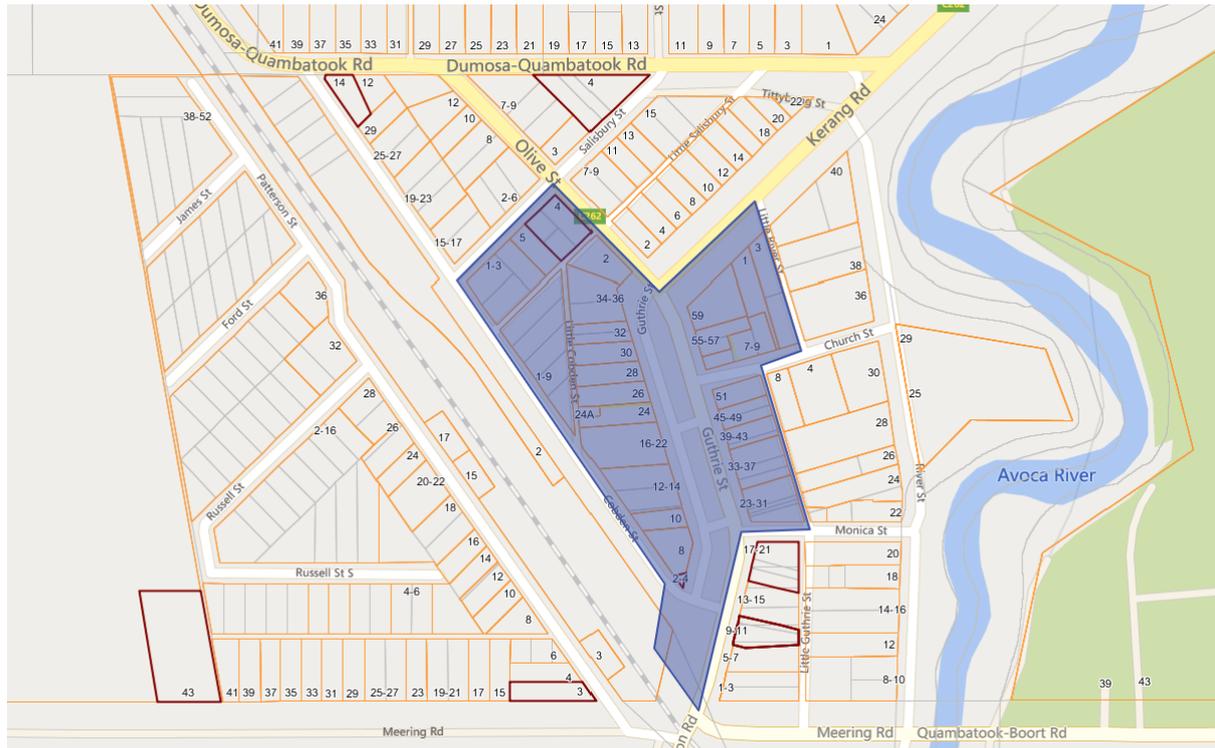
KERANG MAP



Declared Alcohol-Free Areas -1

- (3) Quambatook central township: an area declared where the consumption of alcohol may not be consumed without a permit unconditionally: being the area bounded by the following streets/roads as shown in the map below: Little River Lane, Church, Little Guthrie Lane, Monica, Guthrie, Cobden, Cobden, Salisbury, Olive, Kerang Rd (back to Little River Lane) (includes Leary's Park).

QUAMBATOOK MAP



Declared Alcohol-Free Areas 1

- (4) Koondrook central township: an area declared where the consumption of alcohol may not be consumed without a permit unconditionally: being the area bounded by the following streets/roads as shown in the map below: Punt Rd South, Tramway, riverside to Gunbower Pde & Maunder St, Forrest, Arbuthnot (back to Punt Rd Sth).

