



ALPINE SHIRE

**AMENITY  
LOCAL LAW  
NO.5**

## INDEX

<b>PART 1 - PRELIMINARY .....</b>	<b>3</b>	
1. TITLE.....	3	
2. OBJECTIVES .....	3	
3. THE POWER TO MAKE THIS LOCAL LAW.....	4	
4. COMMENCEMENT .....	4	
5. DEFINITIONS.....	4	
<b>PART 2 — SAFETY – PEOPLE AND PROPERTY.....</b>	<b>9</b>	
6. FIRE HAZARDS.....	9	
7. DANGEROUS LAND.....	9	
8. UNSIGHTLY LAND .....	9	
9. FIRES IN THE OPEN AIR OR IN AN INCINERATOR.....	10	
10. BURNING OF OFFENSIVE MATERIALS.....	11	
11. RECREATIONAL VEHICLES .....	11	
12. AUDIBLE INTRUDER ALARMS.....	12	
<b>PART 3 – THE ENVIRONMENT.....</b>	<b>13</b>	
13. CAMPING .....	13	
14. CONTROL OF NOISE FROM BIRD SCARE GUNS & SIMILAR CONTROL DEVICES	14	
<b>PART 4 – ANIMALS .....</b>	<b>16</b>	
15. KEEPING ANIMALS.....	16	
16. ANIMAL HOUSING .....	17	
17. REMOVAL OF ANIMAL FAECES .....	18	
18. OBJECTIONABLE NOISES.....	19	
19. KEEPING OF BEEHIVES.....	19	
20. WASP NESTS TO BE REMOVED/OR DESTROYED.....	20	
21. UNLEASHED DOGS.....	20	
<b>PART 5 – WASTE MANAGEMENT.....</b>	<b>21</b>	
22. PROVISION OF SERVICE.....	21	
23. OCCUPIERS RESPONSIBILITIES.....	21	
24. RESTRICTION OF USE OF PUBLIC PLACE BINS.....	22	
25. DEPOSITING OF WASTE AT MUNICIPAL WASTE FACILITIES.....	22	
26. SCAVENGING AT MUNICIPAL WASTE FACILITIES.....	23	
27. NIGHT SOIL AND SEPTIC TANKS .....	23	
28. DRAINS ON PRIVATE LAND .....	24	
<b>PART 6 – CONSTRUCTION SITES &amp; WORKS.....</b>	<b>25</b>	
29. CONSTRUCTION SITE IDENTIFICATION .....	25	
30. CONTAINMENT OF CONSTRUCTION SITES .....	25	
31. STORMWATER POLLUTANTS.....	25	
32. SOIL STOCKPILES.....	26	
33. CONSTRUCTION SITE WASTE .....	26	
<b>PART 7 —ADMINISTRATION.....</b>	<b>27</b>	
34. APPLYING FOR A PERMIT .....	27	
35. FEES .....	27	
36. ISSUE OF PERMITS.....	27	

37.	DURATION OF PERMITS.....	28
38.	CONDITIONAL PERMITS.....	28
39.	CANCELLATION OF A PERMIT .....	28
40.	CORRECTION OF PERMITS.....	29
41.	REGISTERS.....	29
42.	SERVICE AUTHORITIES.....	29
43.	EXEMPTIONS.....	30
44.	OFFENCES .....	30
<b>DIVISION 2 — ENFORCEMENT .....</b>		<b>31</b>
45.	POWER OF AUTHORISED OFFICERS TO DIRECT - NOTICE TO COMPLY .....	31
46.	TIME TO COMPLY .....	31
47.	FAILURE TO COMPLY WITH A NOTICE TO COMPLY .....	31
48.	POWER OF AUTHORISED OFFICER TO ACT IN URGENT CIRCUMSTANCES .....	32
49.	POWER OF AUTHORISED OFFICER TO IMPOUND .....	33
50.	INFRINGEMENT NOTICES.....	34
51.	PAYMENT OF PENALTY .....	34
52.	WITHDRAWAL OF INFRINGEMENT NOTICE .....	34
<b>SCHEDULE 1 .....</b>		<b>35</b>
<b>INFRINGEMENT NOTICE .....</b>		<b>35</b>
<b>SCHEDULE 2 .....</b>		<b>36</b>
<b>PENALTIES FIXED FOR INFRINGEMENTS .....</b>		<b>36</b>
<b>SCHEDULE 3 .....</b>		<b>36</b>
<b>AMENITY LOCAL LAW.....</b>		<b>37</b>
<b>SCHEDULE 4 .....</b>		<b>38</b>
<b>NOTICE TO COMPLY .....</b>		<b>38</b>

## Part 1 - Preliminary

### 1. TITLE

This is the Amenity Local Law No 5 2009 and is referred to below as this “Local Law”.

### 2. OBJECTIVES

The principal objectives of this Local Law are:

- (a) to provide a safe and healthy environment in which the residents of the municipal district enjoy a quality of life that meets the general expectations of the community; and
- (b) to prohibit, regulate and control activities which may be dangerous or unsafe or detrimental to the quality of life in an environment of the municipal district; and
- (b) to facilitate the provision of general public services, health and other community services, property services, recreational and cultural services, and other services in a way which enhances the environment and quality of life in the municipal district; and
- (c) to control nuisances and noise, odour and smoke emissions, and other discharges to the environment which may adversely affect the enjoyment of life within the municipal district or the health, safety and welfare of persons within the municipal district; and
- (d) in a way which is consistent with, and in furtherance of, the objectives specified in paragraphs (a) to (d) of this clause to prohibit, regulate and control activities and circumstances associated with –
  - (i) smoke emission, particularly emission from burning material; and
  - (ii) the use of recreational vehicles, particularly recreational vehicles which are not used on appropriate land or reserves or which emit excessive noise or air pollution; and
  - (iii) fire hazards; and
  - (iv) dangerous and unsightly land; and
  - (v) camping; and
  - (vi) water quality, including interference with water courses; and
  - (vii) animals, including animal numbers and the keeping and control of animals; and
  - (viii) disposal of waste including behaviour associated with tips; and
  - (ix) to provide for the peace order and good government of the municipal district; and;
  - (x) to provide for the administration of the Council’s powers and functions.

