

[Local Law Community Impact Statement (LLCIS)]

Greater Shepparton City Council Local Law No. 1 – Community Living

Council provides the following information to the community in respect of the proposed Local Law.

1. INTRODUCTION

Council is proposing to update its Local Law No. 1 – Community Living (**current Local Law**). The current Local Law will expire on 3 July 2018.

The proposed new Local Law No. 1 – Community Living (**proposed Local Law**) will supersede and replace the current Local Law.

This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council during the public consultation process required under the *Local Government Act 1989 (Act)*.

2. BACKGROUND

Local Laws are a form of local regulation that enables councils to make legislative controls that reflect the different circumstances of each municipality. The Local Law making power attributed to councils comes from the Act.

The current Local Law was made by Council resolution on 1 July 2008.

The current Local Law regulates various conduct and behaviour throughout the municipality.

The current Local Law is due to expire on 3 July 2018 and needs to be renewed and updated to incorporate changes in legislation and to reflect current issues within the municipality.

3. OVERVIEW OF PROPOSED LOCAL LAW

The proposed Local Law is being made under section 111(1) of the Act and will operate throughout Council's municipal district.

The proposed Local Law, to be known as the Greater Shepparton City Council Local Law No. 1 – Community Living 2018, will commence on the day following notice of its making being published in the Victoria Government Gazette and, unless it is revoked earlier, will expire 10 years after commencement.

On commencement of the proposed Local Law, the current Local Law will be revoked.

The objectives of the proposed Local Law remain the same as those of the current Local Law, with the exception of a new sub-clause (i). The objectives provide for:

- 1.1 providing for the peace, order and good government of the municipal district of the Greater Shepparton City Council;

- 1.2 providing for those matters which require a Local Law under the Local Government Act 1989, and any other Act;
- 1.3 providing for the administration of Council powers and functions, and for the issue of permits and infringement notices;
- 1.4 prohibiting, regulating and controlling activities, physical works including construction, events, practices or behaviour in the municipal district so that no detriment is caused to the amenity of the neighbourhood, nor nuisance to a person, nor detrimental effect to the environment or property;
- 1.5 regulate and control the consumption of liquor and possession of liquor other than in a sealed container;
- 1.6 protecting assets vested in Council;
- 1.7 regulating the droving, grazing and movement of livestock throughout the municipal district, minimise the damage to road surfaces, formations, drainage, native vegetation and surrounding areas arising from livestock and to alert other road users to the presence of livestock on roads in the interests of road safety;
- 1.8 enhancing public safety and community amenity; and
- 1.9 supporting the Council to undertake its powers and duties in relation to drains and drainage of land.

Proposed changes brought about by the proposed Local Law are not substantial and do not impact on the general purpose and purport of the current Local Law. The opportunity has been taken to improve clarity and remove clauses which might encroach on the field covered by other legislation, such as the *Road Safety Road Rules 2017* and the *Environment Protection Act 1970*.

Under section 223 of the Act, Council is required to give public notice of the proposed Local Law and invite submissions for a period of at least 28 days.

The statutory consultation period will run from 23 March to 27 April 2018, subject to Council's endorsement at the Ordinary Council Meeting to be held on 20 March 2018.

Anyone who makes a written submission can request to be heard in support of their submission at the Ordinary Council Meeting which considers the making of the proposed Local Law, details of which will be provided.

The proposed Local Law has been reviewed by Council's lawyers who confirm that it complies with all regulatory requirements.

A copy of the proposed Local Law is attached (**Attachment 1**) to this Community Impact Statement.

4. MAIN CHANGES TO THE LOCAL LAW

All provisions of the current Local Law have been reviewed. Substantive changes are outlined in the following paragraphs. When reference is made to a clause being amended or otherwise modified, reference is being made to the substantive change to a clause in the current Local Law brought about by the proposed Local Law.¹

¹ Strictly speaking the current Local Law is being revoked rather than amended. For the sake of convenience, clauses in the current Local Law are being referenced as if they are changing rather than being replaced.

Definitions

Various definitions have been added, amended and removed, including the addition of the following definitions:

- 'advertising sign';
- 'animal';
- 'busk';
- 'Code of Practice';
- 'domestic bird';
- 'event'
- 'large bird and/or noisy bird';
- 'reserve'; and
- 'unsightly'.

Fires in Open Air

Clause 2.5(b) of the current Local Law (now clause 2.3(b) of the proposed Local Law) has been amended to remove the exceptions. A person is now prohibited from lighting and maintaining any campfire or barbeque using solid fuel in *any* public place without a permit.

Chimneys and Dust

Clauses 2.7 and 2.8 of the current Local Law has been deleted to avoid any encroachment onto the field covered by the *Environment Protection Act 1970* and associated Regulations and Policies.

Fire to be Extinguished

A new clause 2.5 has been inserted into the proposed Local Law requiring a person to extinguish any fire that is lit contrary to clauses 2.3 and 2.4 of the proposed Local Law when directed by an authorised person to do so.

Recreational Vehicles

The reference to 'velocipede' in clause 2.13 of the current Local Law (now clause 2.9 of the proposed Local Law) has been replaced with a reference to a 'recreational vehicle'. This is intended to use simpler language and the clause otherwise remains unchanged.

Clause 2.15 of the current Local Law has been deleted to avoid duplication of clause 2.13 and encroachment onto the field covered by the *Road Safety Act 1986*, *Road Safety Road Rules 2017* and associated Regulations and Codes.

Interference with Drains or Drainage Works

A new clause 2.13 has been inserted into the proposed Local Law making it an offence for a person to damage, destroy or otherwise interfere with any drain or drainage works without a permit.

Shipping Containers

A new clause 3.2 has been inserted into the proposed Local Law making it an offence for a person to use or otherwise place a shipping container on any land, including Council land and roads, without a permit.

Load Limits on Roads

Clause 3.2 of the current Local Law has been deleted to avoid encroachment onto the field covered by the *Road Safety Act 1986*, *Road Safety Road Rules 2017* and associated Regulations and Codes.