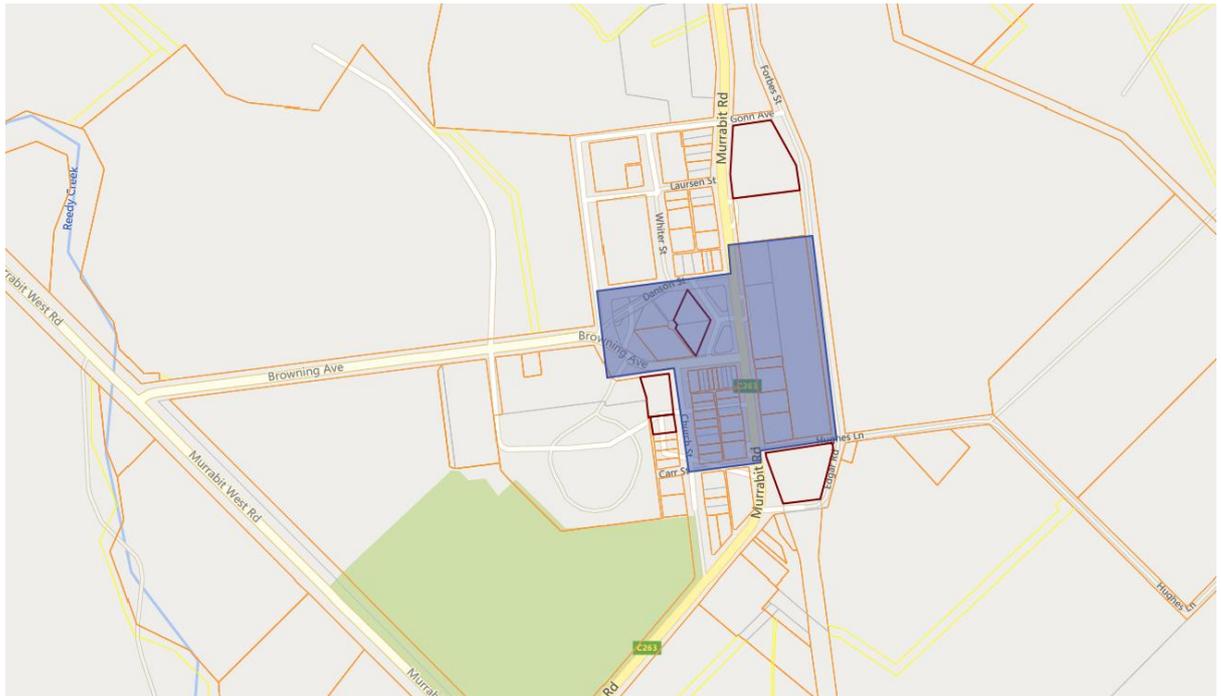
KOONDROOK MAP



Declared Alcohol-Free Areas - 1

- (5) Murrabit central township: an area declared where the consumption of alcohol may not be consumed without a permit unconditionally: being the area bounded by the following streets/roads as shown in the map below: Danson, Gonn, Forbes, Carr, Church, Browning (back to Danson).

