

LOCAL LAW

Community Local Law 2019

DOCUMENT CONTROL

Title Community Local Law 2019	Status Made by Council	
Date made 2 April 2019	Comes into operation on 1 July 2019	Sunset date 30 June 2029
Directorate Corporate	Department Building and Amenity	Contact person Manager Building and Amenity

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Part 1 - Introduction

1.1 Local Law

1.1.1 This Local Law is titled Community Local Law 2019.

1.2 Objectives

1.2.1 The objectives of this Local Law are to:

- a. provide for the peace, order and good government of the municipal district;
- b. protect, maintain and enhance the natural environment of the municipal district;
- c. ensure the protection of Council assets and the sustainable use of resources;
- d. protect the health and safety of persons within the municipal district;
- e. regulate the management of animals on land and on Council land; and
- f. provide uniform and fair administration of this Local Law.

1.3 Power to make this Local Law

1.3.1 This Local Law is made under section 111 of the *Local Government Act 1989* and section 42 of the *Domestic Animals Act 1994*.

1.4 Commencement and Revocation

1.4.1 This Local Law:

- a. commences on 1 July 2019, and
- b. unless it is revoked sooner, will cease to operate on 30 June 2029.

1.4.2 From the date of commencement of this Local Law, the following Local Laws are repealed:

- a. Municipal Places Local Law No. 2;
- b. Dinner Plain Local Law No 3;
- c. Livestock Local Law No. 4;
- d. Amenity Local Law No. 5;
- e. Streets & Roads Local Law No. 6; and
- f. Murray to the Mountains Rail Trail Local Law No. 7.

1.5 Application

- 1.5.1 This Local Law operates throughout the municipal district.
- 1.5.2 This Local Law does not apply where any act or thing regulated by it is authorised by any Act, other subordinate legislation or the Planning Scheme.

1.6 Incorporated Documents

- 1.6.1 This Local Law incorporates, by reference, documents containing Council Policy, standards or guidelines that apply to specific uses or activities which are intended to assist in achieving the objectives of this Local Law.
- 1.6.2 Where an incorporated document is applied to a use or activity a person must comply with the requirements specified for that use or activity.

1.7 Other legislation

- 1.7.1 Anything allowed under any Act, Regulation or the Planning Scheme, is not affected by any prohibition, requirement or restriction under this Local Law.

1.8 Definitions

- 1.8.1 In this Local Law, unless inconsistent with the context:

Act means the *Local Government Act 1989*;

advertising sign means a placard, board, sign, card or banner, on any, fence, structure or pole whether portable or attached to any land, building or vehicle which -

- a. provides information about a business, industry or organisation;
- b. advertises goods, services, an event or a competition; or
- c. contains offensive or inappropriate content as determined by an Authorised Officer;

Authorised Officer means a person appointed by Council under sections 224 or 224A of the Act;

bond means a sum of money, or another means of security acceptable to Council, the amount of which has been determined by Council, after taking account of -

- a. the nature of the building work;
- b. likely costs that would be incurred for repairs to Council infrastructure assets;
- c. if damage does occur to them, during or as a result of the building work;
- d. requirements which are commonly applied in comparable situations; and
- e. any relevant Act, regulation or government policy directives;

building work means work for which a building permit is required to be issued under the *Building Act 1993*;

built-up area means an area in which there is urban development or in which street lighting is provided on roads;

camping means using a caravan, tent, motor vehicle or like structure for residential accommodation (either temporary or permanent) of a person and **'camp'** has the corresponding meaning;

caravan includes a mobile home and moveable dwelling;

Council means Alpine Shire Council;

Council asset means any road, drain, drainage infrastructure, street, tree, street sign or other property vested in or under the control of the Council;

Council building means Council's municipal offices and buildings;

Council land means any land, building or road owned, occupied, vested in, managed by or under the control of Council and includes any structure, street sign, fence, tree, plant, reserve, river, creek, lake or body of water situated on that land;

domestic birds includes canaries, finches, budgerigars, parrots and other similar sized birds;

farm animals includes horses, cattle, sheep, donkeys, mules, goats, pigs and deer or similar of any age;

goods includes but is not limited to produce, articles, items, tables, chairs, advertising signs, planter boxes, umbrellas and anything similar;

incinerator means an outside structure, device or equipment that is not a barbeque and which is designed, adapted, used or capable of being used for the burning of materials or substances;

land means any land in separate ownership or occupation and includes a shop, dwelling or a factory or part thereof as may be separately owned or occupied;

liquor means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius;