Naturestrips

A new clause 3.4 has been inserted into the proposed Local Law which imposes obligations on owners and occupiers of property adjacent to naturestrips not to plant or install anything on them without a permit and to maintain them generally. Offences are created for failing to comply with these obligations.

Trading of Goods or Services

Clause 4.2 of the current Local Law has been amended to create an offence for displaying a vehicle on any road or Council land without a permit.

Processions, Demonstrations and Use of Public Address

Clause 4.6 of the current Local Law has been deleted as it is addressed by clause 10.1 of the proposed Local Law.

Shopping Trolleys

Clause 4.7 of the current Local Law (now clause 4.6 of the proposed Local Law) has been amended to include a requirement that the owner of a shopping trolley marks it with details sufficient to identify the owner.

Cats

Clause 6.3 of the current Local Law has been deleted as it is now addressed by the 'Table of Animal Types and Numbers' in clause 6.1 of the proposed Local Law.

Bees

A new clause 6.3 has been inserted into the proposed Local Law making it an offence for a person to keep bees without a permit and other than in accordance with the Apiary Code of Practice. This replicates and expands upon clause 2.11 in the current Local Law.

Livestock

Clauses 8.2 and 8.3 of the current Local Law have been deleted to avoid encroaching on the field covered by the *Impounding of Livestock Act 1994* and because Council no longer considers them necessary for enforcement purposes.

Clauses 8.5 and 8.6 of the current Local Law have also been deleted and such matters will, in future, be provided for in an internal policy or procedure.

Clause 8.10 of the current Local Law has been deleted as it is adequately addressed in clause 6.10 of the proposed Local Law.

Maude Street Mall

Clause 9.1 of the current Local Law regulating activities in Maude Street Mall has been deleted because it can be adequately managed under remaining clauses of the proposed Local Law relating to Council land and roads.

Signs

A new clause 8.1 has been inserted into the proposed Local Law which provides for Council to erect signs in or near any public place and makes it an offence for a person to act contrary to any direction contained in such a sign.

Consumption of Liquor

Clauses 10.2, 10.3 and 10.5 of the current Local Law have been deleted because they unnecessarily duplicate Council's general enforcement powers and functions under the proposed Local Law and the Act.

Clause 10.1 of the current Local Law (now clause 9.1 of the proposed Local Law) has been amended to remove any reference to areas in which the possession or consumption of liquor is prohibited and now provides for Council to declare areas in which the possession or consumption of liquor from time to time by resolution.

Events

A new clause 10.1 has been inserted into the proposed Local Law which makes it an offence for a person to conduct an 'event' on any Council land, road or reserve without a permit.

Owner Onus

A new clause 11.7 has been inserted into the proposed Local Law which provides that the 'owner onus' applies in respect of offences against the proposed Local Law concerning vehicles – ie the owner of the vehicle commits the offence.

Penalties

Individual penalties for offences against specific clauses have been removed from the proposed Local Law and replaced by the new clause 11.9 which imposes a maximum penalty of 20 penalty units in respect of every breach of the proposed Local Law.

Considerations for Granting Permits

All clauses of the current Local Law which set out the matters to be considered when determining whether to grant a permit (see, for example, clauses 2.17(b) and 3.1(b)) have been deleted and such matters will, in future, be provided for in an internal policy or procedure.

5. EVALUATION OF LOCAL LAW

In accordance with Guidelines issued by the Minister for Local Government in relation to the making of local laws, Council has conducted an evaluation of the proposed Local Law. The evaluation is outlined in the following Table.

Issue	Evaluation
Objectives	<p>The objectives of the proposed Local Law are to:</p> <ul style="list-style-type: none"> • provide for the peace, order and good government of the municipal district of the Greater Shepparton City Council; • provide for those matters which require a Local Law under the Local Government Act 1989, and any other Act; • provide for the administration of Council powers and functions, and for the issue of permits and infringement notices; • prohibit, regulate and control activities, physical works including construction, events, practices or behaviour in the municipal district so that no detriment is caused to the amenity of the neighbourhood, nor nuisance to a person, nor detrimental effect to the environment or property; • regulate and control the consumption of liquor and possession of liquor other than in a sealed container; • protect assets vested in Council; • regulate the droving, grazing and movement of livestock throughout the municipal district, minimise the damage to road surfaces, formations, drainage, native vegetation and surrounding areas arising from livestock and to alert other road users to the presence of livestock on roads in the interests of road safety; • enhance public safety and community amenity; and • support the Council to undertake its powers and duties in relation to drains and drainage of land.
Legislative Framework	<p>The Act gives councils broad powers to make local laws with respect to any function or power of the council.</p> <p>The proposed Local Law addresses matters within Council's broad functions and powers.</p>
State legislation more appropriate	<p>State legislation compels Council to make Local Laws to address issues within its municipality. In developing the proposed Local Law, Council has not sought to address any issues which it feels are best addressed at the State or Federal level.</p>
Overlap with existing legislation	<p>Existing State legislation deals with the following issues which are also dealt with in some general circumstances by the proposed Local Law:</p> <ul style="list-style-type: none"> • Noise – <i>Environment Protection Act 1970</i>; and • Public Places, Roads and Council Land – Works and/or Usage – <i>Road Management Act 2004</i>. <p>Council is satisfied that the provisions of the proposed Local Law supplement the State legislation without duplicating, overlapping or creating any inconsistency.</p>

Issue	Evaluation
Planning Scheme	Council does not believe that any clause of the proposed Local Law overlaps with, duplicates or creates any inconsistency with the Shepparton Planning Scheme.
Legislative Approach	<p>The proposed Local Law adopts a medium impact regulatory approach, in as much as it prescribes with a level of detail the conduct and behaviour of members of the public within Council's municipality.</p> <p>This approach is considered appropriate to:</p> <ul style="list-style-type: none"> • facilitate the orderly and efficient access to and use of Council land, roads and public places; and • provide for the protection of Council assets under specified circumstances. <p>The proposed amendments to the current Local Law have been incorporated into a new, consolidated Community Living Local Law to provide a greater level of clarity and transparency. All provisions of the proposed Local Law are open to public scrutiny and comment.</p>
Performance Standards or Prescriptive Details	Council has, where appropriate and possible, adopted a performance-based approach to the proposed Local Law.
Risk Assessment	<p>No formal risk assessment has been undertaken.</p> <p>Council does not consider that there are any risks associated with the proposed Local Law.</p>
Measures of Success	<p>Council will measure the success of the Local Law as follows:</p> <ul style="list-style-type: none"> • recording levels of compliance/non-compliance using inspection data; • review of enforcement actions taken, including official warnings, notices to comply, infringements and direct prosecutions; and • volume of complaints.
Permits and Fees	<p>The proposed Local Law makes provision for:</p> <ul style="list-style-type: none"> • the issue of permits – the proposed Local Law requires permits to be obtained for various activities; and • Council to prescribe fees from time to time by resolution – it is expected that fees will be set annually as part of Council's Budget process.