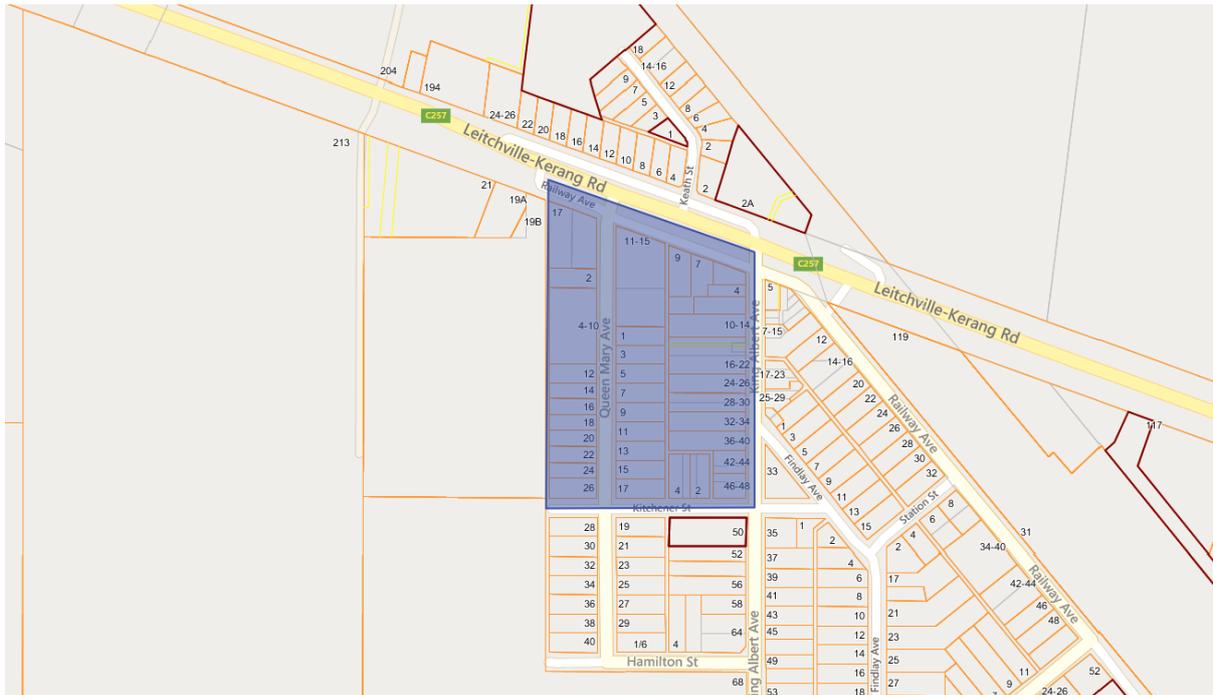
MURRABIT MAP



Declared Alcohol-Free Areas - 1

- (7) Leitchville central township: an area declared where the consumption of alcohol may not be consumed without a permit unconditionally: being the area bounded by the following streets/roads as shown in the map below: King George St, King Albert Ave, Kitchener, Queen Mary (back to King George). Includes recreational land adjoining Queen Mary Ave western side (as in map).

LEITCHVILLE MAP



SCHEDULE THREE – COUNCIL DECLARED SMOKE FREE ZONES

The following areas (as delineated and coloured red on the maps below) have been declared Smoke Free Zones at all times.

KERANG – Atkinson Park, Adams Court, Egg Park, Gannawarra Children’s Centre, Lyall Ave, McCann Crescent and Kerang Swimming Pool.

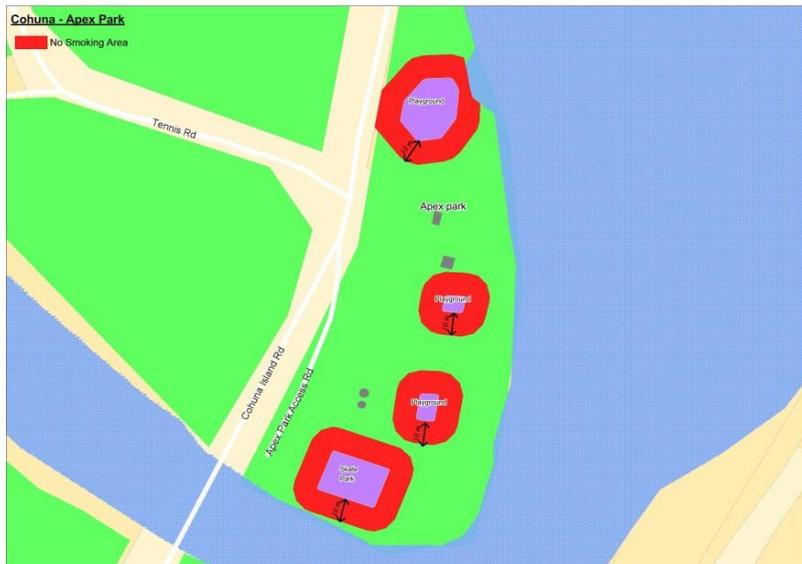






COHUNA – Youngs Park, Cohuna Swimming Pool, Cohuna Maternal Child & Health and Pre School Centre, Cullen Street Playground and Apex Park.

