



ALPINE SHIRE

**STREETS & ROADS  
LOCAL LAW NO 6**

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## Part 1 — Preliminary

### 1. Title

This is the Streets and Roads Local Law No.6.

### 2. Objectives

The principal objectives of this Local Law are to regulate the use of roads, in particular by:

- a) providing for the management of the physical features of the road, and adjacent properties and advertising signage in a manner which is consistent with the safety and convenience of people travelling on or using roads; and
- b) protecting the visual amenity of the environment by the management of the display of advertising signs on roadways;
- c) controlling the use of various types of vehicles and animals for the safety and convenience of road users;
- d) providing for the preservation and protection of Council's assets from damage which may be caused from extraordinary use of roads;
- e) controlling and regulating secondary activities on roads, including trading, the placing of goods and equipment, repairs to vehicles, parties, festivals, processions, busking, and storage of materials;
- f) facilitating free and safe access for people with sight and movement impairment or disabilities; and
- g) providing for the safe and efficient management and control of parking on roads in the municipal district.

### 3. The power to make this Local Law

The Council's authority to make this Local Law is contained in Part 5 of the **Local Government Act 1989**.

### 4. Commencement and revocations

- (1) In this clause "**commencement date**" means [the date of publication in the Victorian Government Gazette of the making of this Local law is made] or [date]
- (2) This Local Law comes into operation on the commencement date.
- (3) On the commencement date the Local Laws referred to in the Table at the foot of this clause are revoked.

Name of Local Law	Local Law number
Streets and Roads	No 6

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## 5. Definitions

Expressions used in this local law have the same meaning as in the **Local Government Act 1989**, unless the contrary intention appears.

In this Local Law, unless inconsistent with the context:

<b>“Act”</b>	means the <b>Local Government Act 1989</b> .
<b>“advertising sign”</b>	means an advertisement and any structure built specifically to support it.
<b>“appropriate fee”</b>	means the appropriate fee determined by the Council in accordance with this local law.
<b>“authorised officer”</b>	means an authorised officer under section 224 of the Act.
<b>“built-up area”</b>	means an area in which there is urban development or in which street lighting is provided on roads.
<b>“busking”</b>	means playing a musical instrument, singing, conjuring, juggling, mime, mimicry, dancing, puppetry, performance art, recitation and other theatrical or visual activities which attract, or appear to be conducted to attract, a donation (and not a set fee).
<b>“collector road”</b>	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.
<b>“Council”</b>	means the Alpine Shire Council
<b>“housebound resident”</b>	means an occupier of a dwelling who due to permanent illness, frailty or disability is unable to leave the dwelling without medical or para-medical assistance.
<b>“itinerant trade”</b>	means the act of selling or offering for sale goods or services from a temporary location or from place to place or from a vehicle.
<b>“local street”</b>	means a road which provides exclusively, or almost exclusively, for local traffic access and circulation, including an access place and access street.
<b>“municipal district”</b>	means the municipal district of the Council.

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<b>“municipal place”</b>	means any public place which is owned or occupied by the Council to which the public has access whether an admittance fee is required or not
<b>“outdoor eating facility”</b>	means tables, with or without chairs, located out of doors at which food or drink is served or consumed and includes ancillary equipment such as umbrellas, portable gas heaters, barriers and planter boxes used in conjunction with tables.
<b>“penalty unit”</b>	means the amount fixed from time to time by the Treasury under Section 5(3) of the Monetary Units Act 2004.
<b>“permit”</b>	in relation to an activity, means a permit issued under this local law which authorises that activity.
<b>“garden bed”</b>	Means shrubs, plants, vegetation or similar matter other than an authorised street tree
<b>“procession”</b>	means an organised group of people proceeding along a road or gathering for a ceremony or function and includes fun runs and bicycle events.
<b>“planning scheme”</b>	means the applicable planning scheme under the <b>Planning and Environment Act 1987</b> .
<b>“public place”</b>	has the same meaning as in <b>Summary Offences Act 1966</b> .
<b>“reservation”</b>	means anything constructed or located on a road which divides the road longitudinally, but excludes a line or series of lines marked on a carriageway.
<b>“residential area”</b>	means any part of the municipal district which is in a residential zone under planning scheme.
<b>“road”</b>	has the same meaning as in the Road Safety Act 1986.
<b>“rural area”</b>	means any part of the municipal district in which farming activity is the predominant land use.
<b>“service authority”</b>	means an organisation responsible for the installation of telecommunications, gas, electricity, water, sewerage or drainage facilities in or on a road.
<b>“shopping trolley”</b>	means a wheeled container or receptacle supplied by a retailer for enabling customers to transport goods.
<b>“street”</b>	means road.

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<b>“street festival”</b>	means an organised recreational, cultural, commercial or social gathering of people which is held on a road.
<b>“traffic control item”</b>	means a major traffic control item or a minor traffic control item within the meaning of the Road Safety (TrafficManagement) Regulations 2009.
<b>“toy vehicle”</b>	means a vehicle other than a bicycle ordinarily used by a child at play and designed to be propelled by human power. It includes a child's tricycle, scooter, skateboard, roller blades, roller skates and similar toys.
<b>“vehicle”</b>	has the same meaning as in the <b>Road Safety Act 1986</b> . <sup>1</sup>
<b>“waste bin”</b>	means a bin, container or other structure designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, other than a container used in connection with the Council’s regular domestic rubbish collections.

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<sup>1</sup>In s 3 of the **Road Safety Act 1986** “vehicle” is defined as follows:

**“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 bicycle or other pedal-powered vehicle, trailer, tram-car and air cushion vehicle, but does not include railway locomotive or railway rolling stock.

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## **Part 2 — Management of roads for traffic**

### **Division 1 - Vehicle crossings**

#### **6. A vehicle crossing is required**

- (1) The owner of land must ensure that each point of vehicular access from a carriageway on a road to the land has a properly constructed vehicle crossing.
- (2) 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 the Council; or
  - (b) the Council has approved in writing the method of construction of the particular vehicle crossing.
- (3) If the Council or an authorised officer is of the opinion that a vehicle crossing is in a state of disrepair or otherwise is in an unsatisfactory condition, the Council or the authorised officer may serve a Notice to Comply on the owner or occupier of the property to be served by the crossing.

#### **7. Constructing, removing or altering a vehicle crossing**

A person must not without a permit construct, install, remove or alter a vehicle crossing, whether temporarily or permanently.

#### **8. Temporary vehicle crossings**

- (1) If it is likely that building works on a property will involve vehicles leaving the carriageway or entering the property, the person responsible for the works must obtain a permit for the construction of a temporary vehicle crossing which protects all of the existing road including footpaths, nature strips, culverts, kerbing or other land or works forming part of the road.
- (2) The person responsible for the works must repair any damage to the vehicle crossing to the satisfaction of Council.
- (3) If in the opinion of the Council an existing driveway crossing, footpath, kerb or other part of the road may be damaged, the person responsible for the works must, when requested, pay a bond to the Council.
- (4) The amount of the bond required under sub-clause (3) must be proportionate to the likely cost of repairing any damage and must be refunded on completion of the work or, where appropriate, may be retained by the Council to offset the costs of repairing any damage.

