



Corporate - Policies

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Purpose

The purpose of this policy is to provide additional requirements applying to activities or uses under Council's Local Laws.

Policy Statement

LOCAL LAW NO. 1 OF 2008

DIVISION 1

ADDITIONAL REQUIREMENTS APPLYING TO ACTIVITIES OR USES UNDER THE COMMUNITY AMENITY (AMENDMENT) LOCAL LAW

In addition to the requirements of the Community Amenity Local Law, a person must make application using the Council's prescribed form and must comply with the following:

PART 1 – REQUIREMENTS APPLYING TO THE DROVING OF LIVESTOCK

This part applies to the droving of livestock

Application for permit and bonds

1. A person making an application for a droving permit must pay fees in accordance with fees and charges as established in the Council's Fees and Charges Register.
2. A bond paid under Clause 1 must be refunded to the person who made the application:
 - (a) if the permit application is refused, within seven (7) days of the refusal being notified to the applicant; or
 - (b) if the permit is granted, after the livestock have left the municipal district and provided the applicant has complied with the conditions of the permit.

3. The Council may retain all or part of the bond to the extent of the cost of repairing any damage to roads or other property which in the opinion of the authorised officer has been caused by or occurred as a result of the driving of livestock.
4. The Council may retain such part of the bond that represents the amount of unpaid daily fees due at the date the livestock leave the municipal district.
5. The Council may deduct any monies from the bond for a breach of any of the permit conditions.
6. If a deduction for a breach of any of the permit conditions is made before the livestock leave the municipal district, the permit holder must maintain the bond at the amount determined by the Council or at the amount of \$1,000 by paying to the Council any amounts deducted within 48 hours of being advised of their deduction.

Permit conditions

7. An authorised officer may issue a permit to drive livestock through the municipal district if :
 - (a) an application and the fees required under clause 1 have been paid; and
 - (b) he or she is satisfied that the livestock are fit to travel a distance of 10 kilometres per day towards their destination.
8. In determining to grant a permit the authorised officer must take into account:
 - (1) the duration of the permit required having regard to the nature of the activity being undertaken; and
 - (2) the route to be travelled, which must be determined by the authorised officer having regard to:
 - (a) the route requested by the applicant;
 - (b) the practicality of the route or alternative routes;
 - (c) traffic usage;
 - (d) the proposed commencing and finishing locations;
 - (e) the duration and/or frequency of the livestock movement proposed;
 - (f) the number of livestock involved in the proposed droving;
 - (g) any permits already granted for livestock droving or grazing on or adjacent to the proposed area;
 - (h) the condition of the road and prevailing weather conditions at the time of the proposed droving or throughout the proposed livestock droving;
 - (i) the availability of alternative routes;
 - (j) the distance to be covered each day;
 - (k) the health and condition of the livestock;
 - (l) the nature of any weeds or growth along any proposed route and the potential for livestock to spread noxious or environmental weeds;
 - (m) the potential for safely accommodating the livestock overnight;
 - (n) the capacity to adequately warn other road users of the presence of livestock on the road;
 - (o) procedures for varying the route in situations of hardship;
 - (p) the availability of water;

- (q) the ability of the livestock to be driven at the rate of at least one (1) kilometre an hour where the route to be travelled is already subject to a grazing permit;
 - (r) the sensitivity of damage to vegetation on that route;
 - (s) the outcome of any consultation with the Department of Natural Resources and Environment regarding native vegetation;
 - (t) relevant recommendations or guidelines of Council's Roadside Management Strategy;
 - (u) relevant recommendations or guidelines of Council's Fire Prevention Strategy;
 - (v) any other matters considered relevant by the Council.
9. A permit issued for the droving of livestock under this Local Law must contain conditions that require:
- (a) livestock camped overnight be enclosed by a substantial and secure barrier;
 - (b) the carcasses of any livestock that die while in the municipal district be promptly and adequately disposed of;
 - (c) livestock only be driven between the hours of sunrise and sunset;
 - (d) livestock not be camped on an area which is a declared or designated as a high conservation value road reserve or other area designated as prohibited for the camping of livestock in Council's Roadside Management Strategy.
 - (e) a person competent in the handling of livestock be present at all times;
 - (f) signs conforming with the requirements of the Roads Corporation are in place;
 - (g) an inspector of livestock of the Government agency administering the Livestock Disease Control Act 1994 is notified if the person in charge of the livestock becomes aware or suspects that the livestock or any of them have a disease or dies of a disease that is a notifiable disease under that Act;
 - (h) the number of livestock to be driven in the municipal district at any one time does not exceed the number specified in the permit;
 - (i) require the permit holder to obtain public liability insurance on such terms and for such amounts as the permit requires.
10. A permit issued for the droving of livestock may include conditions that:
- (a) require reflective signs to be erected in the front and the rear of any livestock camped overnight on any lane or thoroughfare;
 - (b) limit the number or type of livestock which may be driven by the permit holder through the municipal district at any one time;
 - (c) require the livestock to travel not less than the distance specified by an authorised officer per day;
 - (d) the permit expires after two (2) months unless an extension of time is applied for and any additional fees are paid;
 - (e) the origin of the stock be considered in terms of the potential to spread weeds and appropriate restrictions may be applied;
 - (f) allow an exemption to the requirement to drive livestock a minimum distance through the municipal district in the form of one (1) rest day per week.
11. A permit must not allow the driving of more than 4,000 sheep, ewes, wethers and rams in total or more than 500 cattle (excluding calves under the age of three months) in total or more than 200 of any other livestock in total at any one time by the permit holder.
12. A permit issued under the Local Law expires as soon as the droving which it permits has been completed.