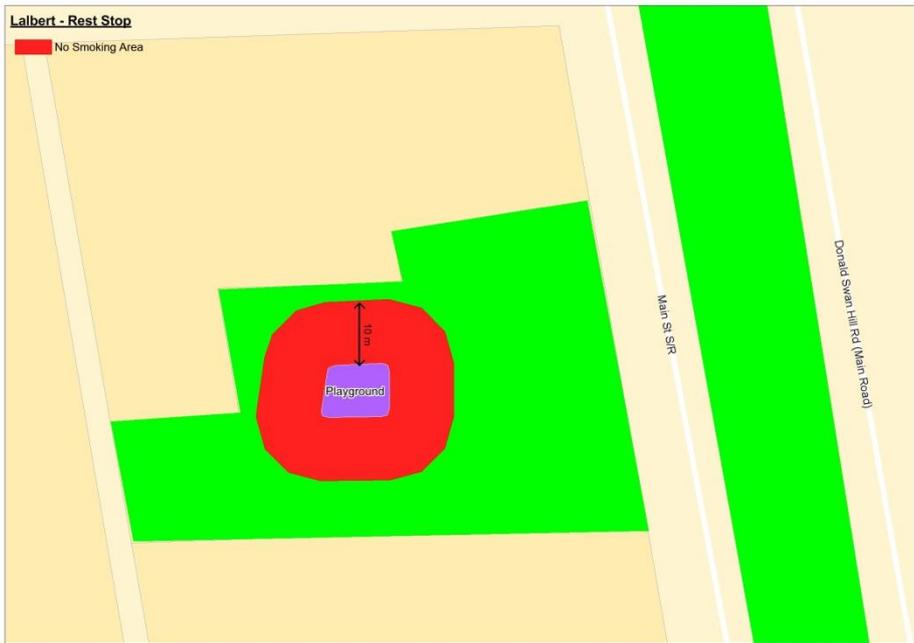




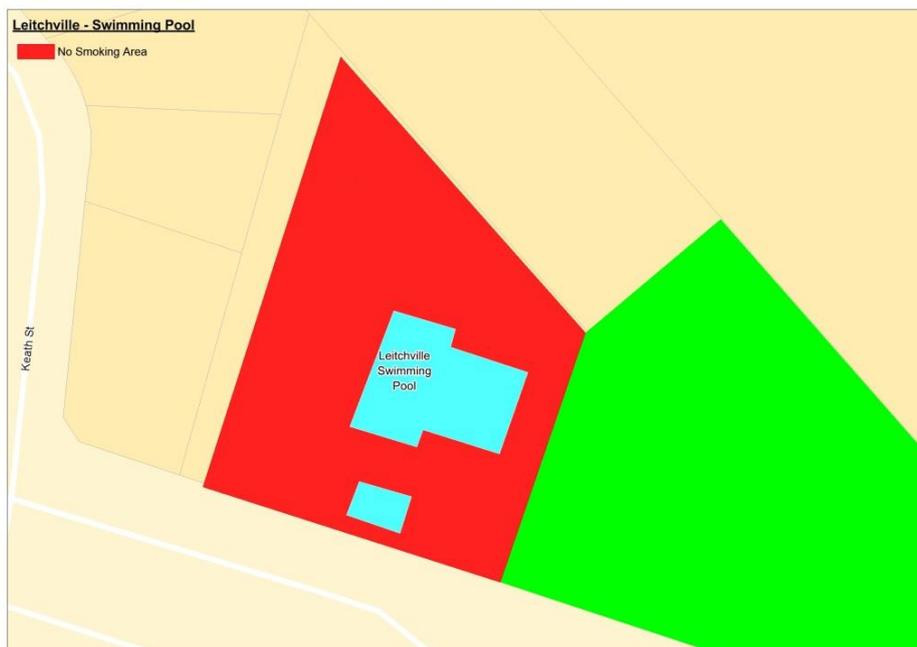
QUAMBATOOK – Swimming Pool, Recreation Reserve and Lions Park