#### **9. Redundant vehicle crossings**

- (1) Where works on a property involve the relocation or closure of a point of vehicular access, the owner and occupier of the land must ensure that any redundant part of a vehicle crossing is removed and the kerb, drain, footpaths, nature strip or other part of the road is reinstated to the satisfaction of the Council.

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- (2) The Council may require the owner or occupier of a property to remove all or any part of a vehicle crossing for which there is no effective point of vehicle access and to reinstate the road.

## **Division 2 – Damage to a municipal place**

### **10. Damage or interference with a municipal place or service**

- (1) No person may permit or allow trees, plants or any other matter to cause damage to or interfere with a municipal place or municipal service.
- (2) Where the Authorised Officer is of the opinion that trees, plants or any other matter are causing damage to or interfering with a municipal place or service, it may serve a Notice to comply to repair and reinstate the damage on the owner or occupier of the land.

## **Division 3 – Obstructions to the free passage of people and goods**

### **11. Trees and plants not to obstruct or obscure**

- (1) A person must not allow any tree or plant in or growing on land owned or occupied by him or her to obstruct or interfere with the passage of traffic by:-
- (a) overhanging any footpath or other part of the road used by pedestrians so that it gets in the way of pedestrians or is likely to cause injury or damage; or
- (b) extends over any part of the road in such a way that it:
- i. obstructs the view between vehicles at an intersection;
  - ii. obstructs the view between vehicles and pedestrians where they come close to each other;
  - iii. obscures a traffic control item from an approaching vehicle or pedestrian; or
  - iv. obscures street lighting

### **12. Placing of signs and posts**

A person must not place a sign, post or other similar object in such a way that it causes an obstruction of a type referred to in paragraphs (b), of Clause 11.

### **13. Construction of garden beds on naturestrips**

No person may, without a permit, construct a garden bed or plant a tree on a nature strip. In determining whether to grant a permit to allow for the construction of a garden bed on a naturestrip, the Authorised Officer must take into account:-

- (a) whether adequate pedestrian access, free of obstruction, will be provided;
- (b) whether the construction or the vegetation to be planted will interfere with other services located in the naturestrip;
- (c) whether the garden bed layout or construction could be a hazard to pedestrians;

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- (d) the suitability of non-plant type ground covers;
  - (e) the type and construction of border and edge strips;
  - (f) whether an indemnity/guarantee has been provided to Council; and
  - (g) any other matter relevant to the circumstances of the application.

#### **14. Permits for garden beds**

Applications for a permit must be in the form of Schedule 5. In determining whether to grant a permit, the Council must have regard to the standards or guidelines set out in Clause 13 of this Local Law.

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## **Part 3 - Control of vehicles and animals on roads**

### **Division 1 - Horses drawn vehicles, bikes, roller skates, skateboards and the like**

#### **15. Horse drawn vehicles in a built-up area**

- (a) A person must not without a permit use a horse drawn vehicle for commercial purposes on a public road or public reserve in a built-up area.
- (b) In deciding whether to grant a permit the Council must take into consideration:
  - a) route to be taken
  - b) location of the boarding and alighting places
  - c) public liability noting Councils interest
  - d) horses to have manure bags
  - e) arrangements to collect manure deposited on roadways
  - f) any other relevant matters relevant to the circumstances associated with the application
  - g) compliance to all relevant State Legislation

#### **16. Riding bikes, roller skates, roller blades, skateboards or the like where not permitted**

A person must not ride or use a bike, roller skates, toy vehicle, roller blades, skateboard or the like, or ride or lead a horse in designated areas signposted to prohibit or restrict their use.

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## **Part 4 - Secondary activities on roads**

### **Division 1 - Advertising signs placed on road**

#### **17. Erecting or placing advertising signs**

- (1) Unless exempted within Council's Signage Policy, a person must not, without a permit, erect or place an advertising sign on a road or erect or place a sign on a stationary vehicle on the road or cause or authorise another person to do so.
- (2) Notwithstanding the above, signs painted on vehicles that are not directional are exempt from compliance with sub clause 17(1).

#### **18. Permits for advertising signs**

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

- (a) whether an advertising sign is proposed to be placed in a location which would cause a danger to pedestrians;
- (b) the width and height of the sign;
- (c) any other signs for the applicant's premises;
- (d) whether the construction will create a hazard to pedestrians;
- (e) whether persons who may be liable for injury or property damage caused by the placing of the sign are insured against that risk;
- (f) whether the applicant has provided a written indemnification of the Council against liability arising from activities authorised by the permit;
- (g) any other matter relevant to the circumstances of the application; and
- (h) Council's Signage Policy where applicable.

#### **19. Impounding signs**

If an advertising sign is erected or placed in any place contrary to this Division or in contravention of any permit conditions an authorised officer may remove and impound it.

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## Division 2 - Trading from a road, park, reserve etc.

### 20. Roadside trading

- (1) A person must not, without a permit:
  - (a) erect or place on any road, municipal place, park, reserve etc. a vehicle, caravan, trailer, table, stall or other similar structure for the purpose of selling or offering for sale any goods or services; or
  - (b) sell or offer to sell goods or services on a road, municipal place, park, reserve, etc.
  - (c) notwithstanding clause 20 (1) a & b, where the activity is part of an approved organised event, festival or market, such activities are exempt from this requirement
- (2) A person must not, without a permit, 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.
- (3) In deciding whether to grant a permit, the Council must take into consideration:
  - (a) whether the safety of road users or the passage of vehicles will be affected by the placement;
  - (b) whether permits required by the **Health Act 1958**, **Food Act 1984** or any other legislation have been obtained;
  - (c) whether the activity will disturb, annoy or disrupt adjacent property owners or occupiers;
  - (d) whether the goods or the display may be of such material, layout or construction which could be a hazard to pedestrians;
  - (e) whether the activity will be detrimental to the amenity of the area;
  - (f) whether appropriate arrangements can be made for waste water disposal, litter and garbage disposal, lighting and advertising signs;
  - (g) whether the consent of the Roads Corporation has been obtained where the road is a declared State Highway, Tourist Road or Forest Road;
  - (h) whether persons who may be liable for injury or property damage caused by the activity are insured against that risk;
  - (i) whether the applicant has provided a written indemnification of the Council against liability arising from activities authorised by the permit;
  - (j) any other matter relevant to the circumstances of the application;

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- (k) The number of permits previously issued to an individual, or registered/recognised community group or registered charitable organisation; and
  - (l) Whether the roadside trading facility is clearly visible and can remain under direct control of the operator at all times.