Local Law means Council's Community Local Law 2019;

mobile recyclable bin means a wheeled receptacle supplied by Council for the purpose of collecting recyclable material having a capacity no greater than 360 litres;

mobile waste bin means a wheeled receptacle supplied by Council for the purpose of collecting household, commercial or industrial waste having a capacity no greater than 360 litres

municipal district means the municipal district of Council;

municipal waste facility means a waste transfer facility or resource recovery centre operated by, or on behalf of Council.

noxious weed has the meaning ascribed to it by section 3 of the *Catchment and Land Protection Act 1994*;

nuisance includes any behaviour or condition which is or is liable to be dangerous to health or is noxious, annoying or injurious to personal comfort;

occupier includes a resident, and in relation to land which has a lot entitlement or lot liability in respect of common property the Owners Corporation created upon the registration of a Plan of Subdivision affecting that land;

penalty unit means \$100;

permit means a permit, authorised or required under this Local Law;

person includes a corporation;

person in charge means:

- a. a person in charge of a building site or land where building works are to be carried out;
- b. a person who causes building works to be carried out;
- c. the owner of the building site and in the case of a company, each director of the company; or
- d. the person in charge of an animal or bird.

planning scheme means the Alpine Shire Planning Scheme;

poultry includes chickens, ducks, geese, peacocks, pheasants, turkeys and guinea fowl;

recreational vehicle means a wheeled or tracked device, propelled by a motor and ordinarily used for recreation or play;

redundant vehicle crossing means a vehicle crossing no longer required for vehicular access to land, or vehicle crossing not approved by Council;

residential area means land zoned as residential or predominantly residential under the planning scheme;

road has the meaning ascribed to it by section 3 of the Act and includes every part of a road;

roadside trading means selling or offering for sale or hire goods or services from a temporary location, vehicle or horse drawn vehicle;

scaregun means a gas or scatter gun which produces an explosive noise by the ignition of gas or air or similar and is designed to deter birds from attacking crops, but does not include a firearm or any other bird scaring device;

sell includes -

- a. sell by means of any machine or mechanical device;
- b. barter or exchange;
- c. agree to sell;
- d. offer or expose for sale;
- e. keep or have in possession for sale; and
- f. directing, causing or attempting any such acts or things;

unsightly includes land which contains -

- a. unconstrained rubbish such as paper, cardboard, plastic bags, styrene, house hold rubbish, second hand containers, pallets;
- b. second hand timber or second hand building material;
- c. discarded, rejected, surplus or abandoned solid or liquid materials;
- d. graffiti;
- e. machinery or machinery parts stored on the land for more than 2 months;
- f. unregistered, unroadworthy, disassembled, incomplete or deteriorated motor vehicles, caravans, trailers or similar stored on the land for more than 2 months;
- g. anything being built which is left incomplete and is considered to be detrimental to the appearance of the surrounding area;
- h. any other thing making the land visually repugnant; or
- i. detrimental to the general amenity to the area;

but excludes an enclosed building or structure on the land which complies with regulations made under the *Building Act 1993* or the *Planning and Environment Act 1987*.

vegetation includes any vegetation whether alive or dead, standing or not standing,

vehicle has the same meaning ascribed to it by the *Victorian Road Safety Road Rules 2017*,

vehicle crossing means a Council approved constructed surface between the property boundary and roadway required for vehicular access to land; and

vermin includes rodents and insects likely, or with the potential, to cause a nuisance.

Part 2 - Council Land

2.1 Behaviour on Council land

2.1.1 A person must not, on Council land:

- a. commit any nuisance;
- b. conduct an activity or behave in a manner which may likely interfere with another person's reasonable use and enjoyment of the Council land;
- c. act in a manner which endangers any person or animal;
- d. damage, destroy or interfere with anything located on Council land;
- e. carry firearms unless specifically authorised to do so;
- f. use any lifesaving or fire-fighting device unless during an emergency or with the approval of an Authorised Officer; or
- g. act contrary to any conditions of use which apply to the Council land.

2.2 Consumption of liquor on Council land

2.2.1 On Council land that has been designated by Council as requiring a permit a person must not:

- a. dispense or consume liquor; or
- b. have in their possession an open receptacle that contains liquor.

unless a permit has been granted.

Note: General restrictions on the consumption of liquor on Council Land are identified on the Alcohol Restriction Maps which are published on Council's website.

Council may impose additional restrictions from time to time if required to manage identified risks associated with public drinking. Council may grant a permit with conditions to vary restrictions.