LALBERT – Recreation Reserve and Lalbert Rest Stop

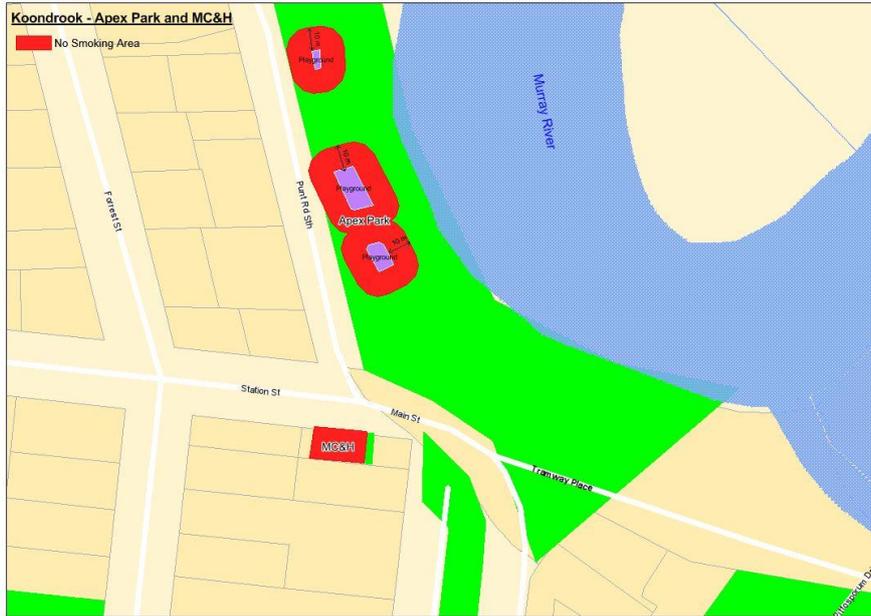


LEITCHVILLE – Trigg Park, Swimming Pool, Recreation Reserve, Keath Street Playground and Maternal Child & Health and playground