Issue	Evaluation
Penalties	<p>All offences created under the proposed Local Law attract a maximum penalty of 20 penalty units with varying infringement penalties prescribed in Schedule 1 to the proposed Local Law.</p> <p>Council has compared the general level of penalties provided for in the proposed Local Law with the Local Laws of other like and neighbouring councils.</p> <p>Council is satisfied that penalties are similar in nature and amount to like and neighbouring councils and are sufficient to act as a deterrent for most offences while also reflecting the seriousness of those offences.</p>
Restriction of competition	<p>Council has conducted a review of the proposed Local Law in accordance with National Competition Principles and believes that, because of the nature and content of the proposed Local Law, and particularly the ability to obtain permits to conduct activities that would otherwise be prohibited, there is no restriction of competition.</p>
Comparison with other Councils	<p>In drafting the proposed Local Law, Council examined Local Laws from a number of like and neighbouring councils to assess similarities and differences and ensure a reasonable degree of consistency in content, approach and penalties.</p>
Charter of Human Rights	<p>The <i>Charter of Human Rights and Responsibilities Act 2006 (Charter)</i> contains twenty basic rights that promote and protect the values of freedom, respect, equality and dignity. Councils must not knowingly be in breach of these rights and must always consider them when they create laws, develop policies and deliver services.</p> <p>The proposed Local Law has been reviewed for compatibility with the Charter and is considered to be compatible with the Charter.</p>
Community Consultation	<p>The proposed Local Law has been reviewed in consultation with Councillors, members of Council staff and Council's legal advisers.</p> <p>A community consultation process will be conducted in accordance with sections 119(2) and 223 of the Act.</p> <p>This will require Council to give public notice of its intention to make the proposed Local Law and provide members of the public with an opportunity to make a written submission to Council in relation to the proposed Local Law. Council will consider submissions received before making a final decision on the proposed Local Law.</p> <p>A person who makes a written submission is entitled to request (in the submission) to be heard by Council in support of his/her submission. When Council makes a final decision on the proposed Local Law, it must notify in writing each submitter of the decision and the reasons for the decision.</p> <p>This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council.</p>

6. ATTACHMENTS

- **Attachment 1** - Proposed Local Law

DRAFT

Greater Shepparton City Council

DRAFT

**Local Law No.1 -
Community Living 2018**

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GREATER SHEPPARTON CITY COUNCIL

LOCAL LAW NO. 1

Community Living

PART 1 – INTRODUCTION

1.1 Objectives

This Local Law No. 1 of the Greater Shepparton City Council ('Council') is for the purpose of:

- (a) providing for the peace, order and good government of the municipal district of the Greater Shepparton City Council;
- (b) providing for those matters which require a Local Law under the *Local Government Act 1989*, and any other Act;
- (c) providing for the administration of Council powers and functions, and for the issue of permits and infringement notices;
- (d) prohibiting, regulating and controlling activities, physical works including construction, events, practices or behaviour in the municipal district so that no detriment is caused to the amenity of the neighbourhood, nor nuisance to a person, nor detrimental effect to the environment or property;
- (e) regulating and controlling the consumption of liquor and possession of liquor other than in a sealed container;
- (f) protecting assets vested in Council;
- (g) regulating the droving, grazing and movement of livestock throughout the municipal district, minimising the damage to road surfaces, formations, drainage, native vegetation and surrounding areas arising from livestock and to alert other road users to the presence of livestock on roads in the interests of road safety;
- (h) enhancing public safety and community amenity; and
- (i) supporting the Council to undertake its powers and duties in relation to drains and drainage of land.

1.2 Power to make this Local Law

This Local Law is made pursuant to section 111 of the *Local Government Act 1989*.

1.3 Period of Operation

This Local Law shall come into operation on # _____ # , and shall cease to operate on, # _____ #.

1.4 Extent of Application

This Local Law shall apply to and have operation throughout the whole of the Municipal District of the Greater Shepparton City Council.

1.5 Consistency

The provisions of this Local Law shall not derogate from or otherwise prejudice or limit the operation of any other Local Laws of Council and shall be read in addition to the provisions of such other Local Laws as may be necessary.

1.6 Definitions

Unless the contrary intention appears in this Local Law, the following words are defined to mean:

“Act”	means the <i>Local Government Act 1989</i> unless the context in which it is used indicates otherwise.
“animal”	Excludes a Person but includes, although is not limited to, any of the species or groups listed in the first column of the Table of Animal Numbers and Types in clause 6.1 (Keeping Animals), and includes livestock, reptiles, insects and any other living animal tame or wild kept by a person.
“appointed agent”	in respect of any land, means the person authorised in writing by an owner or occupier of that land to make an application, appeal, referral or representation on behalf of the owner or occupier.
“asset protection permit”	means a written permit issued by Council or an authorised officer for the protection of Council Assets.
“authorised officer”	means an authorised officer appointed under section 224 of the Act.
“barbeque”	means a device intended or used for the cooking of food outdoors, whether constructed or manufactured and whether powered by gas, electricity, liquid or solid fuel, or any combination of them, and includes a device for spit roasting when used outdoors.
“builder”	means a person or company to whom a building permit has been issued under the <i>Building Act 1993</i> or the person or company in charge of or directing or undertaking any building work on any land.