Part 3 – Amenity, Public Health and Safety

3.1 Condition of land

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

- a. unsightly;
- b. kept in a manner which is dangerous or likely to cause danger to life or property; or
- c. a haven for vermin, noxious weeds, insects or excessive vegetation growth.

3.1.2 An Authorised Officer may, by serving a notice to comply, direct an owner or occupier of land to:

- a. carry out any necessary clean-up works on that land; and/or
- b. temporarily fence that land in a manner directed by the Authorised Officer so as to:
 - i. conceal an unsightly condition of the land; or
 - ii. prevent persons from accessing the land if in the reasonable opinion of the Authorised Officer, the condition of the land constitutes a danger to any person who may enter the land.

3.2 Fires in the open air or in an incinerator

3.2.1 A person must not light a fire in the open air or in an incinerator on land within a residential area unless, subject to clause 3.1.2 and in compliance with clause 3.2.3 -

- a. the fire is lit between 10am and 3pm;
- b. the day has not been declared a day of total fire ban by the relevant authority; and
- c. the fire consists only of dry tree limbs and prunings, but not fallen leaves, lawn clippings and hulls, burrs and casings from nut trees.

3.2.2 Clause 3.2.1 does not apply to a fire -

- a. in a barbeque while being used for the purpose of cooking food;
- b. in a chimanea, potbelly stove, or small open fire in a suitable container for heating, cooking, cultural or social purposes, which is not offensive; or
- c. generated by a tool of trade while being used for the purpose for which it was designed.

3.2.3 For the purposes of clause 3.2.1, a fire lit in the open air or in an incinerator must:

- a. not occupy more than three cubic metres of space;
- b. not be lit within 3 metres of the allotment boundary;
- c. be supervised at all times by a person over the age of 16 years;
- d. have adequate means readily available for extinguishing the fire;
- e. not be within 3 metres of any flammable material except for growing vegetation not exceeding 10cm in height;

- f. not be offensive materials;
- g. only contain one lit fire;
- h. not be lit on a road
- i. not to be for the purpose of disposing of paper, cardboard or other recyclable material;
and
- j. not be lit during a declared fire danger period.

Note: For the purpose of clause 3.2.3 "offensive materials" includes any manufactured chemical, rubber or plastic, petroleum or oil, paint or receptacle, food waste and any other material as determined by the Council to be offensive.

3.2.4 If an Authorised Officer is of the opinion that the fire 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.

3.3 Recreational vehicles

- 3.3.1 A person must not use a recreational vehicle;
- a. in a municipal place, unless the land has been designated for that purpose; or
 - b. on private land within a residential area.

3.4 Snowmobiles

3.4.1 A person must not, without a permit, use a snowmobile in a municipal place.

3.5 Camping

3.5.1 A person must not, without a permit, camp on Council land.

- 3.5.2 An owner or occupier of land must not, without a permit:
- a. allow camping to occur on that land for more than 28 days in total, over a 12 month period.
 - b. allow camping to occur in exchange for payment on that land

3.6 Keeping animals

3.6.1 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:

Type of animal	Permitted number of animals (over the age of three months)
Bees and beehives	1
Cats	2
Cockatoos	2
Dogs	2
Domestic birds	50
Domestic rabbits	10
Farm animals	0
Ferrets	3
Goats	0
Guinea pigs	10
Horses	0
Peacocks	2
Pigeons	50
Pigs	0
Poultry	10
Reptiles	0
Roosters	0

3.7 Animal housing

3.7.1 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 and number of animals to be kept;
- b. the capacity to maintain the housing in a sanitary and inoffensive condition;
- c. the capacity to protect neighbours from noise from animals on the land; and
- d. any other matters considered by Council to be relevant.

3.7.2 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 Authorised Officer;
- c. the ground surrounding the housing is drained to the satisfaction of an Authorised Officer;
- d. the area of land within 3 metres of the area or structure in which the animal is kept must be kept free from dry grass, weeds, refuse, rubbish or other material capable of harbouring vermin;
- e. all food, grain or chaff is kept in vermin proof receptacles; and
- f. it is kept in a clean and sanitary manner to the satisfaction of an Authorised Officer.

3.8 Removal of animal faeces

3.8.1 A person in charge of an animal must:

- a. remove any faeces deposited by that animal on 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; and
- c. carry a suitable device for the collection of excrement from that animal.