### 3. THE POWER TO MAKE THIS LOCAL LAW

The Council's authority to make this Local Law is contained in section 111(1) of the **Local Government Act 1989**.

### 4. COMMENCEMENT

In this clause "**commencement date**" means *[the day after the day on which it is made] or [date]*

This Local Law comes into operation on the commencement date.

### 5. DEFINITIONS

In this Local Law, unless inconsistent with the context:

" <b>Act</b> "	means the <b>Local Government Act 1989</b> .
" <b>animals</b> "	Means animals and birds of a type listed.
" <b>Applicant</b> "	Means a person who applies for a permit under the Local Law.
" <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>barbecue</b> "	means a device for cooking foods outdoors, constructed predominantly of metal or other non-flammable material, however powered, and includes a device for spit roasting when used outdoors.
" <b>built-up area</b> "	means an area in which there is urban development or in which streetlighting is provided on roads.

“caravan”	means any object or structure having the general characteristics of a caravan, a house on wheels, a covered van, and any vehicle used or adapted for living purposes whether the wheels or axles thereof have been removed or not and whether it is resting directly on the ground or is placed on blocks or other supports; and any structure, awning, verandah, lean-to, carport or other enclosed area used or capable of being used in conjunction with or appurtenant to a caravan.
“Council”	means the Alpine Shire.
“Council land”	means a land and buildings vested in or under the control of the Council, including roads, streets, reserves, watercourses, reservations and the like.
“domestic birds”	means birds such as canaries, finches, budgerigars and parrots and other similar sized birds.
“Environmental Health Officer”	means an environmental health officer appointed by the Council.
“farming area”	means any part of the municipal district in which farming activity is the predominant land use.
“fire ban day”	means a day declared either partially or totally in accordance with the <b>Country Fire Authority Act 1958</b> or the <b>Metropolitan Fire Brigades Act 1958</b> .
“incinerator”	<p>means a structure, device or contraption (not enclosed in a building) which:</p> <ul style="list-style-type: none"> <li>(a) is used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance; and</li> <li>(b) is not licensed or otherwise subject to control under the provisions of any other Act; and</li> <li>(c) is not a barbecue</li> </ul>
“local law”	Means a local law of Council.

“ <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>mobile recyclables bin</b> ”	Means a wheeled receptacle supplied to a property by council for the purpose of collecting recyclable material having a capacity no greater than 360 litres.
“ <b>mobile waste bin</b> ”	Means a wheeled receptacle supplied to the premises by Council for the purpose of collecting and disposing of household, commercial or industrial waste having a capacity no greater than 360 litres.
“ <b>motor vehicle</b> ”	has the same meaning as in the <b>Road Safety Act 1986</b> .
“ <b>municipal district</b> ”	means the municipal district of the Council.
“ <b>municipal recreation reserve</b> ”	means reserves which have been declared by the Council to be a “Municipal Recreation Reserve” for the purposes of this Local Law.
“ <b>noxious weed</b> ”	means a plant declared to be a State prohibited weed or a weed which is prohibited, controlled or restricted under the <b>Catchment and Land Protection Act 1994</b> for an area which includes any part of the municipal district.
“ <b>occupier</b> ”	Means the person or persons legally entitled to occupy any premises and includes in relation to land which had a lot entitlement or lot entitlements or lot liability in respect of common property, the owners corporation created on the registration of a plan of subdivision affecting that land.
“ <b>owner</b> ”	In relation to any land means the person who is registered on the certificate of title as the owner of the land or the person who is entitled to exercise any rights of ownership of the land.
“ <b>penalty unit</b> ”	Has the same meaning as in the <b>Sentencing Act 1991</b> .

“ <b>permit</b> ”	in relation to an activity, means a permit issued under this Local Law which authorises that activity.
“ <b>permit holder</b> ”	person to whom the permit is issued under the Local Law.
“ <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 the <b>Summary Offences Act 1966</b> .
“ <b>poultry</b> ”	means and includes any fowl, turkey, goose, duck and pheasant.
“ <b>recreational vehicle</b> ”	has the same meaning as in the <b>Road Safety Act 1986</b> but does not include motorised vehicles used for farming purposes.
“ <b>recyclable material</b> ”	means material in respect of which a separate Council, or Council authorised, collection service applies.
“ <b>reserve</b> ”	includes an active or passive recreation ground.
“ <b>residential area</b> ”	Means; Residential one, Low density residential, township and mixed use; according to the Alpine planning scheme.
“ <b>road</b> ”	has the same meaning as in the <b>Road safety Act 1986</b> .
“ <b>rural area</b> ”	means any part of the municipal district in which farming activity is the predominant land use.
“ <b>shopping centre</b> ”	means a concentration of shops, commercial buildings, or community buildings which are accessible to the public.
“ <b>smog alert day</b> ”	means a day declared by the Environment Protection Authority as a Smog Alert Day and which affects the municipal district.
“ <b>street</b> ”	means road.
“ <b>tent</b> ”	means a movable dwelling made of fabric or flexible material but does not include a caravan.