## **21. Regulation of trading sites**

- (1) If the Council has entered into an agreement (by way of lease, licence or otherwise) in relation to trading from a particular site, a person other than the person with whom the Council has the agreement must not trade from that site whether or not that person has a permit.
- (2) The Council may by resolution determine a fee, charge or rent in relation to selling or offering for sale of any goods or services from a road, a property or public place adjacent to a road or to any person who is on that road or public place.

## **22. Impounding of goods and equipment**

If the use of a site or the contravention of any conditions on a permit continues after a Notice to Comply has been served any goods and associated equipment may be removed by an authorised officer and impounded.

## **23. Raffle Permit**

- (1) A person must not without a permit:-
  - (a) erect or place on any road, municipal place, reserve etc, a table, stall or other similar structure for the purpose of selling raffle tickets.
  - (b) notwithstanding Clause 23(1) where the activity is part of an approved organised event, festival or market such activities are exempt from this requirement.
- (2) In deciding whether to grant a permit the Council must take into consideration:
  - (a) whether the table, stall or other similar structure for the purpose of selling raffles will create a hazard to pedestrians;
  - (b) whether persons or organisations who may be liable for injury or property damage caused by the activity are insured against that risk; and
  - (c) whether the applicant has provided a written indemnification of the Council against liability arising from activities authorised by the permit.

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## Division 3 - Outdoor eating facilities on roads

### 24. A permit is required

- (1) A person must not, without a permit, establish or continue to use an outdoor eating facility on any footpath or other part of a road.
- (2) In deciding whether to grant a permit the Council must take into consideration:
  - (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 are registered in accordance with the **Food Act 1984**;
  - (c) whether the facility would be located where it would obstruct the visibility at an intersection;
  - (d) whether appropriate and safe pedestrian access can be maintained;
  - (e) whether the tables chairs and other equipment to be used will be a hazard;
  - (f) whether persons who may be liable for injury or property damage caused by the placing of the facility are insured against that risk;
  - (g) whether the applicant has provided a written indemnification of the Council against liability arising from activities authorised by the permit;
  - (h) any other matter relevant to the circumstances of the application;
  - (i) whether the tables, chairs, umbrellas, barriers, planter boxes and other equipment are in good repair and are maintained in a clean and workable condition;
  - (j) Whether the existing footpath or other part of a road provides a suitable surface for the proposed facility;
  - (k) Whether the furniture and associated facilities are of a style that are unlikely to cause damage to the footpath, road or other Council asset; and
  - (l) Whether the outdoor eating facility is clearly visible and can remain under direct control of the operator of the business at all times.
- (3) Any tables, chairs, umbrellas or other equipment in an outdoor eating facility used in contravention of this Division or of any conditions of a permit may be removed by an authorised officer and impounded.

### 25. Use of outdoor eating facility

- (1) A person must leave an outdoor eating facility when requested to do so by the permit holder or a member of the Police Force.

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## **26. Removing an outdoor eating facility**

The holder of the Council permit in relation to an outdoor eating facility must move or remove the outdoor eating facility when requested to do so for reasons of public safety by an authorised officer or a member of the Police Force or an emergency service.

## **Division 4 - Occupation of the road for works**

### **27. Road occupation for works**

- (1) A person on a road under the control of the Council must not, without a permit:
  - (a) occupy or fence off part of a road, except as permitted in Local Law No.4; or
  - (b) erect a hoarding or overhead protective awning; or
  - (c) use a mobile crane or travel tower for any building work; or
  - (d) make a hole or excavation; or
  - (e) reinstate a hole or excavation.
- (2) In deciding whether to grant a permit the Council must take into consideration:
  - (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 persons who may be liable for injury or property damage caused by the works are insured against that risk;
  - (e) whether the applicant has provided a written indemnification of the Council against liability arising from activities authorised by the permit;
  - (f) any other matter relevant to the circumstances of the application.
- (3) The reinstatement of any part of the road damaged or affected by works of a type listed in sub-clause (1) must be carried out in accordance with any conditions contained in the permit.
- (4) The fees to be applied in respect of reinstatement works will be those determined by the Council by resolution from time to time.
- (5) Where any equipment or other items are being used for works in contravention of this Division an authorised officer may remove the equipment or other items and impound them.

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## **Division 5 - Busking**

### **28. Busking and street entertainment**

- (1) A person must not, without a permit, busk on a road, municipal place or in a public place.
- (2) In deciding whether to grant a permit the Council must take into consideration:
  - (a) whether any undue obstruction will be caused to pedestrians or traffic in the area specified; and
  - (b) whether any interference will be caused in relation to other approved activities in the area.
- (3) The conditions of a permit to busk may include:
  - (a) that no sound reinforcement equipment (amplification) may be used;
  - (b) that the permit holder is not to sell or offer or expose for sale any article or commodity;
  - (c) that any drawings, sketches or other artwork made on any footpath must be easily erasable, in a non-permanent medium such as chalk, charcoal or pastel;
  - (d) that the permit holder will comply with all directions by an authorised officers or a member of the police force, including a direction that busking cease or that the location of the busking be moved to lessen congestion or inconvenience to other persons;
  - (e) that the permit holder is not to advertise or associate the busking activity with advertising in any performance;
  - (f) whether persons or organisations who may be liable for injury or property damage caused by the activity are insured against that risk; and
  - (g) any other condition which the Council considers to be appropriate.

## **Division 6 — Repair of vehicles**

### **29. Repair of vehicles**

A person must not dismantle, paint, carry out maintenance on or, except for the purpose of removing it, repair a vehicle on a road and a person must not permit or authorise another person to do so.

### **30. Substances from vehicles**

A person must not permit any grease, oil, mud, clay or other substance to fall or run off a vehicle onto a road into any drain on or under the road or permit or authorise another person to do so.

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### **31. Removal of substances**

A person in charge of a vehicle from which 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 the police force of the damage or hazard.

## **Division 7 — Storage of materials/trailers**

### **32. Storage of materials/trailers**

A person must not without a permit:

- (a) Store any materials, skip bins, trailers or vehicles on any road, footpath or nature strip for a period exceeding 14 days, and
- (b) Store any materials, unregistered trailers or skip bins on any road for a period exceeding 14 days

### **33. Derelict and/or abandoned vehicles**

Where a vehicle left standing on any Council land, or any road is unregistered or has been left standing for seven consecutive days and in the opinion of the council is deemed to be abandoned, the Council may cause such vehicle to be removed and taken to any pound or such other place as the council so determines:

- (a) where a registered vehicle has been impounded, Council shall cause notice of taking to be served by post on the last registered owner from the records kept at the Roads Corporation; and
- (b) if such vehicle is not so claimed and removed by the owner or some person on his behalf within fourteen days after the impounding of the vehicle (or the case of a registered vehicle, within fourteen days after the service of a notice to the last known registered owner) the Council may cause the vehicle to be sold by auction or by public tender of which notice shall be advertised in a newspaper circulating in the municipality and if the vehicle is not sold Council may sell, destroy or give away the vehicle as it so determines.