3.9 Objectionable noises

3.9.1 An owner or occupier of land within the municipal district must ensure that all animals and birds kept on that land do not:

- a. habitually make an objectionable noise at unreasonable times; or
- b. cause a nuisance by the emission of sounds.

3.9.2 If an Authorised Officer is of the opinion that an animal or bird is causing a nuisance, he or she may service a Notice to Comply directing the nuisance to be abated.

3.10 Wasp nests

3.10.1 An owner or occupier of land who is aware that there is a European wasp nest on that land must cause it to be removed.

3.11 Wandering animals and birds

3.11.1 The owner or person in charge of any animal or bird must:

- a. not allow that animal or bird to wander from where it is normally kept; and
- b. ensure that the land on which the animal or bird is kept is adequately fenced to prevent the animal or bird from being at large or escaping.

3.11.2 Clause 3.11.1(a) does not apply to dogs and cats.

Note: Sections 24 and 25 of the Domestic Animals Act 1994 provide that an owner of a dog or cat found at large will be guilty of an offence.

3.12 Waste collection

3.12.1 The occupier of land must comply with *Council's Waste Services Policy*, being a document incorporated into and forming part of this Local Law.

3.13 Restriction of use of public place bins

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

3.14 Municipal waste facilities

3.14.1 A person who uses the municipal waste facility must:

- a. comply with any specified conditions;
- b. comply with any directions given by Council staff or contractors in charge of the facility;
- c. comply with any signage erected; and
- d. pay any applicable fees and charges.

3.14.2 Entry to the municipal waste facility may be refused in circumstances where a person fails to comply with the requirements of clause 3.14.1.

3.15 Scavenging at municipal waste facilities

3.15.1 A person must not remove material of any kind which has been deposited at the municipal waste facility, unless prior approval has been obtained from Council staff or contractors in charge of the facility.

3.16 Drains on private land

3.16.1 An owner and occupier of land must ensure that:

- a. the land is adequately drained to the satisfaction of an Authorised Officer; and
- b. any drain on the land is not kept in disrepair or in a condition which is a nuisance or dangerous to health.

3.17 Construction site details

3.17.1 A person in charge of building work must ensure that emergency contact details of the person in charge are visibly displayed on the land.

3.18 Construction work

3.18.1 A person in charge of building work must ensure that:

- a. the construction works are contained within the land or within an area approved by an Authorised Officer;
- b. the construction works do not cause detriment to the stormwater system or any Council asset;
- c. any waste generated from the construction works are contained within the land or within an area approved by an Authorised Officer;
- d. any waste generated from the construction works are stored in a manner that does not cause detriment to the visual amenity of the area in which the land is located;
- e. any waste generated from the construction works is stored in an appropriate receptacle;
- f. soil that is stripped from the land is stockpiled on the land for re-use or is transported to a legal place of disposal;
- g. appropriate sediment and fencing barriers are in place to ensure 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;

Note: for the purposes of clause 3.18.1, detriment to the stormwater system or Council asset occurs if:

- *material, equipment, litter, waste, mud, silt, sand or another pollutant emanating from construction work enters or interferes with the stormwater system or Council asset; or*
- *any alteration to or interference with the stormwater system or Council asset occurs.*

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 land.

3.19 Scareguns

3.19.1 Scareguns must only be used in compliance with Council's *Scaregun Policy* being a document incorporated by reference into this Local Law.

3.20 Council owned airfields

3.20.1 Any person using a Council owned airfield must do so in accordance with any erected signage.

Part 4 – Streets and Roads

4.1 Vehicle crossings

- 4.1.1 The owner of land must ensure that at each point of vehicular access from a carriageway on a road to the land there is a vehicle crossing that is constructed and maintained in accordance with any Council procedure or policy.
- 4.1.2 A person must not without a permit construct, install, remove or alter a vehicle crossing, whether temporarily or permanently.
- 4.1.3 If 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 Authorised Officer may serve a Notice to Comply on the owner or occupier of the property.

4.2 Temporary vehicle crossings

- 4.2.1 If it is likely that building works will involve vehicles leaving the carriageway or entering the property other than via properly constructed vehicle crossings, the person in charge of the building work must obtain a permit for the construction of a temporary vehicle crossing which protects the existing road including footpaths, nature strips, culverts, kerbing or other land or works forming part of the road.
- 4.2.2 The person in charge of the building work must repair any damage to the vehicle crossing to the satisfaction of an Authorised Officer.
- 4.2.3 If in the opinion of the Authorised Officer an existing driveway crossing, footpath, kerb or other part of the road may be damaged by the building work, the person in charge of building work must, when requested, pay a bond to the Council.