“ <b>vehicle</b> ”	has the same meaning as in the <b>Road Safety Act 1986</b> .
“ <b>vermin</b> ”	Has the same meaning as in the Catchment & Land Protection Act 1994.
“ <b>wasp</b> ”	includes an English or European wasp.

**Part 2 — Safety – People and Property****6. FIRE HAZARDS**

6.1 An owner or occupier of land in a built-up area must ensure that all necessary steps are taken to prevent fires and minimize the possibility of the spread of fire and at all times land must be kept free of undergrowth, scrub, bracken, ferns, weeds, stubble and grass (whether alive or dead and whether standing or not standing) and any other material or substance likely to assist in the spread of fire whether of a similar kind to that mentioned or not.

**Penalty: Maximum 20 Penalty Units**

6.2 For purposes of sub-clause (1), any growth of the type mentioned in a built up area in excess of 15 cms will be in contravention of that sub-clause.

**7. DANGEROUS LAND**

7.1 An owner or occupier of land must not cause or allow the land to be:

- (a) kept in a manner which is dangerous or likely to cause danger to life or property; or
- (b) a haven for vermin, noxious weeds, insects or excessive vegetation growth; or
- (c) used without a permit for the storage of any substance, which in the opinion of an authorised officer is dangerous or is likely to cause danger to life or property; or
- (d) in any condition determined by the Council from time to time to be dangerous or likely to cause danger to life or property and notified by the Council to the owner.

**Penalty: Maximum 20 Penalty Units**

**8. UNSIGHTLY LAND**

8.1 An owner or occupier of land must not allow or permit the land to be kept in a manner which:

- (a) is unsightly or detrimental to the general amenity of the neighbourhood; or
- (b) harbours unconstrained rubbish; or
- (c) contains a disused excavation or waste material;

**Penalty: Maximum 20 Penalty Units**

## 9. FIRES IN THE OPEN AIR OR IN AN INCINERATOR

- 9.1 Subject to sub-clause (2) and (3) no person may light, allow to be lit or remain alight any fire in the open air or in an incinerator on land within any residential area of the municipal district.
- 9.2 The burning of tree limbs and prunings, but not fallen leaves, lawn clippings and hulls, burrs and casings from nut trees is permitted in accordance with this Local Law, between the hours of 10.00 am and 3.00 pm on any day.
- 9.3 All open air fires must be maintained in the following manner:
- (i) the matter being burnt must not occupy more than three cubic metres of space at any time;
  - (ii) no burning off is permitted within 3 metres from the boundary of the allotment;
  - (iii) such a fire is supervised by a person over the age of 16 years from the time it is lit until the time it is completely extinguished;
  - (iv) adequate means are readily available for extinguishing the fire;
  - (v) the land within 3 metres of any material matter or substance being burnt is free from all flammable material and of vegetation except for growing vegetation not exceeding 10 centimetres in height.
  - (vi) the space above the material matter or substance being burnt and the space above all the land within 3 metres of such material matter or substance is free from all vegetation and flammable materials; and
  - (vii) no person may light or allow to be lit or to remain alight more than one fire in the open air at any one time on any land within a residential area.
- 9.4 No person may on any road within a residential area light or allow to be lit or remain alight any fire in the open air.
- 9.5 Despite sub-clauses (1) to (4), no person may light, allow to be lit or remain alight any fire in the open air or in an incinerator in any part of the municipal district on a total fire ban day or on any day contrary to the provisions of the Country Fire Authority Act 1958.
- 9.6 Where an authorised officer is of an opinion that the burning of any matter is causing a nuisance to any person, he or she may direct the owner or occupier of the land, or the person supervising the fire, to extinguish the fire.

**Penalty: Maximum 20 Penalty Units**

## 10. BURNING OF OFFENSIVE MATERIALS

- 10.1 No person may burn or cause to burn any offensive materials in any part of the municipal district.
- 10.2 For the purpose of sub-clause (1) materials containing the following substances are offensive:
- (a) any manufactured chemical;
  - (b) any rubber or plastic;
  - (c) any petroleum or oil;
  - (d) any paint or receptacle which contains or which contained paint;
  - (e) food waste, fish or other offensive or noxious matter; and
  - (f) any other material as determined by the Council from time to time.

**Penalty: Maximum 20 Penalty Units**

## 11. RECREATIONAL VEHICLES

- 11.1 A person must not without a permit use a recreation vehicle on any Council land or reserve (other than any public highway or road) unless the land or reserve has been designated for that purpose.

**Penalty: Maximum 10 Penalty Units**

- 11.2 A person must not, without a permit, use a recreation vehicle on private land within a residential area.

**Penalty: Maximum 10 Penalty Units**

- 11.3 In deciding whether to grant a permit, the Council must take into consideration:
- (a) the location of the land where the vehicle is to be used;
  - (b) the zoning of the land;
  - (c) the suitability of the land for use by recreational vehicles;
  - (d) the number of vehicles for which the permit is required;
  - (e) the days, times and hours the vehicles are to be used;

- (f) the likely damage which may be caused to any Council land; and
- (g) any other matter relevant to the circumstances associated with the application.