## **Division 8 — Firewood collection**

### **34. Firewood Collection Permits**

A person must not without a permit collect firewood from a Council road or reserve

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## **Part 5 —Administration**

### **Division 1 — Permits, fees and delegations**

#### **35. Applying for a permit**

- (1) A person who wishes to apply for a permit may do so by:
  - (a) lodging with the Council an application, in a form approved by the Council; and
  - (b) paying to the Council the appropriate application fee.
- (2) The Council may require an applicant to provide additional information before dealing with an application for a permit or for exemption.
- (2) The Council may require a person making an application for a permit to give public notice which will entitle any person to make a submission and to be heard in accordance with section 223 of the Act.

#### **36 Fees and charges**

- (1) The Council may, from time to time, by resolution determine fees for the purposes of this Local Law.
- (2) 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.
- (3) The Council may waive, reduce or alter a fee with or without conditions.

#### **37 Issue of permits**

The Council may:

- (a) issue a permit, with or without conditions; or
- (b) refuse to issue a permit.

#### **38 Duration of permits**

- (1) A permit is in force until the expiry date indicated on the permit, unless it is cancelled before the expiry date.
- (2) If no expiry date is indicated on the permit, the permit expires on 30 June next after the day on which it is issued.

#### **39 Conditional permits**

- (1) A conditional permit may be subject to conditions which the Council considers to be appropriate in the circumstances including:
  - (a) the payment of a fee or charge;

- 
- (b) a time limit to be applied either specifying the duration, commencement or completion date;
  - (c) the happening of an event;
  - (d) the rectification, remedying or restoration of a situation or circumstance;
  - (e) where the applicant is not the owner of the subject property, the consent of the owner; and
  - (f) the granting of some other permit or authorisation.
- (2) The conditions of a permit must be set out in the permit.
  - (3) The Council may, during the currency of a permit, alter the conditions of a permit if it considers it to be appropriate to do so, after providing the permit holder with an opportunity to make comment on the proposed alteration.
  - (4) A person who undertakes an activity for which the Council has issued a permit must comply with the conditions of the permit.

#### **40 Cancellation of a permit**

- (1) The Council may cancel a permit if it considers that:
  - (a) there has been a serious or ongoing breach of the conditions of the permit; or
  - (b) a Notice to Comply has been issued, but not complied with within seven days after the time specified in the notice for compliance; or
  - (c) there was a significant error or misrepresentation in the application for the permit; or
  - (d) in the circumstances, the permit should be cancelled.
- (2) Before it cancels a permit, the Council must provide to the permit holder an opportunity to make comment on the proposed cancellation.
- (3) 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 and of the reason why it has been served.

#### **41 Correction of permits**

- (1) The Council may correct a permit in relation to:
  - (a) an unintentional error or an omission; or
  - (b) an evident material miscalculation or an evident material mistake of description of a person, thing or property.
- (2) The Council must notify a permit holder in writing of any correction.
- (3) If the 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 correction to a permit.

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## **42 Registers**

- (1) The Council must maintain a record of permits, including details of corrections and cancellations.
- (2) The Council must maintain a register of determinations made, and of guidelines prepared, for the purposes of this Local Law.
- (3) The Council must ensure that the registers are available for public inspection at the office of the Council during normal business hours.

## **43 Service authorities**

- (1) A service authority or a person employed by or acting on behalf of a service authority is not required to obtain a permit in respect of work which is for the purposes of the service authority.
- (2) A person who would, but for this clause, be required to obtain a permit in respect of any activity must notify the Council of the activity prior to its commencement.

## **44 Exemptions**

- (1) The Council may by written notice exempt any person or class of persons from the requirement to have a permit, either generally or at specified times.
- (2) An exemption may be granted subject to conditions.
- (3) A person must comply with the conditions of an exemption.
- (4) An exemption may be cancelled or corrected as if it were a permit.

## **45 Offences**

A person who makes a false representation or declaration (whether oral or in writing), or who intentionally omits relevant information in an application for a permit or exemption is guilty of an offence.

## **46 Delegation**

- (1) In accordance with section 114 of the Act, the Council hereby:
  - (a) delegates to the Chief Executive Officer and to each Senior Officer, the Environmental Health Officer, statutory planners and the Local Laws Officer and to any person for the time being acting for such persons all the powers, discretions, authorities and considerations of Council under this Local Law including the powers, discretions and authority to issue or refuse permits, fix conditions and durations relevant to such permits, cancel permits, require additional information, apply guidelines or policies of Council, to waive the need for any permit, to waive, fix or reduce fees or charges, to remove and impound items in accordance with this Local Law or to do any act, matter or thing necessary or incidental to the exercise of any function or power by the Council.

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## **Division 2 — Enforcement**

### **47 Power of authorised officers to direct - Notice to Comply**

An authorised officer may by a written notice given to a person who appears to be in breach of this local law direct that person to remedy any situation which constitutes a breach of this Local Law.

### **48 Time to comply**

- (1) A Notice to Comply must state the time and date by which the situation must be remedied.
- (2) The time required by a notice to comply must be reasonable in the circumstances having regard to:
  - (a) the amount of work involved;
  - (b) the degree of difficulty;
  - (c) the availability of necessary materials or other necessary items;
  - (d) climatic conditions;
  - (e) the degree of risk or potential risk; and
  - (f) any other relevant factor.

### **49 Failure to comply with a notice to comply**

A person who fails to comply with a Notice to Comply served on that person is guilty of an offence.

### **50 Power of authorised officer to act in urgent circumstances**

- (1) In urgent circumstances arising as a result of a failure to comply with this Local Law, an authorised officer may take action to remove, remedy or rectify a situation without first serving a notice to comply if:
  - (a) the authorised officer considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice, may place a person, animal, property or thing at risk or in danger; and
  - (b) wherever practicable, a senior officer is given prior notice of the proposed action.
- (2) In deciding whether circumstances are urgent, an authorised officer must take into consideration, to the extent relevant:
  - (a) whether it is practicable to contact:
    - (i) the person by whose default, permission or sufferance the situation has arisen; or

- 
- (ii) the owner or the occupier of the premises or property affected; and
  - (b) whether there is an urgent risk or threat to public health; public safety, the environment or animal welfare.
- (3) The action taken by an authorised officer under sub-clause (1) must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
  - (4) An authorised officer who takes action under sub-clause (1) must ensure that, as soon as practicable:
    - (a) details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and
    - (b) a report of the action taken is submitted to the Chief Executive Officer.