4.3 Redundant vehicle crossings

- 4.3.1 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 an Authorised Officer.
- 4.3.2 An Authorised Officer 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.

4.4 Damage or interference with Council land caused by vegetation

4.4.1 A person must not permit any trees, plants or other matter to damage or interfere with Council land.

4.4.2 Where an Authorised Officer is of the opinion that trees, plants or any other matter are causing damage to or interfering with Council land, he or she may serve a Notice to Comply on the owner or occupier of the land to repair and reinstate the damage.

4.5 Trees and plants

4.5.1 A person must not allow any tree or plant in or growing on land owned or occupied by them to cause an obstruction to pedestrians or vehicular traffic.

4.6 Signs and posts

4.6.1 A person must not place a sign, post or other similar object in such a way that it causes an obstruction on Council land.

4.7 Construction of garden beds on nature strips

4.7.1 A person must not, without a permit, construct a garden bed, plant a tree or carry out any works, on a nature strip.

4.7.2 Where an Authorised Officer is of the opinion that works have been undertaken to a nature strip, he or she may serve a Notice to Comply to reinstate the nature strip to the satisfaction of the Authorised Officer.

4.8 Erecting or placing advertising signs

4.8.1 A person must not, without a permit, erect or place an advertising sign, or authorise another person to erect or place an advertising sign on Council land, including on a stationary vehicle on a road;

4.9 Roadside trading

4.9.1 A person must not, without a permit:

- a. erect or place on Council land, a vehicle, caravan, trailer, table, chairs, 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, including through the erection of signage, on Council land.

4.10 Outdoor eating facilities on roads

- 4.10.1 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.
- 4.10.2 A person must leave an outdoor eating facility when requested to do so by the permit holder or a member of Victoria Police.
- 4.10.3 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 other emergency service.

4.11 Road occupation

- 4.11.1 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;
 - b. erect a hoarding or overhead protective awning;
 - c. use a mobile crane or travel tower for any building work;
 - d. make a hole or excavation; or
 - e. reinstate a hole or excavation.
- 4.11.2 The reinstatement of any part of the road damaged or affected by works of a type listed in clause 4.11.1 must be carried out in accordance with any conditions contained in the permit.

4.12 Busking and street entertainment

- 4.12.1 A person must not, without a permit, busk or provide street entertainment on Council land.

4.13 Repair of vehicles

- 4.13.1 A person must not dismantle, paint, carry out maintenance on or repair a vehicle on a road or authorise another person to do so.

4.14 Substances from vehicles

- 4.14.1 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.
- 4.14.2 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 caused and remove any hazardous materials.
- 4.14.3 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.

4.15 Storage of materials and trailers

4.15.1 A person must not, without a permit, store any materials or skip bins on a road.

4.15.2 A person must not, without a permit, store any trailers or vehicles on a road for a period exceeding 14 consecutive days.

4.16 Firewood collection permits

4.16.1 A person must not, without a permit, collect firewood from Council land.

4.17 Snow clearing

4.17.1 In areas subject to snowfall, the owner or occupier of an occupied premises, must keep any car parking space and access to the premises clear of snow so as to allow vehicular and pedestrian access.

Part 5 – Livestock

5.1 Droving of livestock

- 5.1.1 Without a permit a person must not move or drive any livestock in a public place unless the livestock are being –
- a. moved in order to travel a reasonable distance within the municipality from one property to another;
 - b. relocated by an Authorised Officer;
 - c. relocated in an emergency to avoid or minimise danger; or
 - d. moved in accordance with VicRoads guidelines.

5.2 Livestock on road reserve

- 5.2.1 A person who owns or is in charge of livestock may allow the livestock to graze along the road reserve adjacent to their property without requiring a permit.
- 5.2.2 If a person allows livestock to graze in the manner specified in clause 5.2.1, that person may erect temporary fencing along the road reserve to prevent the escape of livestock.

5.3 Fencing of land

- 5.3.1 An owner or occupier of land on which livestock are kept must ensure that the fencing on that land is adequate to prevent the escape of livestock onto any Council land.
- 5.3.2 Unless otherwise permitted under this Local Law, no person shall erect any fence on a road reserve, including an electric fence.
- 5.3.3 Where in the opinion of an Authorised Officer, there is a failure to comply with clause 5.3.1 Council may serve a Notice to Comply on the owner or occupier of the land requiring the owner or occupier to install, repair, replace, remove or modify fencing, gates or grids.