## 12. AUDIBLE INTRUDER ALARMS

- 12.1 An owner or occupier of any premises must not install or permit or allow to be installed or cause to be retained in an active state at or upon any such premises any intruder alarm which emits a noise audible beyond the boundary of such premises unless such an alarm is so constructed or regulated as to ensure that –
- (a) Whenever a detection device is activated, the audible intruder alarm is automatically rendered inaudible beyond the boundary of the premises within 10 minutes of the device being activated;
  - (b) The audible intruder alarm cannot reactivate until the device has been manually reset.

### **Penalty: Maximum 10 Penalty Units**

- 12.2 Despite the above provisions an audible intruder alarm may operate for a further period of 10 minutes should an alarm be activated by a different detection device following the cessation of the audible intruder alarm in accordance with paragraph (a) and (b) of sub-clause (1).
- 12.3 Where the Council receives any complaint that an audible intruder alarm operates in a way which does not comply with sub-clause (1) (whether modified by sub-clause (2) or not), it may investigate the complaint.
- 12.4 If the owner or occupier of the property housing the audible intruder alarm or other evidence confirms a complaint, an authorised officer may by Notice to comply require that the audible intruder alarm be:
- (a) adjusted to comply with this clause; or
  - (b) replaced with a complying audible intruder alarm; or
  - (c) switched off; or
  - (d) disconnected.

### Part 3 – The Environment

#### 13. CAMPING

13.1 A person must not, without a permit, camp on council land or a road in a tent, caravan or any other temporary or makeshift structure unless they are within a Caravan Park registered under the **Residential Tenancies Act 1997**.

- (a) A person must not, without a permit, occupy: a tent, caravan, temporary or makeshift structure not designed and approved for human habitation.
- (b) The owner or occupier of any land must not allow camping on that land in excess of 28 days unless a permit has been obtained or camping is permitted under the planning scheme.

**Penalty: Maximum 10 Penalty Units**

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

- (a) the location of the land; and
- (b) the zoning of the land; and
- (c) the suitability of the land for camping; and
- (d) the number of tents or other structures to be located on the land; and
- (e) the length of time the tents and other structures will be erected on the land; and
- (f) the availability of sanitary facilities to the land; and
- (g) the likely damage to be caused; and
- (h) any other matter relevant to the circumstances associated with the application.

13.3 No person may camp in the Municipal District either on Council land or public land in areas in which Council has declared that camping is to be prohibited.

**Penalty: Maximum 10 Penalty Units**

## 14. CONTROL OF NOISE FROM BIRD SCARE GUNS & SIMILAR CONTROL DEVICES

- 14.1 A scare gun must not be used on;
- (a) 'residential' zoned land; or
  - (b) 'rural' or 'rural living' land within 1,000 m of 'residential' land; as defined in the Alpine Planning Scheme.
- 14.2 A scare gun may be used without a permit on other 'rural' and 'rural' living zoned land; as defined in the Alpine Planning Scheme, subject to;
- (a) A scare gun must not be used if the distance between the gun and any dwellings on adjoining properties is less than 300m.
  - (b) A scare gun must be set to provide an average clear interval between a cycle of blasts of 8 to 16 minutes.
  - (c) A scare gun can only be used for a maximum of 6 hours per day, between the following hours;
    - i. Eastern standard time 7.00am to 10.00am and 4.00pm to 7.00pm
    - ii. Daylight savings time 7.00am to 10.00am and 5.00pm to 8.00pm
  - (d) A cycle of blasts may be up to three blasts (single, double or triple blasts) and must not exceed 60 seconds from the first blast of the cycle to the last blast of the cycle. (NB: this would limit a triple shot gun to 90 blasts maximum per day, a double shot gun to 60 blasts maximum per day, a single shot gun to 30 blasts maximum per day).
  - (e) A scare gun must be located in or adjacent to the crop that it is protecting subject to compliance with the separation distance specified in (2a).
  - (f) Scare guns or similar bird control devices shall be of an electronic programmable gas fired type unless otherwise approved by an Environmental Health Officer
  - (g) The number of bird scare guns or similar control devices must not exceed the ratio of 1 gun to 4 hectares of crop area or part thereof, and shall not be closer than 150M to any adjoining bird scare gun or similar bird control device in operation;

- (h) Bird scare guns or similar bird control devices, other than a registered firearm, shall be located by operators as far away as possible from all residential premises and wherever possible, the shielding effects of natural features, buildings , etc. Shall be used to reduce the level of the blasts of scare guns or similar birdcontrol devices at residential premises;
- (i) Scare guns shall be located as far as possible from any dwelling on adjoining properties and wherever possible, the use of scare guns shall be minimised.
- (j) The operating requirments of scare guns or similar bird control devices, other than a registered firearm, shall be based on an average maximum level of 100dB LIN peak (loudest 20% of blasts) when the weather favours noise propogation;
- (k) Bird scare guns or similar bird control devices not operated in accordance with this Local Law may be impounded by an Authorised Officer in accordance with the impounding provisions of this Local Law.