PART 2 - REQUIREMENTS APPLYING TO THE GRAZING OF LIVESTOCK

This part applies to the grazing of livestock

13. An authorised officer may issue a permit for the grazing of livestock provided that the permission of the Roads Corporation has been obtained where it is proposed to graze livestock on any declared road.
14. 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 **Local Government Act 1989**.
15. A permit issued for the grazing of a road by livestock must contain conditions that:
 - (a) require livestock grazing roadsides to be under constant supervision by a person who is competent in the handling of livestock;
 - (b) limit the grazing of livestock between the hours of sunrise and sunset;
 - (c) require signs conforming with the requirements of the Roads Corporation are in place;
 - (d) require appropriate precautions to be taken to ensure that no damage occurs to all road surfaces, road infrastructure, private driveways and to vegetation within a high conservation value road reserve or other area designated as prohibited for grazing in Council's Roadside Management Strategy, and that erosion does not occur as a result of excessive grazing;
 - (e) require the immediate removal of livestock where they are causing damage;
 - (f) require the Council's interest to be noted on public liability insurance obtained by the owner and that proof of the notation is produced to the Council prior to the commencement of grazing;
 - (g) require that an inspector of livestock of the Government agency administering the Livestock Disease Control Act 1994 is notified if the person in charge of the livestock becomes aware or suspects that the livestock or any of them have a disease or dies of a disease that is a notifiable disease under that Act;
 - (h) require compliance with any other conditions that may be applied to any special circumstances prevailing in respect of the livestock or the area to be grazed;
 - (i) require compliance with any relevant recommendations or guidelines of Council's Roadside Management Strategy;
 - (j) require compliance with any relevant recommendations or guidelines of Council's Fire Prevention Strategy.

PART 3 – REQUIREMENTS APPLYING TO MOVEMENT OF LIVESTOCK - LIVESTOCK CROSSING ROAD CARRIAGEWAYS

This part applies to the movement of livestock and livestock crossing road carriageways

16. Livestock may be moved across the road carriageways either directly or by being driven along the road reserve then across the carriageway of the road in order to travel from one property to another or from one part of a property to another part of the same property subject to complying with the following requirements:
 - (a) the livestock must be supervised by a person who is competent in the management of livestock;
 - (b) signs conforming with the requirements of the Roads Corporation are in place;

- (c) livestock must not be driven on any road reserve or carriageway if weather conditions could result in a danger to vehicular traffic;
 - (d) livestock must be moved at a rate of not less than one (1) kilometre an hour in the direction of movement between the two properties so as to prevent grazing of roadsides.
17. Where the crossing of livestock occurs more than 100 times per annum on any declared road or on any road specifically determined by the Council the following conditions must be complied with:
- (a) stock crossings must comply with the guidelines applicable to stock crossings determined by the Roads Corporation from time to time;
 - (b) additional advance warning signs must be erected where because of the nature of the terrain, volume of traffic or visibility, a driver's vision may be restricted;
 - (c) livestock must cross the road by the shortest most direct route; and
 - (d) grazing of the road reserves does not occur.

PART 4 – USING SCAREGUNS

This part applies to bird scareguns or similar bird control devices other than registered firearms.