## **51 Power of authorised officer to impound**

- (1) If an authorised officer has impounded anything in accordance with this Local Law, the Council may refuse to release it until the appropriate fee or charge for its release has been paid to the Council.
- (2) The Council may, by resolution, fix charges (generally or specifically) for the purposes of this clause.
- (3) As soon as possible after the impounding and where practicable to do so, the authorised officer must, serve written notice on the owner or person responsible for the item which has been impounded setting out the fees and charges payable and time by which the item must be retrieved.
- (4) If after the time required in a notice of impounding an impounded item is not retrieved, an authorised officer may take action to dispose of the impounded item according to the following principles:
  - (a) where the item has no saleable value, it may be disposed of in the most economical way; and
  - (b) where the item has some saleable value the item may be disposed of either by tender, public auction or private sale but failing sale may be treated as in paragraph (a).
- (5) When the identity or whereabouts of the owner or person responsible for the impounded item is unknown, the authorised officer must take reasonable steps to ascertain the identity or whereabouts of that person and may proceed to dispose of the impounded item in accordance with sub-clause (4) once he or she is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded item.
- (6) Any proceeds from the disposal of impounded items under this Local Law must be paid to the owner or to the person who, in the opinion of the Council, appears to be authorised to receive the money except for the reasonable costs incurred by the Council in the administration of this Local Law.
- (7) If a person described in sub-clause (6) cannot be identified or located within six months after the date of the notice of impounding, any proceeds of the sale cease to

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be payable to that person, and may be retained by the Council for municipal purposes.

## **52 Infringement notices**

- (1) An authorised officer may issue an infringement notice in the form of the notice in Schedule 1.
- (2) The fixed penalty in respect of an infringement is the amount set out in Schedule 2.

## **53 Payment of penalty**

- (1) A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer, Alpine Shire, P.O. Box 139, Bright 3741.
- (2) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (4) A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.

## **54 Withdrawal of Infringement Notice**

- (1) A person issued with an Infringement Notice may make a written representation to Council, the Chief Executive Officer, or Officer in Charge of Local Laws administration within 28 days of the issue of the Infringement Notice. The representation must be brought to the attention of the Chief Executive Officer.
- (2) The Chief Executive Officer may consider any written representations and any other relevant information and must consider any such material brought to his or her attention.
- (3) The decision of the Chief Executive Officer on any representations received will be final.
- (4) An Infringement Notice may be withdrawn, whether the appropriate penalty has been paid or not, at any time after the service of the Infringement Notice, by sending by post a notice in writing signed by the Authorised Officer issuing the Infringement Notice to the effect that the Infringement Notice has been withdrawn.

## **55 Offences**

Any person who does or omits to do anything in breach of this Local Law, including any person who fails to comply with a Notice to Comply served pursuant to this Local Law, is guilty of an offence and is liable on a first offence to a penalty of not more than 10 penalty units and on a second or subsequent offence to a penalty of not more than 20 penalty units and, in the event of any such offence continuing after conviction, to a penalty of not more than 2 penalty units per day.

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## Schedule 1 - Infringement notice

Date:

To: *[name and address]*

I, *[name of authorised officer]* have reason to believe that you have committed an offence against the Streets and Roads Local Law No.6 of the Alpine Shire, as indicated below:

Date	Time	Clause of Local Law	Penalty
<b>Description of the offence:</b>			
<b>Location of the offence:</b>			

You are entitled to disregard this notice and defend the prosecution for an offence in Court.

## Schedule 2 - Penalties fixed for infringements

Provisio n	Offence	Penalty Penalty Units
<b>6</b>	Fail to provide properly constructed vehicle crossing	2
<b>7</b>	Constructing, installing, removing or altering a vehicle crossing	2
<b>8(1)</b>	Fail to obtain permit for construction of temporary crossing	2
<b>8(2)</b>	Fail to repair damage to vehicle crossing	2
<b>8(3)</b>	Fail to pay bond	2
<b>9(1)</b>	Fail to remove redundant crossing	2
<b>10</b>	Damage or interference with a Municipal place or service	2
<b>11</b>	Tree or plant causing obstruction or interference	2
<b>12</b>	Sign or post causing obstruction	2
<b>13</b>	Construction of a garden bed on a naturestrip	2
<b>15(a)</b>	Using a horse drawn vehicle without permission	2
<b>16</b>	Riding bikes, roller skates, roller blades or the like where not permitted	2
<b>17(1)</b>	Placing or authorising placement of advertising sign on road	2
<b>20(1)</b>	Erecting or placing a stall, vehicle or other object on a road for the purpose of selling or offering for sale, or selling or offering to sell goods or services	2
<b>20(2)</b>	Selling or offering for sale goods or services from a place adjacent to a road	2
<b>21(1)</b>	Trading from an unavailable site	2
<b>23</b>	Failure to obtain permit for sale of raffle tickets	1
<b>24(1)</b>	Establishing an outdoor eating facility on a road	2
<b>25</b>	Outdoor eating facility offences	2
<b>26</b>	Fail to move outdoor eating facility	2
<b>27(1)</b>	Road occupation works offences	3
<b>28(1)</b>	Busking in a public place	1
<b>29</b>	Repairs of vehicle where not permitted	2
<b>30</b>	Fail to prevent substances leaking onto roadways	3
<b>31</b>	Fail to remove substances from roadways	3
<b>32</b>	Storage of materials/trailer/vehicle where not permitted	2
<b>34</b>	Failure to obtain permit for firewood collection	2
<b>39(4)</b>	Fail to comply with permit conditions	3
<b>44(3)</b>	Fail to comply with exemption conditions	3
<b>45</b>	False representation or omission of relevant information in application for a permit or exemption	3
<b>49</b>	Fail to comply with a notice to comply	3

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### Schedule 3 – Notice of impounding

#### NOTICE OF IMPOUNDING

TO: \_\_\_\_\_ (Name)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (Address)  
\_\_\_\_\_

The following item(s) has/have been impounded on accordance with clause ( ) of the Council's Streets and Roads Local Law.

Description \_\_\_\_\_  
Items \_\_\_\_\_  
Impounded \_\_\_\_\_

You may collect the item(s) by attending at the Municipal Offices between the hours of \_\_\_\_\_ and \_\_\_\_\_ to see \_\_\_\_\_ and by paying the following:  
(Contact Officer)

		\$	
Details	_____		_____
Of	_____		_____
Fees and	_____		_____
Charges	_____		_____
		Total	\$ _____

If you fail to collect the item(s) and pay the required fees and charges by \_\_\_\_\_(date), \_\_\_\_\_ the authorised officer will proceed to dispose of the item(s) in accordance with the Council's policy.