“builder’s refuse”	includes any solid or liquid, domestic or commercial waste, debris or refuse, and without limiting the generality of the above, includes any glass, metal, plastic, paper, fabric, wood, food, vegetation, soil, sand, concrete, rocks and any other waste material, substance or thing generated by or in connection with building work.
“building”	includes any structure or building, whether temporary or permanent, or any part of such building or structure.
“building site”	means land on which building works are being (or have been) undertaken.
“building work”	includes work for or associated with the construction, renovation, alteration, demolition, relocation or removal of a building including landscaping, road making and drainage work.
“bulk refuse container”	means a lidded refuse container having a greater capacity than one cubic metre used for the containment of refuse and waste materials.
“busk”	means to perform to the public, whether by acting, juggling, dancing, singing, mime, statue, drawing, playing a musical instrument or otherwise entertaining passers-by, with or without collecting money.
“camp”	means to live in, sleep in, occupy or use a tent, makeshift structure, caravan, campervan, mobile home, prefabricated holiday unit or any vehicle (including under the vehicle) for sleeping all or part of a night or as temporary accommodation but excludes brief ‘power napping’ in a vehicle beside a highway for one hour or less.
“camping area”	means land which is provided as a camping area by Council or a public statutory body, or registered with Council as prescribed accommodation as defined by section 3 of the <i>Public Health and Wellbeing Act 2008</i> , or registered as a caravan park with Council under the <i>Residential Tenancies Act 1997</i> .
“caravan”	means any caravan whether or not any of the wheels or axles thereof have been removed or the body of the vehicle or structure is resting directly on the ground or other supports and includes any structures annexed thereto.
“cat”	means a cat over three months of age.
“Chief Executive Officer”	means the person for the time being occupying the office of Chief Executive Officer of Council, and includes a person acting in that office.

“Clothing bin”	means a bin designed for the collection of clothing and other items, and identified as such, for charitable or other purposes.
“Code of Practice”	means any Code of Practice published by Agriculture Victoria or the Bureau of Animal Welfare and includes but is not limited to the following: <ul style="list-style-type: none"> (a) The Code of Practice for the housing of caged birds; or (b) The Code of Practice for the private keeping of dogs; or (c) The Code of Practice for the private keeping of cats.
“commercial area”	means all land zoned Commercial or Industrial under a Planning Scheme in force in the municipal district.
“Council”	means the Greater Shepparton City Council.
“council asset”	means any building, structure, fixture, road, channel, drain, vehicle crossing or infrastructure or other physical asset owned, leased, managed or controlled by Council and includes any Council asset described in clause 3.7.
“Council land”	means any land ,owned or vested in, or under the control or management of the Council excluding a Road, but including a municipal reserve or other reservation, watercourse, foreshore reserve, jetty, pontoon or boat ramp, and includes any structures, artworks, public decorations or other public displays erected upon or situated at these places including any waterway.
“daylight hours”	means the hours between sunrise and sunset.
“dog”	means a dog over three months of age.
“domestic animal”	means a cat or a dog as defined in this Local Law.
“domestic bird”	means a small bird such as a canary, finch, budgerigar and the like which is kept by, or under the care or control of, a person in a dwelling, but excludes poultry.
“droving of livestock”	means the driving of livestock in or through the municipal district or from one location to another for the purpose of changing their grazing area or for the purposes of sale or relocation after sale but does not include movement of livestock.

“dwelling”	means a house, flat, apartment, or any portion thereof, and includes a tent, caravan, sleepout, bungalow, or other place of abode whether temporary or permanent.
“effective control”	means control by a person or persons alone or using dogs, devices, fences or other equipment so as to ensure livestock are not trespassing or endangering persons or objects.
“event”	means an organised sporting, recreational, cultural, commercial or social gathering of twenty (20) or more people, including a market, promotional activity, wedding, parade or procession which is held on a <i>road</i> or <i>Council land</i> .
“farming zone”	means an area identified as being a farming zone under a Planning Scheme in force in the municipal district.
“fowl”	means a domestic cock or hen but does not include a turkey, goose or duck.
“goods”	means any item whatsoever that is offered for sale and includes a motor vehicle, motor cycle, caravan, trailer, boat or similar item.
“grazing of livestock”	means causing livestock to enter and remain on a road for the purpose of grazing rather than for the purpose of droving or movement of livestock. It relates to grazing a particular or designated area and not to indiscriminate droving for the purpose of or including supplementary feeding.
“incinerator”	means a structure, device or contraption (not enclosed in a building) which is: <ul style="list-style-type: none"> (a) used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance; (b) not licensed or otherwise subject to control under the provisions of any legislation; and (c) not a barbeque or a manufactured fireplace for the purpose of outdoor heating or cooking.
“irrigation water”	means any water to be used, or which has been used, by the owner or occupier of any land for the purpose of irrigating such land and whether or not it has been mixed with other water.

“land”	includes buildings and other structures permanently affixed to land, land covered with water, and any estate, interest, easement, servitude, privilege or right in or over land. ¹
“Large Bird and/or Noisy Bird”	Means, in relation to the keeping of an Animal, any large and/or noisy bird (including a rooster) capable of causing a disturbance or discomfort to neighbours particularly by noise, such as a cockatoo, macaw, peacock, large parrot, pheasant, rooster, turkey, goose or other similar sized bird or any other noisy bird regardless of size, but excludes poultry, a pigeon or other small non-noisy bird.
“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.
“livestock”	means an animal (including a bird) of any species used in connection with primary production or kept or used for recreational purposes or for the purposes of recreational sport, other than a dog or cat. ²
“loud”	means strongly audible; having exceptional volume or intensity.
“minor building work”	means building work valued at less than \$5,000 but excludes the construction of any masonry structure and the demolition and removal of buildings and structures (regardless of value).
“mobile waste bin”	means a mobile waste bin supplied to any property by, or on behalf of, Council for the purpose of disposing of waste material nominated by Council.
“movement of livestock”	means individual or regular movement of livestock as part of normal farm management operations, but not for purposes of grazing, from one property to another property within the municipal district, or from or to a property in an adjacent municipal district and the movement is completed on the day of commencement.
“naturestrip”	means the piece of land between the front boundary of privately owned and the kerb of the adjoining road, excluding the footpath.
“notice”	means a notice issued by an authorised officer.
“notice to comply”	means a notice in writing issued by an authorised officer directing compliance with any provision of this Local Law.