**Penalty: Maximum 10 Penalty Units**



## Part 4 – Animals

### 15. KEEPING ANIMALS

- 15.1 An owner or occupier of property within a residential area must not without a permit keep or allow to be kept any more in number for each kind of animal than as set out in the following table:

<i>Type of animal</i>	<i>Maximum number allowed in residential areas without a permit</i>
<b>cats</b>	2
<b>cattle</b>	0
<b>cockatoos</b>	2
<b>Dogs</b>	2
<b>domestic birds</b>	50
<b>domestic rabbits</b>	10
<b>ferrets</b>	3
<b>goats</b>	0
<b>guinea pigs</b>	10
<b>horses/donkeys</b>	0
<b>other agricultural animals</b>	0
<b>peacocks</b>	2
<b>pigeons</b>	50
<b>pigs</b>	0
<b>poultry (not including rooster)</b>	10
<b>reptiles</b>	0
<b>roosters</b>	0
<b>sheep</b>	0

**Penalty: Maximum 10 Penalty Units**

- 15.2 Sub-clause (1) does not apply where a planning permit has been obtained for land used for the purposes of animal boarding or breeding.
- 15.3 For the purpose of calculating the maximum limit of the number of animals kept the progeny will be exempt for a period of 3 months after their birth.
- 15.4 In deciding whether to grant a permit the Council must take into consideration:
- (a) the zoning of the land; and
  - (b) the proximity to adjoining properties; and
  - (c) the amenity of the area; and
  - (d) the type and additional numbers of animals to be kept; and
  - (e) the likely effects on adjoining owners; and
  - (f) the adequacy of animal shelters; and
  - (g) any other matter relevant to the circumstances associated with the application; and
  - (h) whether written consent of all adjoining landowners has been provided; and
  - (i) whether the animal or animals will have access to an area closer than 15 metres to an adjoining dwelling; and
  - (j) whether adequate fencing of the property will be provided to ensure no damage or interference with the adjoining properties, vegetation, trees/bushes, hedges, or the like; and
  - (k) whether a site plan layout of the property for the keeping of more than 2 dogs has been submitted with such plan showing locations of buildings, kennels and yards, detailing yard surfaces and methods of waste disposal; and
  - (l) whether noise control measures have been put in place to ensure no incident of noise nuisance, annoyance or complaint will arise.

## 16. ANIMAL HOUSING

- 16.1 The owner or occupier of any land on which animals are kept must provide housing which is adequate and appropriate in the circumstances, taking into consideration:
- (a) the type of animals to be kept; and

- (b) the height of the shelter; and
- (c) the number of animals to be kept; and
- (d) the capacity to maintain it in a sanitary and inoffensive condition; and
- (e) the capacity to protect neighbours from noise from animals on the land; and
- (f) any other matters considered to be relevant.

16.2 All animal housing must be maintained so that:

- (a) all manure and other waste is removed and/or treated as often as necessary so that it does not cause a nuisance or offensive condition;
- (b) all manure and other waste is stored in a fly and vermin proof receptacle until removed from the premises or otherwise disposed of to the satisfaction of an environmental health officer or authorised officer;
- (c) the ground surrounding the housing is drained to the satisfaction of an environmental health officer or authorised officer;
- (d) the area of land within 3 metres of the area or structure in which the animal is kept must be kept free from dry grass, weeds, refuse, rubbish or other material capable of harbouring vermin;
- (e) all food, grain or chaff is kept in vermin proof receptacles;
- (f) the area where animals are kept must be thoroughly cleaned and maintained at all times in a clean and sanitary manner to the satisfaction of an environmental health officer or authorised officer.

**Penalty: Maximum 10 Penalty Units**

## 17. REMOVAL OF ANIMAL FAECES

17.1 A person in charge of an animal must:

- (a) remove any of that animals faeces that is deposited on any road or council land or land occupied by another person;
- (b) dispose of the animals faeces in a manner which does not cause any nuisance or health hazard to any person or detriment to the environment.

**Penalty: Maximum 10 Penalty Units**

## 18. OBJECTIONABLE NOISES

- 18.1 No owner or occupier of land within the municipal district shall keep or allow to be kept any animal or bird which:
- (a) habitually makes an objectionable noise at unreasonable times;
  - (b) habitually makes on any road within the municipal district an amount of noise which is unreasonable and excessive having regard to the locality and the time;
  - (c) causes a nuisance by the emission of sounds.
- 18.2 The Chief Executive Officer upon receipt of a complaint submitted to him or her in writing and signed by the persons making the same alleging:
- (a) that they are householders within the said municipal district;
  - (b) that they reside within hearing of the sound of any animal or bird kept on any land within the municipal district; and
  - (c) that such animal or bird is the source of noise which falls within one or more of the sub-paragraphs of Clause (1) hereof; shall refer the matter to an authorised officer of Council.
- 18.3 If the investigating authorised officer is satisfied that such complaint is justified the authorised officer shall serve upon the owner or occupier of the premises on which such animal or bird is normally kept a written notice requiring that such noise or nuisance be abated within seven days of the date of service of the notice and that thereafter no animal or bird shall be kept or allowed to be kept on the premises in contravention of Clause (1) hereof.
- 18.4 Any owner or occupier who having been served with such a notice is, after the expiration of the said period of seven days, in breach of Clause (1) hereof shall be guilty of an offence.

**Penalty: Maximum 10 Penalty Units**

## 19. KEEPING OF BEEHIVES

- 19.1 No owner or occupier of a property within a residential area shall without a permit keep or allow to be kept any beehive.

**Penalty: Maximum 10 Penalty Units**

**20. WASP NESTS TO BE REMOVED/OR DESTROYED**

20.1 An owner or occupier of property who is aware that there is a European wasps nest on the property must cause it to be removed/or destroyed.