KOONDROOK – Apex Park and Maternal Child & Health Centre and swimming pool

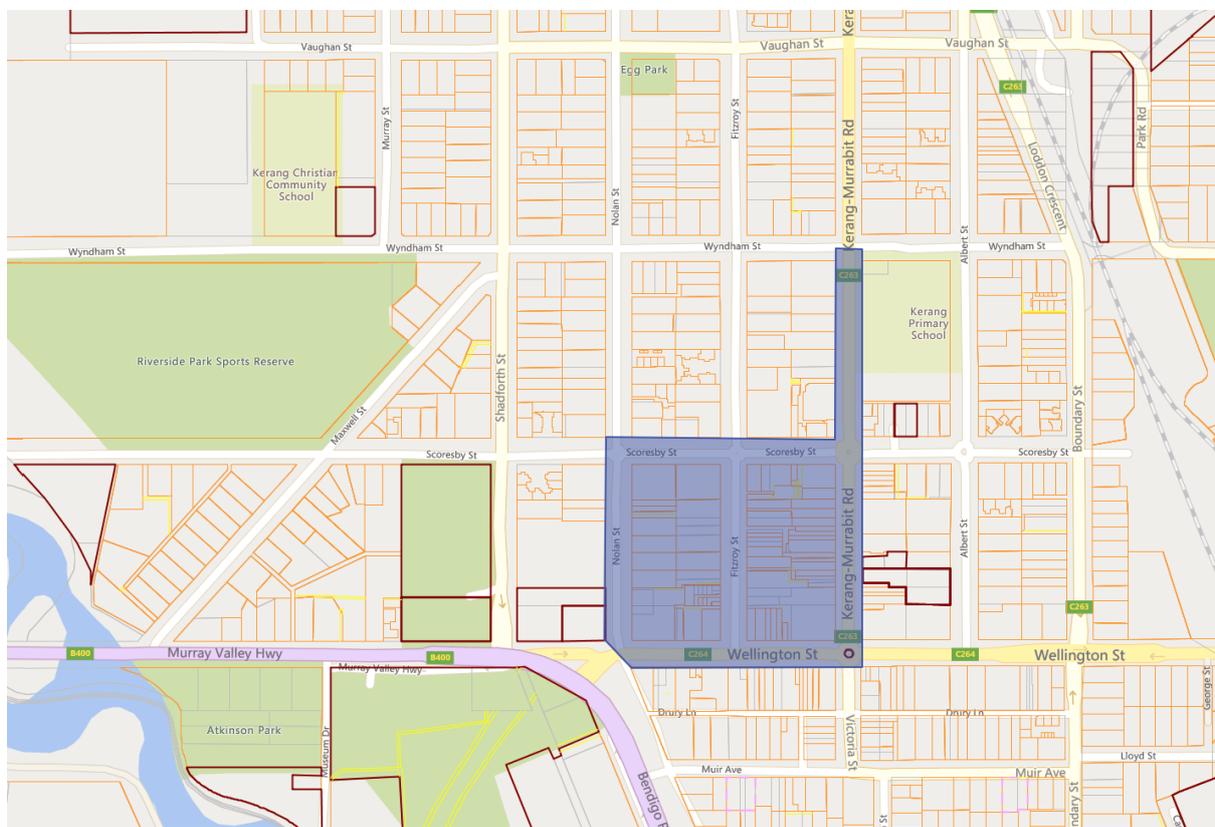


SCHEDULE FOUR - Declared Wheeled Device Free Areas

Under clause 65, Council may by resolution declare any part of the Municipal District Free of Wheeled Non-Motorised Recreational Devices and/or Wheeled Child's Toys. That declaration may be unconditional, or limited to times of the day, days of the year, defined public holiday periods, special events and/or particular places. It is an offence to use a Wheeled Non-Motorised Recreational Device and/or Wheeled Child's Toy in any declared area without a permit during the declared free times, dates or events.

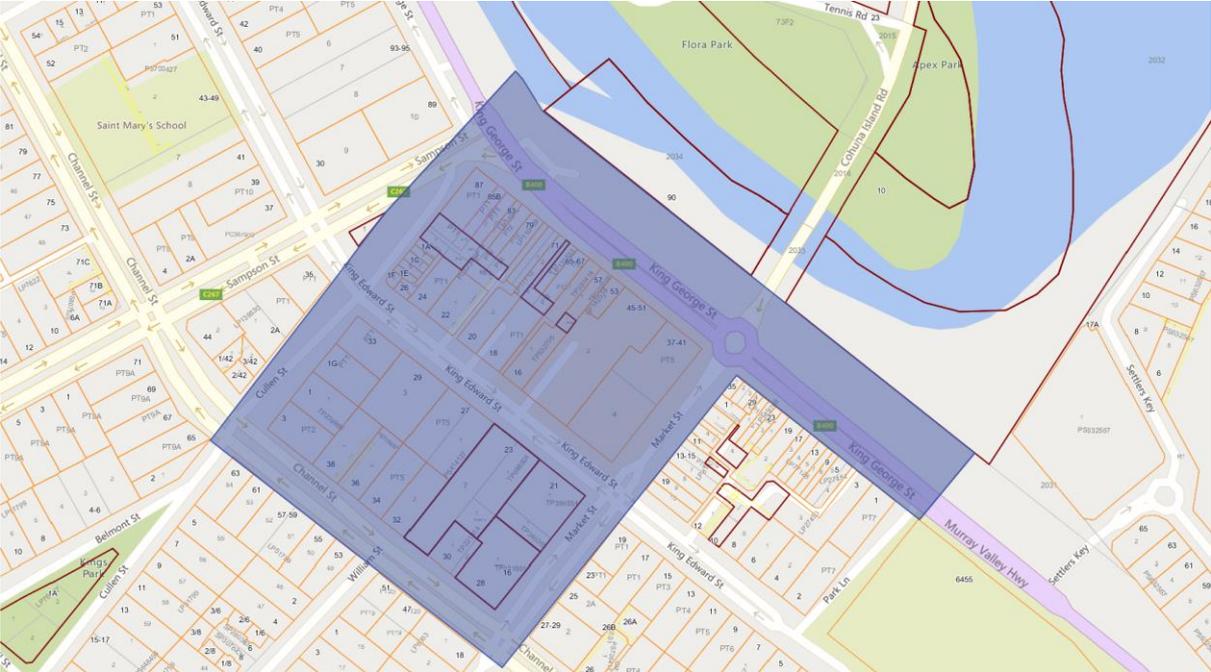
The following areas (as shown on the maps below) have been declared Free of Wheeled Non-Motorised Recreational Devices and/or Wheeled Child's Toys without a permit, unconditionally:

KERANG – including an area bounded by the streets/roads: Wellington, Victoria, Scoresby, Nolan (back to Wellington), plus Victoria St from Scoresby to Wyndham.



Declared Wheeled Non-Motorised Recreational Devices and Wheeled Child's Toys Free - 2

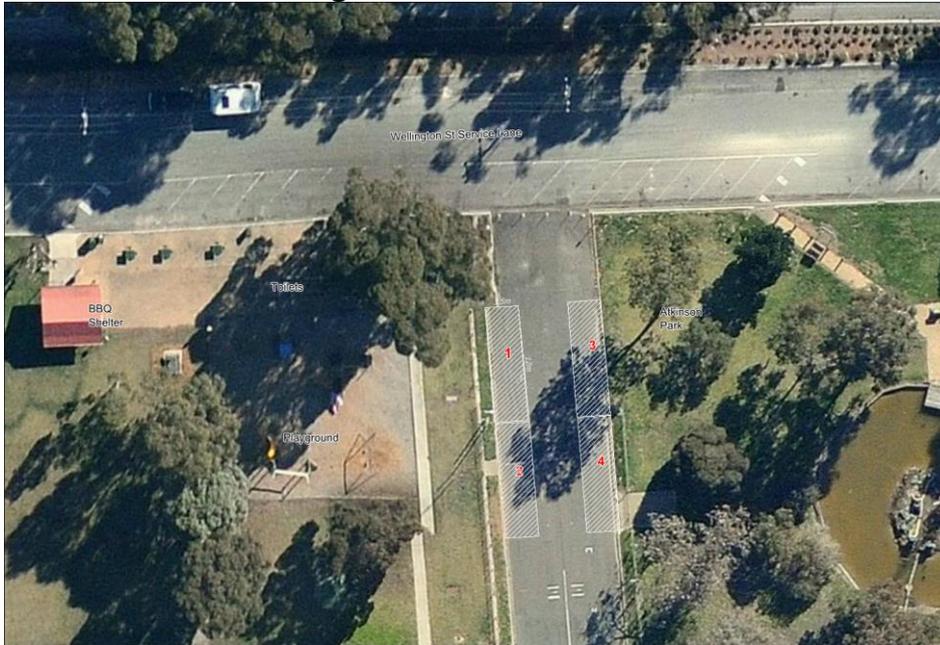
COHUNA - – including an area bounded by the streets/roads: King George, Market, Channel, Cullen, (back to King George) plus King George to Park Lane East.



SCHEDULE FIVE – DECLARED ROADSIDE TRADING AREAS

In accordance with Gannawarra Shire Council Policy 123 – Roadside, Parks and Reserves Trading, the following areas (as delineated by white hatching on the maps below) have been declared specific sites for Itinerant Trading.

Atkinson Park, Kerang



RSL Drive, Kerang