¹ Note : The same meaning as in section 38 of the *Interpretation of Legislation Act 1984*

² The same meaning as in section 3 of the *Impounding of Livestock Act 1994*

“offensive”	means noxious or injurious to personal comfort.
“official sign”	means any sign, signal, light, marking or other device placed or erected with the authority of Council for the purpose of regulating, prohibiting, warning or guiding persons whether with or without vehicles.
“owner”	when used in respect to: <ul style="list-style-type: none"> (a) ownership of a cat or a dog, includes a person who keeps or harbors the animal or has the animal in his or her care for the time being whether the animal is at large or in confinement; or (b) a vehicle, has the same meaning as in section 3 of the <i>Road Safety Act 1986</i> as amended from time to time; or (c) buildings means the owner of land on which the building is situated; and (d) where a person as defined in (a) to (c) above is a corporation includes a natural person who is a director or the officer in effective control of the corporation.
“penalty unit”	means a penalty unit as defined by section 110 of the <i>Sentencing Act 1991</i> or any Act amending same.
“permit”	means a written permit issued by Council or an authorised officer under this Local Law.
“person”	Means: <ul style="list-style-type: none"> (a) the owner, occupier, agent, or the person in charge of any property or premises; or (b) when referring to animals, birds or poultry, means the owner, occupier, agent, or the person in charge of any property or premises or in charge of such animals, birds or poultry; or (c) when referring to building works undertaking the building work; and (d) where a person as defined in (a) to (c) above is a corporation includes a natural person who is a director or the officer in effective control of the corporation.
“person undertaking building works”	means the person on the building site who is undertaking the building work, including trades people and owner builders.
“poultry”	means any fowl, turkey, goose, duck, or similar feathered bird, but does not include a pigeon.

“prohibited road”	means a road designated as: <ul style="list-style-type: none"> (a) High Conservation Value roads in Council’s Roadside Management Plan; or (b) a prohibited road in accordance with clause 6.12.
“property”	means a piece of land that is owned by a person or corporation, including all improvements thereon.
“public place”	has the same meaning as section 3 of the <i>Summary Offences Act 1966</i> .
“recreational vehicle”	means a wheeled recreational device and any motor vehicle that is used or intended to be used in a public place and includes a trail bike, mini bike, motor scooter, motor driven go-cart, monkey bike and any other vehicle propelled by a motor which is used for recreational purposes but does not include a wheelchair, wheeled toy or a motorised vehicle used for farming purposes..
“refuse container”	means a lidded container for the temporary containment of refuse or waste and includes a bulk refuse container.
“reservation”	means anything constructed or located on a road which divides the road longitudinally, and includes a naturestrip but excludes a line or series of lines marked on a road.
“reserve”	means any land, water, waterway or water course either owned by or vested in, or under the control and management of the Council, and used or set aside as a reserve, whether for outdoor cultural, environmental, recreational or other purposes, including any artworks, public decorations, other public displays and any structures other than a building, erected upon or situated at these places including any waterway, but excludes a Road.
“residential area”	means all land zoned Residential, Township, and Low Density Residential under a Planning Scheme in force in the municipal district.
“road”	means a street, road, highway, lane, bridge, thoroughfare or other place open to or used by the public for passage with vehicles, and includes every public car-park, bus shelter, carriageway, footpath, traffic island, street, gutter, drain and nature strip, and includes a mall but does not include a private road, right of way, passage or driveway which is not open to the public.
“roads corporation”	means the Roads Corporation established under the <i>Transport Integration Act 2010</i> .

“rural area”	means all properties zoned Rural under a Planning Scheme in force in the municipal district.
“sealed container”	means a container sealed at the point of manufacture.
“shopping trolley”	means a wheeled container or receptacle supplied by a retailer for enabling customers to transport goods.
“stock crossing”	means a location on a road used regularly for the purpose of livestock crossing that road.
“stormwater”	means rainwater which is discharged from land, roads or buildings through a drain.
“stormwater system”	means a system which provides for stormwater runoff including kerbs and channels, open channels, underground pipe systems and natural waterways.
“structure”	when used in the context of housing animals, birds or poultry shall apply to structures of such size that a building permit is required or of such nature that a nuisance may be caused to residents of adjacent property.
“temporary vehicle crossing”	means a constructed form of wooden panels or other Council approved structure over a bed of sand or a reservation that extends from the boundary of land over any Council asset, such as footpaths, nature strips, kerbs and channels of a road.
“trade waste”	means any waste or other matter whatsoever generated from any trade, industry or commercial undertaking.

“unsightly”	means a state or condition characterised by the presence of one or more of the following features or similar features of a property: <ul style="list-style-type: none"> (a) excessive unconstrained rubbish such as paper, cardboard, plastic bags, styrene, domestic garbage, second hand containers; and/or (b) excessive second hand timber or second hand building material; and/or (c) discarded, rejected, surplus or abandoned solid or liquid materials; and/or (d) graffiti on exterior walls or fences; and/or (e) excessive machinery, machinery parts or similar; and/or (f) anything being built which is left incomplete and constitutes a detriment to the appearance of the surrounding area; and/or (g) excessive dead, diseased or dying vegetation; and/or (h) excessively long grass and/or weeds; and/or (i) a disused excavation; and/or (j) a building or other structure or thing which is a detriment to the appearance or amenity of the surrounding area; and/or (k) any other thing making the land visually repugnant but excludes an enclosed building or structure on the land which complies with regulations made under the <i>Building Act 1993</i> or <i>Planning and Environment Act 1987</i>.
“vegetation”	has the same meaning as defined by the <i>Country Fire Authority Act 1958</i> .
“vehicle”	has the same meaning as in section 3 of the <i>Road Safety Act 1986</i> .
“vehicle crossing”	means a Council approved properly constructed surface for vehicular access to land or a building site.
“wheeled recreational device”	has the same meaning as in the <i>Road Safety Road Rules 2017</i> .
“wheeled toy”	has the same meaning as in the <i>Road Safety Road Rules 2017</i> .
“windblown refuse”	means any refuse capable of being blown away by wind.