**Penalty: Maximum 10 Penalty Units**

**21. UNLEASHED DOGS**

21.1 No person shall:

Cause, suffer or permit any dog belonging to him or in his charge or control to be brought into or remain in or upon a municipal recreation reserve, shopping centre or any part thereof unless such dog continues to be at all times under proper control and on a chain, cord or leash

**Penalty: Maximum 10 Penalty Units**

## Part 5 – Waste Management

### 22. PROVISION OF SERVICE

22.1 Councils kerbside waste and recycling collection service is compulsory for all premises within the Shire excluding Dinner Plain, except where:

- (a) The volume of waste or recyclables generated by a premises is such that the mobile waste & mobile recyclables bins provided by the Council are inadequate;
- (b) The type of waste generated by a premises is not permitted to be placed in the mobile waste & recyclable bins; or
- (c) It is not practicable for the service vehicles to access the premises.

In such cases, a premises may be exempted from the waste and/or recycling collection service by an Authorised Officer.

### 23. OCCUPIERS RESPONSIBILITIES

23.1 The occupier of every premises provided with Councils waste and/or recycling collection service must;

- (a) use only the mobile waste bin & the mobile recyclables bin supplied by Council; and
- (b) place the mobile waste bin & mobile recyclables bin out for collection;
  - i. Prior to 6.00am on the designated day of collection;
  - ii. In the location designated by an Authorised Officer;
  - iii. With the lids in the fully closed position;
  - iv. For not more than one (1) day before or after the designated collection day;
  - v. Must use the mobile waste bin & mobile recyclables bin only for the purpose and materials intended;
  - vi. Must not remove the mobile waste bin or the mobile recyclables bin from the premises to which they have been allocated, except when being taken to and returned from a municipal waste facility;

- vii. Must remove, as soon as practicable, any material which has spilled onto the road, nature strip or surrounding area prior to collection;
- viii. Must maintain the mobile waste bin & mobile recyclables bin in a clean, sanitary and tidy condition;
- ix. Must maintain the area where the mobile waste bin and mobile recyclables bin are stored at the premises in a clean and sanitary condition;
- x. Must not deposit waste in a mobile waste bin or mobile recyclables bin at another property, without the occupiers consent;
- xi. Must not remove waste or recyclables from any mobile waste bin or mobile recyclables bin at any property; and
- xii. Must notify Council as soon as possible if a mobile waste bin or mobile recyclables bin is damaged, develops a defect or is stolen or missing, and in the case of a stolen or missing mobile waste bin or mobile recyclables bin a statutory declaration must be submitted to Council prior to a new mobile bin being issued by an Authorised Officer

**Penalty: Maximum 10 Penalty Units**

#### **24. RESTRICTION OF USE OF PUBLIC PLACE BINS**

- 24.1 A person must not use a public place bin to dispose of waste or recyclables generated from domestic, commercial or industrial premises.

**Penalty: Maximum 10 Penalty Units**

#### **25. DEPOSITING OF WASTE AT MUNICIPAL WASTE FACILITIES**

- 25.1 A person who uses the municipal waste facility must:
- (a) Comply with any conditions specified by Council and/or the Environment Protection Authority.
  - (b) Comply with any directions given by an Authorised Officer and any signage erected.
  - (c) Pay any applicable fees and charges.
- 25.2 An authorised Officer may refuse entry to a person who fails to comply with any of the requirements listed in Clause 25(1)

**Penalty: Maximum 10 Penalty Units**

**26. SCAVENGING AT MUNICIPAL WASTE FACILITIES**

26.1 A person must not, without a permit, remove material of any kind which has been deposited at the municipal waste facility, unless prior approval has been obtained from an authorised officer.

**Penalty: Maximum 10 Penalty Units**

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

- (a) the nature of the material to be scavenged; and
- (b) the recyclable value of the materials to the Council; and
- (c) the number of other current permits issued for the same purpose; and
- (d) any other matter relevant to the circumstances associated with the application.

**27. NIGHT SOIL AND SEPTIC TANKS**

27.1 No person may deposit any nightsoil, contents of any septic tank or any mixture of nightsoil on any land or in any water course.

**Penalty: Maximum 20 Penalty Units**

27.2 Sub Clause (1) does not apply to the deposit of night soil in a properly constructed and operated earth closet, pit latrine or a lawful place of disposal for nightsoil and the contents of septic tanks.

27.3 Upon the discontinuance of use of a septic tank system the owner of the land on which the septic tank is situated shall:

- (i) have the contents of the septic tank pumped out and disposed of at a lawful place of disposal; and
- (ii) either:
  - (a) remove the septic tank and backfill the excavation, or
  - (b) knock a hole into the base of the septic tank and completely backfill the tank with dirt and rubble.

**Penalty: Maximum 10 Penalty Unit**



## **28. DRAINS ON PRIVATE LAND**

- 28.1 No person may keep or allow a drain on land owned or occupied by him or her to be in a condition which is dangerous to health, unsightly, odourous, offensive or a nuisance.

**Penalty: Maximum 10 Penalty Units**

## Part 6 – Construction Sites & Works

### 29. CONSTRUCTION SITE IDENTIFICATION

- 29.1 A site must be provided with clearly legible and clean site identification including emergency contact details of the Person in Charge.

**Penalty: Maximum 20 Penalty Units**

### 30. CONTAINMENT OF CONSTRUCTION SITES

- 30.1 Construction works must be contained entirely within the Construction Site and/or within an area approved by Council or an Authorised Officer.

**Penalty: Maximum 20 Penalty Units**

### 31. STORMWATER POLLUTANTS

- 31.1 Construction Works must not cause detriment to any Stormwater System or Asset.