Part 6 - Permits

6.1 Applications for permits

- 6.1.1 If this Local Law requires a permit to be obtained, the application for the permit must:
- a. be made to Council in writing using the appropriate form; and
 - b. be accompanied by the fee prescribed by Council.

6.2 More information

- 6.2.1 Council may require a permit applicant to provide more information before it deals with the application.

6.3 Decision on permit application

- 6.3.1 Council may decide:
- a. to grant a permit;
 - b. to grant a permit subject to conditions; or
 - c. refuse to grant a permit on grounds it thinks fit.

6.4 Review

- 6.4.1 An applicant for a permit may apply to Council for review of a decision to refuse to grant a permit or to grant a permit subject to conditions.

6.5 Correction of a permit

- 6.5.1 Council may amend or revoke a permit granted by it under this Local Law.

6.6 Bonds

- 6.6.1 In deciding to grant a permit, Council may require the applicant to lodge with Council a bond for such amount and in such a manner as Council deems reasonable in the circumstances.
- 6.6.2 If Council is required to remedy a breach of a permit or repair any damage caused by any work carried out under a permit, it may for that purpose, use part or all of any bond associated with that permit.
- 6.6.3 Where the bond or any part is used pursuant to clause 6.6.2, the person to whom the permit was granted or the property owner may be directed to replenish or increase the bond amount.

- 6.6.4 On satisfactory completion of any works under a permit, Council must release any applicable bond or remainder of the bond.
- 6.6.5 If after 12 months, Council cannot locate a person entitled to the release of any bond, Council will remit the funds to the State Revenue Office.

Part 7 - Enforcement

7.1 Offences

7.1.1 A person who:

- a. contravenes or fails to comply with any provision of this Local Law or any document incorporated by reference;
- b. contravenes or fails to comply with any condition contained in a permit under this Local Law;
- c. knowingly provides false information in support of an application for a permit under this Local Law;
- d. knowingly supplies false or misleading information to an Authorised Officer;
- e. fails to comply with a verbal direction issued, or a Notice to Comply served, by an Authorised Officer;
- f. fails to comply with a sign erected by Council; or
- g. makes or attempts to make any agreement with an Authorised Officer to induce that Authorised Officer to compromise his or her duty -

is guilty of an offence and is liable to -

- i. a maximum penalty of \$2000; and
- ii. a further penalty of \$200 for each day after a finding of guilt or conviction for an offence during which the contravention continues.

7.2 Infringement notices

7.2.1 As an alternative to a prosecution for an offence, an Authorised Officer may serve a person with an infringement notice in a form approved by Council.

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

7.2.3 The amount of the fixed penalty to be specified in an infringement notice is set out in Council's *Register of Penalties for Infringement Notices* being a document incorporated by reference into this Local Law.

7.3 Notice to Comply

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

7.3.2 A Notice to Comply must specify the time and date by which the person specified in the Notice to Comply must comply with the specified directions.

- 7.3.3 The period required to comply with 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 items;
 - d. climatic conditions;
 - e. the degree of risk or potential risk; and
 - f. any other relevant factor.

7.4 Urgent circumstances

- 7.4.1 In any urgent circumstance arising under this Local Law, an Authorised Officer may take any reasonable action to remedy the situation circumstance without first serving a Notice to Comply.

7.5 Impounding objects

- 7.5.1 An Authorised Officer may:
- a. require any person responsible for an obstructing object on Council land to move it;
 - b. move or impound any object that:
 - i. obstructs Council land;
 - ii. contravenes the conditions placed on a permit issued;
 - iii. is placed contrary to a provision of this Local Law;
 - c. return the object to its owner on payment of the prescribed fee; or
 - d. sell, dispose of or destroy the object if the owner has not paid the fee within 7 days of impounding.
- 7.5.2 Where any item has been impounded under this clause, Council must, if practicable, serve written notice of the impounding in person or by pre-paid mail on the person who appears to be the owner of the impounded item.

Making of Community Local Law 2019

In accordance with section 111 of the *Local Government Act 1989*

THE COMMON SEAL OF THE
ALPINE SHIRE COUNCIL was
Hereunto affixed this 2nd day of
April 2019 in the presence of:



.....
COUNCILLOR

John Braith
.....
Name



.....
COUNCILLOR

Kitty Knappstein
.....
Name



.....
CHIEF EXECUTIVE OFFICER

CHARLIE BIRD
.....

Name