Date \_\_\_\_\_ (Name of Authorised Officer)  
\_\_\_\_\_  
Telephone \_\_\_\_\_ (Signature of Authorised Officer)  
\_\_\_\_\_

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### Schedule 4 – Notice to comply

TO (Name) \_\_\_\_\_

(Address) \_\_\_\_\_

The following constitutes a breach under Clause ( ) of the Council's Streets and Roads Local Law. To remedy the breach you must carry out the following work, within ..... days from the date of this Notice.

Work to be listed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You should contact \_\_\_\_\_ at the Municipal Offices between the hours of \_  
\_\_\_\_\_ for any further information about this Notice.

If you fail to comply with this Notice you will be guilty of an offence and liable for payment of the penalty of \$ \_\_\_\_\_ (penalty) for the first/second\* or subsequent offence and the Council may proceed to carry out the work, for the cost of which, in addition to the above penalty, you will be liable.

Date \_\_\_\_\_  
(insert date)

(Name of authorised officer) \_\_\_\_\_

Telephone No \_\_\_\_\_

Signature of Authorised Officer \_\_\_\_\_

\* Strike out whichever is not applicable

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**Certification of Local Law No. 6**

This is to certify that the above writing contained on 43 pages of paper is a true copy of the Local Law of the Alpine Council and that we have informed ourselves of the legislative requirements necessary to giving validity to such Local Law and as to our observance and belief that such requirements have been fulfilled.

**THE COMMON SEAL OF THE  
ALPINE SHIRE COUNCIL** was  
Hereto affixed this 6<sup>th</sup> day of  
December 2011 in the presence of:

.....  
COUNCILLOR

NARDA GAIN  
Print name

.....  
COUNCILLOR

TONY KEEBLE  
Print name

.....  
CHIEF EXECUTIVE OFFICER

Ian Nicholls  
Print name

Seal

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This document is issued by the Alpine Shire Council.

Notices of the proposal to make and of the making of this Local Law were included in the Victorian Government Gazette dated the 22 December 2011.

Public Notice of the proposal to make and confirmation for the making of this Local Law were inserted in the local papers on 21 December 2011.

A copy of this Local Law was sent to the Minister for Local Government on 11 January 2012

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**Schedule 5 – Application for permit to construct a garden bed on a naturestrip**

Name of Applicant: \_\_\_\_\_ Ph: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

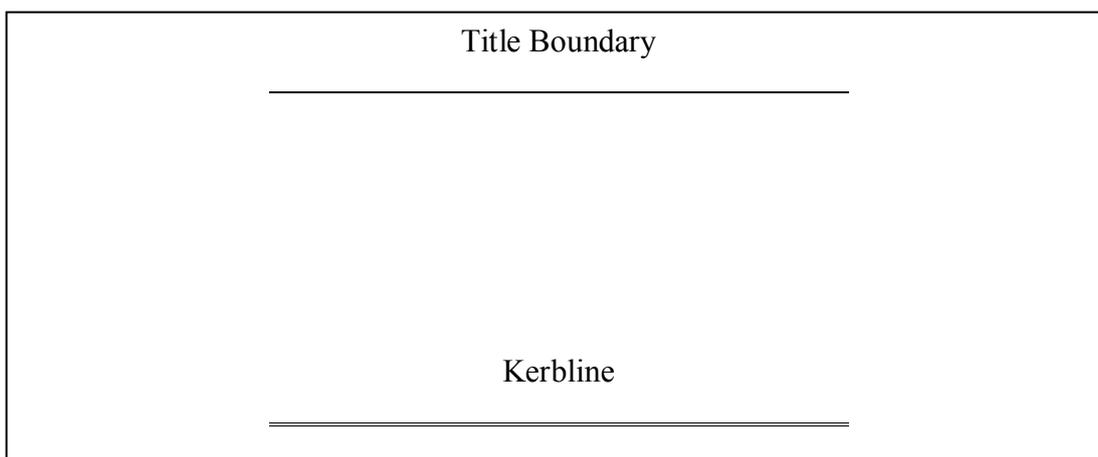
Address of property at which garden bed is proposed : \_\_\_\_\_

\_\_\_\_\_

Details of garden bed to be constructed (including plant species, edgings, type of ground cover etc:) \_\_\_\_\_

\_\_\_\_\_

Plan of layout of garden bed (show distance from kerblines) to include underground and overhead services( Dial before you dig )



The applicant indemnifies and will keep indemnified the Alpine Shire Council against any claims for property damages or injury arising from the activities authorized by this permit.

Date: \_\_\_\_\_  
\_\_\_\_\_ Signed by Applicant

Fees: \$ \_\_\_\_\_  
\_\_\_\_\_ Signature of Owner (where not the applicant)

Paid: \_\_\_\_\_  
\_\_\_\_\_ Name of Owner

Receipt No: \_\_\_\_\_  
\_\_\_\_\_ Address of Owner

## Schedule 6 – Application for temporary vehicle crossing approval

Reference No: \_\_\_\_\_

Construction Site Address:

No: \_\_\_\_\_ Street: \_\_\_\_\_ Lot No: \_\_\_\_\_

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

I hereby apply for approval to construct a temporary vehicular crossing to service the above property and agree to abide by the provisions of Local Law No. 6, Clause 8 regarding security deposit and repair of damages.

The applicant indemnifies and will keep indemnified the Alpine Shire Council against any claims for property damages or injury arising from the activities authorized by this permit.

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Signature: \_\_\_\_\_

**OFFICE USE ONLY**

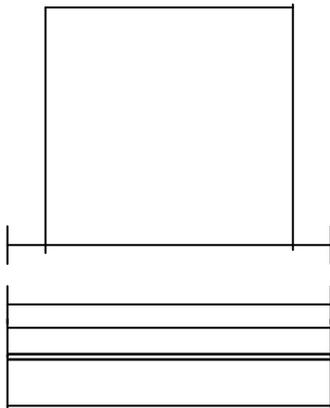
Existing Conditions:

**Footpath:** \_\_\_\_\_

**Kerb and Channel:** \_\_\_\_\_

**Vehicle Crossing:** \_\_\_\_\_

**Road Seal:** \_\_\_\_\_



North



Fall of Land

**Comments**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Boundary  
 Footpath  
 Kerb and Channel

Inspected by: \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Application approved by: \_\_\_\_\_

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## Schedule 7 – Form of Indemnity

THIS INDEMNITY is given the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ by the \_\_\_\_\_ (hereinafter called “**the Indemnifier**”) to the **COUNCIL OF THE ALPINE SHIRE** (hereinafter called “**the Council**”).

**WHEREAS the Indemnifier** as applied to **the Council** for authority to use portion of a road or other public area within the municipal district under Council’s Streets and Roads Local Law.