- 31.2 Detriment to a Stormwater System or Asset occurs if:

31.2.1 Material, equipment, litter, waste, mud, silt, sand or another Stormwater Pollutant emanating from Construction Works enters or interferes with the Stormwater System or Asset; or

31.2.2 There occurs any alteration to or interference with a Stormwater System or Asset

- 31.3 Sites must be provided with Sediment/Fencing Barriers which ensures the retention of silt and soil on site, and the retention of other water borne particles and pollutants for later transportation to a legal place of disposal

- 31.4 In the event of Stormwater Pollutants escaping, measures must be taken to protect the Stormwater System or Asset and to clean up, remove and legally dispose of any materials that have escaped the Construction Site.

**Penalty: Maximum 20 Penalty Units**

## **32. SOIL STOCKPILES**

- 32.1 Soil that is stripped from a Site must be stockpiled on the Site for re-use or be transported to a legal place of disposal.

**Penalty: Maximum 20 Penalty Units**

## **33. CONSTRUCTION SITE WASTE**

- 33.1 Waste produced as a result of Construction Works must be:
- 33.1.1 Contained entirely within the Site and/or within an area approved by Council or an Authorised Officer;
  - 33.1.2 Stored in a manner that does not cause detriment to the visual amenity of the area in which the site is located;
  - 33.1.3 Waste that is capable of being blown off Site must be stored in a Waste Receptacle; and
  - 33.1.4 Disposed of regularly to a legal point of waste disposal and where the waste is in the form of stormwater, to a legal point of discharge.
- 33.2 Any clean-up, wash-down or other Liquid Wastes must never be discharged to any part of the Stormwater System.

**Penalty: Maximum 20 Penalty Units**

## Part 7 —Administration

### Division 1 — Permits, fees and delegations

#### 34. APPLYING FOR A PERMIT

- 34.1 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 such application to be in the form of Schedule 5; and
  - (b) paying to the Council the appropriate application fee.
- 34.2 The Council may require an applicant to provide additional information before dealing with an application for a permit or for exemption.
- 34.3 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.

#### 35. FEES

- 35.1 The Council may, from time to time, by resolution determine fees for the purposes of this Local Law.
- 35.2 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.
- 35.3 The Council may waive, reduce or alter a fee with or without conditions.

#### 36. ISSUE OF PERMITS

- 36.1 The Council may:
- (a) issue a permit, with or without conditions; or
  - (b) refuse to issue a permit.

### 37. DURATION OF PERMITS

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

### 38. CONDITIONAL PERMITS

- 38.1 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; and
  - (b) a time limit to be applied either specifying the duration, commencement or completion date; and
  - (c) the happening of an event; and
  - (d) the rectification, remedying or restoration of a situation or circumstance; and
  - (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.
- 38.2 The conditions of a permit must be set out in the permit.
- 38.3 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.
- 38.4 A person who undertakes an activity for which the Council has issued a permit must comply with the conditions of the permit.

**Penalty: Maximum 20 Penalty Units**

### 39. CANCELLATION OF A PERMIT

- 39.1 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.
- 39.2 Before it cancels a permit, the Council must provide to the permit holder an opportunity to make comment on the proposed cancellation.
- 39.2 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.

#### **40. CORRECTION OF PERMITS**

- 40.1 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.
- 40.2 The Council must notify a permit holder in writing of any correction.
- 40.3 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 the permit.

#### **41. REGISTERS**

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

#### **42. SERVICE AUTHORITIES**

- 42.1 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.
- 42.2 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.

### 43. EXEMPTIONS

43.1 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.

43.2 An exemption may be granted subject to conditions.

43.3 A person must comply with the conditions of an exemption.

**Penalty: Maximum 10 Penalty Units**

43.4 An exemption may be cancelled or corrected as if it were a permit.

### 44. OFFENCES

44.1 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.

**Penalty: Maximum 20 Penalty Units**

**Division 2 — Enforcement****45. POWER OF AUTHORISED OFFICERS TO DIRECT - NOTICE TO COMPLY**

- 45.1 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 under this Local Law such notice to comply to be in the form of schedule 4.

**46. TIME TO COMPLY**

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

**47. FAILURE TO COMPLY WITH A NOTICE TO COMPLY**

- 47.1 A person who fails to comply with a notice to comply served on that person is guilty of an offence.

**Penalty: Maximum 20 Penalty Units**



**48. POWER OF AUTHORISED OFFICER TO ACT IN URGENT CIRCUMSTANCES**

- 48.1 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.
- 48.2 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 premise or property affected; and
  - (b) whether there is an urgent risk or threat to public health; public safety, the environment or animal welfare.
- 48.3 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 minimize the risk or danger involved.
- 48.4 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.

**49. POWER OF AUTHORISED OFFICER TO IMPOUND**

- 49.1 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.
- 49.2 The Council may, by resolution, fix charges (generally or specifically) for the purposes of this clause.
- 49.3 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. Such notice of impounding to be in the form of schedule 3.
- 49.4 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).
- 49.5 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.
- 49.6 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.
- 49.7 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 be payable to that person, and may be retained by the Council for municipal purposes.

## **50. INFRINGEMENT NOTICES**

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

## **51. PAYMENT OF PENALTY**

- 51.1 A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer, Alpine Shire Council, Great Alpine Road, Bright 3741. (P.O. Box 139, Bright 3741)
- 51.2 To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- 51.3 A person issued with an infringement notice may make written representation to Council, the Chief Executive Officer, or officer in charge of Local Laws.

## **52. WITHDRAWAL OF INFRINGEMENT NOTICE**

- 52.1 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;
- 52.2 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;
- 52.3 The decision of the Chief Executive Officer on any representations received will be final;
- 52.4 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;
- 52.5 Where an infringement notice is withdrawn, the person upon whom it was served is entitled to a refund of any payment which that person has made on the infringement notice.