- 1.7 In exercising its powers and functions under this Local Law, Council may have regard to any guidelines, policies, codes or standards it, or other agencies or organisations have adopted for the purpose of the Local Law.
- 1.8 Wherever in this Local Law any reference is made to legislation or subordinate legislation, it includes any subsequent equivalent consolidation, re-enactment or substitute legislation or sub-ordinate legislation.

PART 2 – PROTECTION OF AMENITY OF MUNICIPAL DISTRICT

2.1 Unsightly or Dangerous Land

- (a) No person who owns or occupies property shall allow or permit such property to be kept in a manner that is unsightly or detrimental to the general amenity of the neighbourhood, or dangerous or likely to cause danger to life or property, including property that is:
 - (i) unsightly;
 - (ii) a haven for vermin, insects or excessive vegetation; or
 - (iii) used for the storage of any goods and/or substances which are dangerous or are likely to cause danger to life or property.
- (b) An authorised officer may by notice direct a person to take such action as is required to eradicate or remove any vermin or pests or insects from their property if such vermin, pests or insects are a nuisance, a danger or detrimental to the amenity of the neighbourhood.

2.2 Storage of Machinery or Second-Hand Goods

No person may without a permit use property in a residential area for the:

- (a) storage of old or second-hand:
 - (i) motor vehicles;
 - (ii) machinery;
 - (iii) materials;
- (b) dismantling or breaking up of motor vehicles or machinery; or
- (c) repair, servicing, panel beating or spray painting of any vehicle other than a vehicle which is registered at that address.

2.3 Fires in Open Air

- (a) No person may, without a permit, on property in a residential area or commercial area, light or allow to be lit or to remain alight any fire, save and except:
 - (i) a fire in a barbeque while being used for the purpose of cooking food;
 - (ii) a fire in a chimenea, potbelly stove, or small open fires in a suitable container for heating, cooking, cultural or social purposes, which is not offensive;
 - (iii) a fire generated by a tool of trade while being used for the purpose for which it was designed;

- (iv) a fire contained within a properly constructed fireplace within a dwelling for the purpose of heating;
 - (v) a fire lit by a member of the Country Fire Authority in the course of his or her duty or a member of the public who holds a permit under the provisions of the *Country Fire Authority Act 1958*.
- (b) On any land within the municipality owned or managed by Council or in any public place it is an offence for a person without a permit to light and maintain any campfire or barbeque using solid fuel unless in a Council installed barbeque.

2.4 Burning of Offensive Materials

No person may without a permit burn or cause to be burned any offensive materials including any substance which contains any:

- (a) manufactured chemical;
- (b) rubber or plastic;
- (c) petroleum or oil;
- (d) paint or receptacle which contains or contained paint;
- (e) food waste; or
- (f) mattress or carpet;

unless in accordance with a licence issued by the Environment Protection Authority or a permit issued by Council.

2.5 Fire to be Extinguished

A Person who has lit or allowed a fire to be lit or remain alight, or has burned or caused or permitted to be burned, contrary to clause 2.3 or 2.4 must extinguish the fire or burning materials immediately on being directed to do so by an authorised officer.

2.6 Trees and Plants

No person shall allow any vegetation growing on the land or any sign, structure or other thing located on the land:

- (a) to obstruct or interfere with:
 - (i) the passage of traffic on a road;
 - (ii) the clear view of any driver or pedestrian lawfully using a road of any other Vehicle, pedestrian or Traffic Control Device upon a road;

- (iii) the view between motor vehicles and trains at a railway level crossing; or
- (iv) street lighting or any traffic control signal or sign;
- (b) to otherwise constitute a danger to vehicles or pedestrians or compromise the safe or convenient use of an abutting road;
- (c) to overhang any footpath or road at a height lower than 3.5 metres from the surface of the footpath or road; or
- (d) to accumulate dropped berries, leaves or other materials on a footpath so as to cause obstruction or danger to any pedestrian.

2.7 Pest Control

- (a) An authorised officer may by notice direct an owner or occupier of any property to take such action as is required to eradicate or remove any vermin or pests or insects from such property if such vermin, pests or insects are a nuisance, a danger or detrimental to the amenity of the neighbourhood.
- (b) To assist in the prevention of fruit fly infestation, each owner and occupier of residential land must:
 - (i) prevent fruit that is a host species for fruit flies, from remaining on the ground of the land;
 - (ii) when disposing of such fruit, seal the fruit in a plastic bag and place it in a rubbish bin; and
 - (iii) prune and maintain any fruit trees on the land.

2.8 Noise

- (a) A person must not cause or allow any noise or nuisance to exist on any land which:
 - (i) interferes with the reasonable comfort of any person; or
 - (ii) in the case of noise is annoying, objectionable, or unreasonable.
- (b) Nothing in this clause applies to any noise to which the *Environment Protection Act 1970* or the *Domestic Animals Act 1994* applies.

2.9 Recreational Vehicles

- (a) No person shall use or ride any recreational vehicle on any footway or public place (other than a road) which Council has resolved that this clause 2.9 applies to and on which Council has erected signage giving notice that such activity is prohibited.

- (b) An authorised officer may impound any recreational vehicle if any person using a recreational vehicle contrary to this clause 2.9 fails to cease the practice when directed to do so.

2.10 Behaviour

- (a) A person must not, whether by language, action, or otherwise, behave in a public place in such a manner as to:
 - (i) interfere with another person's reasonable use and enjoyment of that public place; or
 - (ii) endanger, or be likely to endanger, health, life or property;
- (b) Any such behaviour may include:
 - (i) fighting;
 - (ii) vomiting;
 - (iii) urinating;
 - (iv) defecating;
 - (v) spitting;
 - (vi) offensive, abusive or threatening language clearly directed towards any person; or
 - (vii) otherwise behaving in an offensive manner.