**NOW THIS INDENTURE WITNESSETH** that in consideration of **the Council** granting such authority the Indemnifier INDEMNIFIES and will *KEEP the Council INDEMNIFIED* against any and for all damage to or loss of any equipment and property owned by or **under** the control of **the Council** in or adjacent to the area wherein such\* \_\_\_\_\_ is **situated** and against any claim arising out of all injuries and damage suffered by any person whatsoever including **the Indemnifier**, any employee or agent, sub-contractor or any customer of **the Indemnifier** resulting from the use of the said area in the manner and for the purposes aforesaid.

### FOOTPATH TRADING GUIDELINES

The following points are given to provide suitable criteria for the issuing of permits.

All applicants must have Public Liability Insurance Cover for \$10,000,000. The Insurance Policy must cover the activity applied for in the permit. A copy of the Public Liability Insurance Certificate of Currency **must** be supplied with the completed application form.

#### **A. Guidelines for a Permit allowing outdoor eating facilities on the roadside.**

- Outdoors eating facilities to be located only where an adequate unimpeded pedestrian movement is possible along the footpath area. A minimum of 2 metres footpath width must remain clear.
- A clearance of 0.7 metre minimum must be maintained from the curb to the outdoor eating facility
- Umbrellas and rolled down blinds must have a minimum height clearance of 2.2 metres.
- Access by pedestrians to and from the road to the footpath must be provided.
- Outdoor eating facilities must be removed when business is closed.
- Must comply with health, liquor licensing and building regulations.
- Plan of outdoor eating facilities showing location and the number of tables & chairs etc to be lodged and endorsed by council.
- The outdoor eating facilities must be clearly visible and under direct control of the operator of the business at all times. It is the responsibility of the permit holder to ensure chairs, prams and patrons dogs do not impede the 2 metre required clearance.

#### **B. Guidelines for Permit allowing the display/sale/trading from the roadside.**

- Goods on display are associated with a business that is Council approved and/or lawful.
- For goods on display adjacent to a business premises, the area must be directly in front of the premises and not unreasonably block access (including from the footpath to parking).
- Goods displayed can be located only where an adequate unimpeded pedestrian movement is possible along the footpath area. A minimum of 2 metres footpath width should remain clear.
- Access by pedestrians to and from the road to the footpath must be provided.
- Rolled down blinds must have a minimum height clearance of 2.2 metres.
- Must comply with health and building regulations
- Goods must be clearly visible and under direct control of the operator of the business at all times.
- Goods must be removed when the business is not trading.
- Plan of goods display location to be lodged with the Council for approval.

- 
- All goods must be displayed on stands, tables or racks unless goods are designed to allow for placement on the ground and do not constitute tripping hazards. Goods must be kept tidy and sited to minimise obstruction.

**C. Guidelines for Permit allowing A-frame/portable Advertising signs on a roadside.**

In general A frame signs will be restricted unless –

- It is for a short-term community type event or activity (e.g. fete, market etc.)
- There is a demonstrated need for the signage essential to the identification /location of the business. NB Product signage (eg Coca Cola etc) will not be permitted.

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## Schedule 8 – Application for Permits – Roadside Trading and Advertising Signage



### APPLICATION FOR PERMIT FOR ROADSIDE TRADING/STALL (i.e. placement of goods, stall, table, vehicle, caravan, trailer on any road/footpath/naturestrip or municipal place) Refer Clause 20 Streets & Roads Local Law No 6

Please indicate (tick) appropriate category:

**‘Business Premise’**: means a shop or business that operates from a fixed and permanent premise

**‘Charitable or Community Group’**: means a bona-fide gathering of individuals whose collective association is for a purpose predominantly other than for the selling of food or goods and services and for whom the selling of food or goods and services is primarily carried out as a fundraising activity which has a collective benefit for the group or nominated beneficiary, and from which any member does not receive any pecuniary profit

**‘Commercial Participant’**: means any person or organization who is involved in operating a stall or in conducting any trading activity or display of food, goods or services for personal gain or profit

**‘Fundraising body’**: means a sub group of a charitable or community group that sells food or goods and services to raise funds to support the activities of the charitable or community group

Name of Organisation: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

Ph: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Location, date & time: *e.g. at or in front of 16 Ireland Street Bright 9.30 to 10am 14 April 2004*

Details ie number tables, stands, barriers etc: \_\_\_\_\_

#### Conditions:

Permits for roadside trading will only be issued if:

1. Roadside trading facilities to be located only where an adequate unimpeded pedestrian movement is possible along the footpath area. A minimum of 2 metres footpath width must remain clear.
2. Proof of ‘up-to-date’ public liability to the value of \$10m is provided to Council with this renewal application.
3. Roadside trading facilities must be removed when business is closed
4. Roadside trading facilities must comply with health and building regulations.
5. A plan of roadside trading facilities showing location, distances, stands, barriers etc to be lodged and endorsed by Council.
6. The roadside trading facilities must be clearly visible and under direct control of the operator of the business at all times.
7. Goods on display are associated with a business that is Council approved and/or lawful.
8. For goods on display adjacent to a business premises, the area must be directly in front of the premise and not unreasonably block access (including from the footpath to parking).
9. All goods must be displayed on stands, tables or racks unless goods are designed to allow for placement on the ground and do not constitute tripping hazards. Goods must be kept tidy and sited to minimise obstruction.
10. All Roadside Trading Permits expire 30 June each year

PTO

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**Plan of layout of roadside trading (show distance from kerb line) and placement of goods or stall**

Title Boundary

Kerb Line

**Fees:**

Business Premises displaying goods	\$	ANNUAL
Commercial Participant	\$	PER EVENT
	\$	Approved site Location ANNUAL
Fundraising Body or Charitable or Community Group		<b>No Fee</b>

The applicant indemnifies and will keep indemnified the Alpine Shire Council against any claims for property damages or injury arising from the activities authorized by this permit.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

Fee: \$ \_\_\_\_\_ Date Paid \_\_\_\_\_ Receipt No: \_\_\_\_\_



ALPINE SHIRE

# APPLICATION FOR A PERMIT FOR ERECTING OR PLACING AN 'A' FRAME/PORTABLE ADVERTISING SIGN ON A ROADSIDE - BUSINESS

*Refer Clause 17 Streets & Roads Local Law No 6*

Name of Applicant: \_\_\_\_\_

Postal Address of Applicant: \_\_\_\_\_

\_\_\_\_\_ P/code \_\_\_\_\_

Ph: \_\_\_\_\_ Fax: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email: \_\_\_\_\_

Business/Organisation Name: \_\_\_\_\_

Business/Organisation location : \_\_\_\_\_

Specify how/why your business is disadvantaged by not having an A-frame sign.

\_\_\_\_\_  
\_\_\_\_\_

Fully indicate fully what the advantages there are for your business having an A-frame sign in preference to on-site signage.