## 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 Amenity Local Law No. 5 of the Alpine Shire Council, 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

Clause	Offence	Penalty \$	Penalty
<b>6(1)</b>	Failure to keep land free from fire hazard		3 units
<b>7</b>	Land kept in dangerous manner		3 units
<b>8</b>	Permitting unsightly land detrimental to amenity		3 units
<b>9</b>	Fires in open air or incinerator		3 units
<b>10</b>	Burning offensive materials		3 units
<b>11</b>	Recreational vehicles use contrary to Local Law		2 units
<b>12</b>	Audible intruder alarm		2 units
<b>13</b>	Camping where not permitted		2 units
<b>14</b>	Noise from bird scare guns		2 units
<b>15</b>	Keeping more animals than permitted		2 units
<b>16</b>	Animal housing		2 units
<b>17</b>	Removal of animal faeces		2 units
<b>18</b>	Objectionable Noises		3 units
<b>19</b>	Beehives		2 units
<b>20</b>	Wasps' nests		2 units
<b>21</b>	Unleashed Dogs		2 units
<b>23</b>	Waste management occupiers responsibilities		2 units
<b>24</b>	Restriction of use of public place bins		2 units
<b>25</b>	Depositing of waste at municipal waste facilities		2 units
<b>26</b>	Scavenging at Municipal Waste Facility		2 units
<b>27</b>	Deposit of night soil and septic tanks		3 units
<b>28</b>	Drains on private land		3 units
<b>29</b>	Construction site identification		3 units
<b>30</b>	Containment of construction sites		3 units
<b>31</b>	Stormwater pollutants		3 units
<b>32</b>	Soil stockpiles		3 units
<b>33</b>	Construction site waste		3 units
<b>38</b>	Failing to comply with a condition of a permit or exemption		3 units
<b>44</b>	False representation or omission re application for permit or exemption		3 units
<b>47</b>	Failure to comply with Notice to Comply		3 units

## SCHEDULE 3

**Amenity Local Law**

NOTICE OF IMPOUNDING

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

The following item(s) has/have been impounded on accordance with clause ( ) of the Council's Amenity 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)

**SCHEDULE 4**

**Notice to Comply**

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

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

The following constitutes a breach under Clause ( ) of the Council's Amenity 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 will 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

## DECLARED MUNICIPAL RECREATION RESERVES

Jubilee Park	Myrtle Street	Myrtleford
S.K. Pearce Gardens	Kiewa Crescent	Mount Beauty
Swimming Pool Gardens & Fountain	Lakeside Avenue/Service Street	Mount Beauty
Bicentennial Park	Lakeside Avenue	Mount Beauty
Riverside Reserve	On Ovens River	Porepunkah
Centenary Park	Morses Creek/Ovens River	Bright
Howitt Park	Ovens River/Howitt Lane	Bright

## CAMPING PROHIBITED AREAS

The following areas are declared Camping Prohibited Areas

All Council land not being a registered caravan park under the Residential Tenancies Act 1997 which is located:

### 1. Ovens River and Buckland River

- (a) Both sides of the Ovens River from Hoopers Bridge at Porepunkah to the Germantown Bridge at Germantown bounded by the Back Porepunkah Road and Back Germantown Road and the Great Alpine Road, Gavan Street, Delany Avenue and Great Alpine Road;
- (b) both sides of the Buckland River from the Buckland Bridge, Buckland Valley Road upstream for a distance of 2 kms bounded by the Buckland Valley Road to the west and a width of 300 metres to the east;
- (c) both sides of the Ovens River for a width of 300 metres from Howard's Bridge, Harrietville upstream to Bon Accord Track (East Branch) and Harrietville Cricket Grounds (West Branch).

### 2. Kiewa River

- (a) Both sides of the Kiewa River for a width of 300 metres from Ryders Bridge, Tawonga, upstream to Damms Road (East Branch) and the entrance to the Tailrace (West Branch);
- (b) both sides of the Kiewa River for a width of 300 metres from Jack Briggs Bridge, Tawonga, downstream for a distance of 3 kilometers.



The COMMON SEAL of the )  
 ALPINE SHIRE COUNCIL ) Chairperson \_\_\_\_\_  
 was affixed hereto in accordance )  
 with the resolution of Council )  
 made on 2nd<sup>t</sup> March, 2010 ) Other member \_\_\_\_\_  
 (Councilor)

Chief Executive Officer \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Notices of the proposal to make and of the making of this Local Law were included in the Victorian Government Gazette dated the \_\_\_\_\_ of the \_\_\_\_\_ respectively.

Public Notice of the proposal to make and confirmation for the making of this Local Law were inserted \_\_\_\_\_ in \_\_\_\_\_ the \_\_\_\_\_

on \_\_\_\_\_ and \_\_\_\_\_ respectively.

A copy of this Local Law was sent to the Minister for Local Government on \_\_\_\_\_.

**Certification of Local Law No. 5**

This is to certify that the above writing contained on \_\_\_\_\_ (\_\_\_\_\_) pages of paper is a true copy of the Local Law of the Alpine Shire 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. And we further certify that such Local Law came into force on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

THE COMMON SEAL OF THE ALPINE SHIRE COUNCIL was hereunto affixed this.....day of .....2010 in the presence of:-

.....  
COUNCILLOR

.....  
Print Name

.....  
COUNCILLOR

.....  
Print Name

.....  
CHIEF EXECUTIVE OFFICER

.....  
Print Name