18. Bird scareguns must not be operated if the distance between the scaregun and any residential premises (other than the applicant's) is less than 300 metres.
19. In an orchard area or other intensive horticulture area up to four (4) hectares, two (2) scareguns are permitted.
20. In an orchard area or other intensive horticulture area over four (4) hectares, one (1) scaregun for each four (4) hectares or part thereof is permitted.
21. Bird scareguns must only be operated between sunrise and sunset.
22. Blasts from each single shot scaregun other than a registered firearm, must be not less than five (5) minutes apart.
23. Multiple shot scareguns capable of up to three (3) blasts must complete their firing sequence within 30 seconds and firing sequences must not be less than five (5) minutes apart.
24. Bird scareguns must be located by operators as far away as possible from all residential premises, and wherever possible, the shielding effects of natural features and buildings must be used to reduce the level of the blasts of scareguns audible at residential premises.
25. The operating requirements of scareguns must be based on an average maximum level of 100dB LIN peak (loudest 20% blasts) when the weather favours noise propagation.
26. A bird scaregun may be less than 300 metres from residential premises where:
- (a) the level of blasts from the device can be adjusted;
 - (b) the adjusting mechanisms are permanently fixed so that the average maximum blast does not exceed 100dB LIN peak; and

- (c) the device is adjusted to compensate for weather conditions which increase noise propagation.

PART 4A – REQUIREMENTS APPLYING TO FIREWORKS

This part applies to fireworks displays at a public venue.

Application for permit and bonds

- 26A A person making an application for a fireworks display permit must pay fees in accordance with fees and charges as established in the Council's Fees and Charges Register and in addition must put up a bond of \$200.
- 26B A bond paid under Clause 26A must be refunded to the person who made the application:
 - (a) if the permit application is refused, within seven (7) days of the refusal being notified to the applicant; or
 - (b) if the permit is granted, after the fireworks event and provided the applicant has complied with the conditions of the permit.
- 26C The Council may retain all or part of the bond to the extent of the cost of repairing any damage to property or livestock which in the opinion of the authorised officer has been caused by or incurred as a result of the fireworks display.
- 26D The Council may deduct any monies from the bond for a breach of any of the permit conditions.

Permit conditions

- 26E An authorised officer may issue a permit for a fireworks display at a public venue if
 - (a) an application and the fees required under clause 26A have been paid; and
 - (b) he or she is satisfied that adequate notice of the fireworks display has been given to all adjoining owners and occupiers and a public notice of the event has been placed in public notices pages of The Chronicle. Such notification must be given four (4) weeks prior to the event and allow fourteen (14) days for objection.
- 26F In determining to grant a permit the authorised officer must take into account:
 - (1) any objections received in relation to proposal; and
 - (2) the location of the proposed event having regard to:
 - (a) the surrounding land use;
 - (b) the time and duration of the event;
 - (c) the effect on livestock nearby;
 - (d) any other matters considered relevant by the Council.
- 26G A permit issued for a fireworks display under this Local Law must contain conditions that require:
 - (a) the permit holder to obtain public liability insurance on such terms and for such amounts as the permit requires.

(b) the event to only take place between the times stipulated.

26H Where an applicant or an objector is aggrieved by the decision of Council's authorised officer in relation to an application for a fireworks permit, the applicant or the objector may appeal in writing within seven (7) days of the decision to a Committee of Council established to consider such approvals. The decision of the Committee shall be final.

PART 5 – WASTE AND RECYCLABLE MATERIALS

This part applies to the disposal of waste or recyclable materials where disposal is part of the service provided by Council.

27. The requirements relating to the disposal of waste or recyclable materials applies to the occupiers of every dwelling or other properties where the Council provides a waste collection service.
28. Waste and recyclable material left for collection must be placed in bins and recycling containers ready for collection in accordance with Council requirements and on the days from time to time specified by the Council.
29. The bins used must not have a capacity that exceeds 240 litres and the weight of the bin and the contents once ready for collection must not exceed 70 kilograms.
30. Where the Council supplies or arranges the supply of bins for waste, this waste must be stored in the bin supplied.
31. Where the Council supplies or arranges the supply of containers for recyclable material, this material must be stored in the container supplied.
32. Bins and recycling containers must be placed on the verge of the vehicle crossing or roadway abutting the property, or other location as directed by Council's authorised representative, before 6.00am on the scheduled day of collection or such earlier time as advised in writing by the Council.
33. Material that may be a hazard or risk to public safety must not be placed in bins provided for collection by the Council.
34. If the Council has notified occupiers of a recycling or hard garbage collection, the material to be collected and the type of hard garbage to be collected must be left for collection in accordance with the Council's instructions.
35. Once the Council has collected the waste, the empty bins and containers must be returned to the property or other designated point by the occupier as soon as practicable.
36. Any waste from a bin or container which has spilled before collection onto the road, nature-strip or surrounding area, must be removed by the occupier responsible for the bin or container as soon as practicable.
37. Bins and containers must be maintained in a clean and tidy manner by the occupier so as not to cause any health threat or be offensive to any person.