\_\_\_\_\_  
\_\_\_\_\_

Location of A frame/Portable Advertising sign/s \_\_\_\_\_

\_\_\_\_\_  
Times & Days signage displayed \_\_\_\_\_

## Conditions:

Permits for A frame signs will only be issued if –

1. It is for a short-term community type event or activity (e.g. fete, market etc.)
2. There is a demonstrated need for the signage essential to the identification /location of the business. NB Product signage (eg Coca Cola etc) will not be permitted.
3. One (1) sign strictly permitted per business
4. A drawing of the A frame detailing size and text on A frame is provided to Council with Renewal Application **each year**.
5. Proof of 'up-to-date' Public Liability to the value of \$5m is provided to Council with Renewal Application
6. The width and height of advertising sign must not be greater than 1 metre.
7. All 'A' Frame/Portable Advertising sign permits expire 30 June each year
8. The applicant indemnifies and will keep indemnified the Alpine Shire Council against any claims for property damages or injury arising from the activities authorized by this permit.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**FEE: \$ ANNUAL**

Date Paid: \_\_\_\_\_ Receipt Number: \_\_\_\_\_

**PTO**



ALPINE SHIRE

**APPLICATION FOR A PERMIT FOR ERECTING  
OR PLACING AN 'A' FRAME/PORTABLE  
ADVERTISING SIGN ON A ROADSIDE –  
COMMUNITY GROUP**

*Refer Clause 17 Streets & Roads Local Law No 6*

Name of Applicant: \_\_\_\_\_

Postal Address of Applicant: \_\_\_\_\_

\_\_\_\_\_ P/code \_\_\_\_\_

Ph: \_\_\_\_\_ Fax: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email: \_\_\_\_\_

Community Group Name: \_\_\_\_\_

Name of Event : \_\_\_\_\_

Location of Event: \_\_\_\_\_

Dates & Times of Event \_\_\_\_\_

Location of A Frame/Portable Advertising signage \_\_\_\_\_

Public liability documentation included (YES/NO) \_\_\_\_\_

Signage details provided (see over page) (YES/NO) \_\_\_\_\_

**Conditions:**

Permits for A frame signs will only be issued if –

1. It is for a short-term community type event or activity (e.g. fete, market etc.)
2. There is a demonstrated need for the signage essential to the identification /location of the business. NB Product signage (eg Coca Cola etc) will not be permitted.
3. One (1) sign strictly permitted per community group/event unless authorised.
4. A drawing of the A frame detailing size and text on A frame is provided to Council with Renewal Application **each year**.
5. Proof of 'up-to-date' Public Liability to the value of \$5m is provided to Council with Renewal Application
6. The width and height of advertising sign must not be greater than 1 metre.
7. Sign not to be displayed more than 3 days prior to event.
8. Sign to be removed within 24 hours of event finishing.
9. The applicant indemnifies and will keep indemnified the Alpine Shire Council against any claims for property damages or injury arising from the activities authorized by this permit.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**FEE: NIL**

**PTO**

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Please provide a sketch of the proposed design

Please provide a sketch of the exact sitting eg relation to kerb etc

## Schedule 9 – Application for Raffle Permit



### SCHEDULE 9 APPLICATION FOR RAFFLE PERMIT **Refer Clause 23 Streets & Roads Local Law No 6**

I. (name of applicant): \_\_\_\_\_

of (address of Applicant): \_\_\_\_\_

Ph: \_\_\_\_\_ Fax: \_\_\_\_\_ Mob: \_\_\_\_\_

Email: \_\_\_\_\_

Wish to apply for a permit to conduct a raffle on behalf of:

(Clubs name) \_\_\_\_\_

Location, date & times: *e.g. at or in front of 16 Ireland Street Bright, 9.30 to 10am 14 April 2004*

\_\_\_\_\_

\_\_\_\_\_

Plan of layout of roadside trading (show distance from kerb line) and placement of goods or stall:

<p>Title Boundary</p> <hr/>
<p>Kerb Line</p> <hr/> <hr/>

The applicant indemnifies and will keep indemnified the Alpine Shire Council against any claims for property damages or injury arising from the activities authorized by this permit.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Are you conducting any other fundraising activity other than a raffle?

Yes

No

If yes, I \_\_\_\_\_ have read the enclosed brochure regarding the Fundraising appeals Act 1998 and I agree to apply at the Office of Fair Trading if our organization/community group is not exempt from the Act.

You should be aware that raffles whose prizes have a total retail value in excess of \$5,000 will require a permit from the Victorian Casino and Gaming Authority. There are also conditions set out regarding conduct of a small raffle. If you require further information regarding same, please contact the Victorian Casino and Gaming Authority, Ph: (03) 9651 3333.

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**Schedule 10 – Application for permit for outdoor eating facility on footpaths or roads**



ALPINE SHIRE

**APPLICATION FOR PERMIT FOR OUTDOOR EATING FACILITY ON FOOTPATHS OR ROADS**  
**Refer Clause 24 Streets & Roads Local Law No 6**

Organisation: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

Ph: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Address of property at which outdoor eating facility is proposed : \_\_\_\_\_

Details of outdoor eating facility (including number of chairs, tables, umbrella, barriers, pot plants etc) \_\_\_\_\_

Trading hours of Outdoor Eating Facility \_\_\_\_\_

Conditions:

*Permits for outdoor eating facilities will only be issued if:*

- 1. A plan of layout of outdoor eating facility including chairs, tables, barriers, umbrellas, pot plants, distances etc to be submitted with this Renewal Application and endorsed by Council. Please refer to reverse of application form.*
- 2. Proof of 'up-to-date' public liability to the value of \$10m is provided to Council with this Renewal Application.*
- 3. Outdoor eating facilities to be located only where an adequate unimpeded pedestrian movement is possible along the footpath area. A minimum of 2 meters footpath width must remain clear.*
- 4. Outdoor eating facilities must be removed when business is closed.*
- 5. Outdoor eating facilities must comply with health and building Regulations.*
- 6. The outdoor eating facilities must be clearly visible and under direct control of the operator of the business at all times. It is the responsibility of the permit holder to ensure chairs, prams and patron's dogs do not impede the 2 metres required clearance.*
- 7. A clearance of 0.7 metre minimum must be maintained from the kerb to the outdoor eating facility.*
- 8. Umbrellas and rolled down blinds must have a minimum height clearance of 2.2 metres.*
- 9. Access by pedestrians to and from the road to the footpath must be provided.*
- 10. The erection of an A-Frame in conjunction with an outdoor eating facility is prohibited as per Council's signage policy.*
- 11. All outdoor Eating permits expire 30<sup>th</sup> June each year*
- 12. The applicant indemnifies and will keep indemnified the Alpine Shire Council against any claims for property damages or injury arising from the activities authorized by this permit.*

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**FEE: \$ ANNUAL** Date Paid: \_\_\_\_\_ Receipt Number: \_\_\_\_\_

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Plan of layout of outdoor eating facility (show distance from kerbing)