2.11 Horses on Public Places

A person must not without a permit ride or lead a horse or cause or authorise another person to ride or lead a horse on any Council land unless it has been designated and signposted by Council as being available for horses or horse riding.

2.12 Camping

- (a) A person must not, except with a permit, camp on any Council land, on any public place, or on any privately owned land within the municipality unless within a designated camping area.
- (b) A person who camps or who occupies a campsite on Council land or in a public place must at all times maintain the campsite in a clean and tidy condition.
- (c) A person is exempt from the requirement of a permit under clause (a) above if, in relation to privately owned land:
 - (i) camping is in connection with the seasonal employment of that person on a property on which an agricultural business is being conducted and provided the person has the permission of the owner to camp on that land; or

- (ii) camping is for no more than 14 days within any 90 day period, with no more than 10 people at any one time, and the persons have the permission of the owner to camp on that land.

2.13 Interference with Drains or Drainage Works

A person must not, without first obtaining a permit nor otherwise than in accordance with the conditions of such a permit:

- (a) destroy, damage, obstruct, alter, remove or in any way interfere with;
 - (b) obstruct, divert, add to or in any way interfere with the passage of water through; or
 - (c) take, use or pollute the water in,
- any drain or drainage works.

PART 3 – PUBLIC PLACES

3.1 Bulk Refuse Containers/Clothing Bins

A person must not, without a permit, place a bulk refuse container or clothing bin in any public place.

3.2 Shipping Containers

A person must not, without a permit:

- (a) keep, store, repair or in any other manner use any shipping container upon any Council land or a road; or
- (b) allow any shipping container upon any land other than Council land or a road to adversely impact the visual amenity of a neighbourhood.

3.3 Public Places, Roads and Council Land – Works and/or Usage

- (a) A person must not, without a permit:
 - (i) erect or construct any building, undertake any building work, or deposit any rubbish, refuse or obstacle on or in any public place;
 - (ii) exclusively occupy or fence off any road or Council land;
 - (iii) plant a tree, shrub, hedge or other vegetation (except for lawn on a naturestrip) in a public place;
 - (iv) remove anything from any road or Council land;
 - (v) allow mud, clay, debris or material to be deposited on any part of a road or on Council land;
 - (vi) damage or interfere with anything in, on or under a public place; or
 - (vii) remove forest produce or firewood from a road or Council land.
- (b) Clause (a) does not apply to the placement of receptacles for household refuse or recyclable materials provided they are removed before 12 noon the day following collection, or receptacles for other refuse for which arrangements have been made with Council for collection.
- (c) A person must not in a public place:
 - (i) interfere with another person's reasonable use and enjoyment of that public place;
 - (ii) endanger or behave in a way likely to endanger health, life or property; or
 - (iii) enter onto any area, road or track upon which entry is prohibited.

3.4 Naturestrips

An owner or occupier of a property adjacent to a naturestrip must:

- (a) not without approval in writing from an authorised officer plant a tree, shrub, hedge or other vegetation on a naturestrip in a public place unless:
 - (i) the tree, shrub, hedge or other vegetation is planted in accordance with Council's nature strip guidelines; and
 - (ii) a permit (if required) under the *Road Management Act 2004* has been obtained from Council to work within a road reserve;
- (b) not, without approval in writing from an authorised officer, place or cause to be placed any item which may cause a public safety issue including large rocks, timber, structures, trip hazards, retaining walls, stakes, irrigation systems, posts; and
- (c) maintain the naturestrip and all plants on the naturestrip
 - (i) to avoid public safety risks; and
 - (ii) so the footpath is clear for pedestrians.

3.5 Access from Public Place

- (a) A person must not, without a permit, drive a vehicle in a public place other than a road.
- (b) Without limiting clause (a) above, where land adjoins or is adjacent or nearby to a public place, a person must not, without a permit:
 - (i) use; or
 - (ii) allow a person, including a tradesman, supplier or contractor requiring access to property owned by the person, to use;

the public place for vehicular access to that land other than by use of the carriageway of a road or a vehicle crossing formed, constructed or otherwise approved by the Council for motor vehicles.
- (c) This clause does not apply to emergency vehicles and vehicles owned by or operated on behalf of Council or any other public body in the course of fulfilling its functions and duties.

3.6 Storage of Private Property on Roads

A person must not, without a permit, store or abandon any chattels, plant, equipment, wood or vehicles on any part of a road or public place.

3.7 Damage to Council Property

A person must not, without a permit, deface, damage, remove or interfere with any Council asset, including:

- (a) trees, shrubs or other vegetation;
- (b) waste and recycling receptacles;
- (c) signs and their supporting structures;
- (d) drains and culverts;
- (e) road guide posts;
- (f) parking meters or similar devices;
- (g) fences and gates;
- (h) buildings;
- (i) monuments;
- (j) garden beds;
- (k) water or power supply systems;
- (l) security devices;
- (m) footpaths, kerbing and channels;
- (n) water features;
- (o) public art or art works on public display; and
- (p) Council property not belonging to any defined class.

PART 4 – ROADS AND FOOTPATHS

4.1 Servicing of Vehicles on Roads

- (a) No person may on any road or Council land repair or dismantle any vehicle except to enable the immediate removal of a vehicle which has broken down.
- (b) No person shall cleanse or wash down any motor or vehicle on any road or Council land.

4.2 Trading of Goods or Services

No person shall, without a permit, on any road or Council land:

- (a) erect or place a vehicle, caravan, trailer, table, stall or other similar structure for the purpose of selling or offering for sale any goods or services;
- (b) sell or offer to sell goods or services; or
- (c) display a vehicle for sale.

4.3 Movable Signs – Tables/Chairs – Goods for Display and other Structures

No person shall, without a permit, place or cause to be placed on a road or Council land any structure, sign, table, chair or goods for display.

4.4 Street Appeals

No person shall, without a permit, solicit or collect on a road or Council land, or from house to house, any gifts of money, materials or subscriptions for any purpose.

4.5 Distribution of Handbills

No person may without a permit give out or distribute to by-standers or passers by on any road or Council land, any handbills, placards, notices, advertisements, books, papers or pamphlets.