38. Bins and containers must only be used for the purpose intended and must remain on the property to which they have been allocated by the Council.

PART 6 – FOOTPATH ACTIVITIES

This part applies to the use of footpaths for the placing of free standing advertising signs, displays of goods, and tables and chairs on footpaths.

39. The requirements relating to the placing of free standing advertising signs, displays of goods, and table and chairs on footpaths are designed to:
- (a) contribute to the atmosphere and therefore the shopping experience in the municipal district;
 - (b) to protect and enhance the visual amenity of the locality;
 - (c) to maintain a degree of uniformity and equity in the extent of advertising permitted; and
 - (d) to provide and maintain public safety for people using any public way.
40. Unless otherwise exempted, all free standing advertising signs, displays of goods, and tables and chairs must relate directly to the business activities conducted on the adjacent property.
41. A permit for free standing advertising signs, displays of goods, and tables and chairs may be issued subject to conditions as determined by Council and subject to the following requirements:
- (a) No more than two (2) advertising signs will be allowed per premises or ten (10) metres of frontage; and/or
 - (b) No more than two (2) displays of goods will be allowed per premises or ten (10) metres of frontage; and/or
 - (c) No more than two (2) tables, each with four (4) accompanying chairs, will be allowed per premises or ten (10) metres of frontage.
 - (d) All freestanding advertising signs must not be larger in size than one (1) metre square on each side.
 - (e) All freestanding advertising signs, displays of goods, and tables and chairs must only be displayed during the trading hours of the business.
42. All free standing advertising signs, displays of goods, and tables and chairs must be constructed to tradesman quality and be of solid and stable construction, braced, regular in shape and with no uneven projections.
43. All free standing advertising signs, displays of goods, and tables and chairs must be designed to ensure that it does not constitute a tripping hazard or obstruction to footpath traffic and is properly secured.
44. All displays of goods must be no more than one (1) metre wide and must allow a minimum clearance of two (2) metres for pedestrian traffic.
45. Free standing advertising signs which are outside the central activities area as defined in the Wangaratta Planning Scheme and are proposed to exceed the size requirements prescribed in Clause 41 may apply for an exemption. Exemptions may

be issued by an authorised officer of Council having taken into account the site of the proposed sign, danger to vehicular and pedestrian traffic, and sight distance.

46. Unless otherwise exempted, all free standing advertising signs and/or tables and chairs must be placed outside the premises to which it relates, and allow a minimum clearance of two (2) metres for pedestrian traffic and shall not protrude closer than 75 millimetres to the building line nor closer than 210 millimetres from the kerb and gutter.
47. All displays of goods must be located within one (1) metre of the property line of the premises to which it relates, whilst maintaining a minimum clearance of two (2) metres for pedestrian traffic.
48. All free standing advertising signs, displays of goods, and tables and chairs must only be placed on hard standing areas such as concrete, asphalt, brick or other approved surfaces and generally have a cross slope of not greater than 5%.
49. Tables and chairs that are fitted with sunshades or umbrellas must be designed and placed so that neither table nor umbrella could create a hazard at any time to any person using the road or footpath because of the design or stability of the furniture or any other reason.
50. Free standing advertising signs when displayed by real estate agents, must:
 - (a) only be displayed on the day of any auction or open house if advertising an auction or open house.
 - (b) only be displayed on the footpath not less than one (1) metre from the kerb outside any property to be auctioned or opened to the public.
51. The owner/occupier of any premises which has a permit for the display of free standing advertising signs, or displays of goods, and/or tables and chairs must ensure that public liability insurance is maintained at all times indemnifying the Council, and where appropriate, the Roads Corporation, from any action that may arise from accidents involving any free standing advertising sign or display of goods or tables and chairs. The level of this insurance shall be in accordance with the approved level stated in the permit. Proof of this insurance must be provided upon request by an authorised officer.
52. (a) With the exception of road traffic signs and other regulatory signs, advertising signs affixed to street furniture within a road reserve or on Council land shall:
 - be limited to the name, function and/or activity of the business located on the immediately adjoining land.
 - be in keeping with the built environment and cultural amenity of the area, having particular regard to the avoidance of visual disorder or clutter;
 - consist of colours sympathetic to the colours used in the streetscape design;
 - be limited to non-illuminated, non-reflective, static signs.
 - be of a size that can be contained within the external dimensions of the structure to which it is affixed and not exceed 25% of the area of the structure;
 - have lettering on the sign not exceeding 25cm in height.

The objective of this provision is consistent with Council's Municipal Strategic Statement which seeks to improve the appearance of retail areas.

- (b) Where an applicant for a street furniture sign is aggrieved by the decision of Council's authorised officer to refuse the sign because it does not meet the policy guidelines, the applicant may appeal in writing to a committee of Council established to consider such appeals. The decision of the committee shall be final.

PART 7 – KEEPING OF ANIMALS

This part applies to the keeping of animals.

- 53. The requirements relating to the keeping of animals apply to properties in a residential and commercial area.
- 54. No more than 2 quadrupeds shall be allowed per property.
- 55. No more than 5 reptiles shall be allowed per property.
- 56. No more than 20 birds shall be allowed per property.
- 57. No more than 1 horse shall be allowed per property
- 58. No more than 10 poultry shall be allowed per property
- 59. Exemptions to these requirements apply to:
 - (a) any Pound conducted by the Council;
 - (b) any Animal Hospital or Veterinary Surgeon Practice; and
 - (c) any stables or Horse Training Complex.

PART 8 – HOUSING OF ANIMALS

This part applies to the housing of animals.

60. The requirements relating to the housing of animals apply to properties in a residential and commercial area.
61. Animals must not be housed:
 - (a) closer than 12 metres from the frontage of a property; and
 - (b) closer than 2 metres of the side, rear or other boundary of a property.
62. All animal housing must be kept in a clean and inoffensive condition.
63. Any wash down or run off from such animal housing must be retained on the property.
64. An occupier of a property must not allow any animal to make unreasonable noise or allow the presence of nuisance conditions including offensive odours to the detriment of people living adjacent or nearby.

PART 9 – STREET APPEALS

This part applies to street appeals, busking and street stalls.

65. The purpose of this part is to regulate street appeals within the Municipality:
 - to ensure consistency and fairness in the manner in which the Council determines street appeal applications.
 - to establish criteria and procedures for the determination of all street appeals.
 - to ensure that as far as possible the benefits of street appeals primarily benefit the local community.
 - to regulate the number of street appeals in the Rural City of Wangaratta.
66. Only four (4) street appeals (other than road collections) will be permitted in the Wangaratta Central Activities Area (CAA) on any one day.
67. Only one (1) organisation will be permitted to conduct a road collection on any one day.
68. Street appeals by any single organisation shall be limited to a maximum of ten (10) days in any calendar year unless additional days are approved by the Chief Executive Officer.
69. Street appeals in the CAA shall be limited to the following locations:
 - Footpath at No. 45 Reid St., Wangaratta.
 - Footpath at No. 31 Murphy St., Wangaratta.
 - Footpath at No. 40 Reid St., Wangaratta.
 - Reid Street Kiosk, Reid Street, Wangaratta
70. Road collections shall be limited to the following intersections
 - Murphy Street and Reid Street, Wangaratta.
 - Ryley Street and Warby Street, Wangaratta.
 - Tone Road and Greta Road, Wangaratta.

71. All applications must be in writing and specify the type of street appeal proposed, preferred day(s) and location as well as the beneficiaries of the street appeal. Applications must be on official letterhead of the organisation and signed by the executive officer of the organisation (where appropriate).
72. Applications will not be considered for a permit more than twelve (12) months in advance.
73. National/Statewide appeals associated with particular days in the year (e.g. Anzac Day) will be given preference for those days.
74. All applications shall be considered on the basis that local organisations and charities (or other organisations and charities where there is a direct benefit to the local community) will be given preference for days and locations for street appeals.
75. Applications for road collections will not be considered unless they have approval in writing from the Victoria Police and VicRoads.
76. Applications for busking must be accompanied by a letter of approval from the business outside which it is intended to busk.
77. The following matters need to be taken into consideration when determining an application for a street appeal:
 - the objectives of the policy.
 - whether the street appeal will benefit the local community.
 - the effect of the street appeal on pedestrian movement in the Central Activities Area.

DIVISION 2

MATTERS OR AREAS DESIGNATED OR DECLARED BY THE COUNCIL

1. *Camping areas*

- Nil

2. *Trading Sites*

- Designated bays at 100-104 Murphy Street, Wangaratta.

3. *Consumption of alcohol*

Nil

Local Law No. 2 of 1999

NIL