4.6 Shopping Trolleys

- (a) No person shall leave a shopping trolley on any road or Council land in any place other than an area designated for that purpose.
- (b) The owner of a shopping trolley must ensure that details sufficient to enable identification of ownership of the shopping trolley are clearly marked on the shopping trolley.
- (c) The owner of a shopping trolley must not allow the shopping trolley to be left in a public place except in an area designated for the leaving of shopping trolleys

4.7 Discharge of Water Prohibited

No person shall, without a permit or contrary to the conditions of the permit, cause or allow:

- (a) the direct or indirect flow of any irrigation water onto a road or Council land;
- (b) the discharge of water onto a road or Council land, with the exception of stormwater which drains to a legal discharge point provided by Council; or
- (c) the discharge of water onto any land, including any land owned or occupied by that person, which enables such water to discharge onto a road or Council land.

PART 5 – BUILDING SITES

5.1 Stormwater Protection

Where any building work is being carried out on any land, the owner, builder or person undertaking building work must ensure that the building site is developed and managed to prevent stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants. This includes, without limiting the above, the adoption of measures to:

- (a) prevent any mud, dirt, sand, soil or stones being washed into the stormwater system; and
- (b) prevent building clean-up, wash-down or other wastes being discharged offsite or allowed to enter the stormwater system.

5.2 Building Work

- (a) The owner, builder or person undertaking building work or the operator of any vehicle associated with the building work must not allow mud, clay, debris or material to be deposited on any part of a road or in any public place without the approval of Council or an authorised officer.
- (b) The owner, builder or person undertaking building work, regardless of whether a building permit has been issued, must notify Council in writing at least 7 days before the commencement of the building work, including the delivery of any equipment or materials, of the proposed building work and of any prior damage to adjacent Council assets. If no notice of prior damage is given in accordance with this clause (b), it will be assumed that no prior damage existed and clause (c) may apply in relation to any damage later identified by Council.
- (c) Any person undertaking building work must not damage Council assets or other infrastructure without the consent of Council or the appropriate infrastructure authority. Any person in breach of this requirement may be given a notice to comply by Council or an authorised officer, which may require the repair or reinstatement of any such assets.
- (d) The owner, builder or person undertaking building work must ensure that no entry to the building site takes place other than across an existing or a temporary vehicle crossing unless there is no constructed kerb and channel at any such entry point.

5.3 Sanitary Facilities

- (a) The owner, builder or person undertaking building work must not undertake building work on a building site unless the building site is provided with a sewered toilet or a portable toilet.
- (b) The owner, builder or person undertaking building work must remove any portable toilet on the building site on the completion of the building work.

- (c) The owner, builder or person undertaking building work must maintain and regularly clean any portable toilet on the building site.
- (d) The owner, builder or person undertaking building work must not discharge any sewage, effluent or other waste onto the building site and must dispose of all such waste at a site fully accredited and approved for such waste.

5.4 Containment of Refuse

- (a) Where any building work is being carried out on any land (other than minor building work the owner, builder or person undertaking building work must:
 - (i) only undertake building work if a refuse container is provided for the purpose of disposal of builder's refuse;
 - (ii) ensure all builder's refuse on the building site is able to be contained within the refuse container;
 - (iii) place the refuse container on the building site and keep it in place (except for such periods as are necessary to empty the refuse container) for the duration of the building work;
 - (iv) not place a bulk refuse container on any Council land or public place without a permit;
 - (v) ensure that all builder's refuse which requires containment is placed in a refuse container;
 - (vi) ensure that builder's refuse is not deposited in or on any land other than in accordance with this clause;
 - (vii) ensure that builder's refuse is not deposited in or over any part of the stormwater system;
 - (viii) manage the placement and operation of the refuse container;
 - (ix) ensure that all windblown refuse is placed in a refuse container; and
 - (x) provide for the separation of refuse as may be required from time to time by Council or the Environment Protection Authority for the purposes of recycling.
- (b) The requirement to provide a refuse container referred to in clause (a) may be waived at Council's discretion.

5.5 Disposal of Refuse

- (a) Where any building work is being carried out on any land (other than minor building work the owner or person undertaking building work must:

- (i) empty the refuse container referred to in clause 5.4(a) whenever full, dispose of the contents at an approved disposal site and, if necessary, provide a replacement refuse container during the emptying process; and
 - (ii) remove and lawfully dispose of all builder's refuse within 7 days of completion of the building work or issue of an occupancy permit, whichever occurs last.
- (b) The driver of any vehicle involved in placing or removing a refuse container referred to in clause 5.4(a) must access the building site by way of an existing or a temporary vehicle crossing, or where otherwise permitted by an authorised officer in accordance with that permission, or as otherwise provided in clause 5.2(d).

5.6 Asset Protection Permits

- (a) For the protection of Council assets wherever they are requiring protection, or if there is potential danger to the safety of persons on, adjacent to, opposite, or passing a building site, the owner or builder must obtain an Asset Protection Permit prior to carrying out any building work, or allowing any building work to be carried out, on that land.
- (b) An Asset Protection Permit may allow a person to enter land from a road other than by a permanently constructed vehicle crossing whether or not Council assets are likely to be damaged.
- (c) The Asset Protection Permit may be subject to such conditions as determined by Council or an authorised officer which may require:
 - (i) asset and environment protection works to be done;
 - (ii) payment of a security bond;
 - (iii) erection of temporary fencing;
 - (iv) repair, replacement or reinstatement of any or all Council asset damaged during the course of the building work;
 - (v) installation of any temporary vehicle crossing before the commencement of any building works or delivery of any materials to the land;
 - (vi) excavation, demolition, construction, replacement and reinstatement standards to be met;
 - (vii) the fixing of timeframes for the commencement and completion of any excavation, demolition, construction, replacement and reinstatement works; and
 - (viii) the carrying out of any works to minimise public risk.

5.7 Security Bond

- (a) The amount of any security bond required under clause 5.6(c)(ii) must be proportionate to the likely costs of repairing any potential damage to any Council asset arising from the building works.
- (b) Where Council so determines, it may accept an alternative form of security to a security bond.
- (c) Upon completion of the building works, the amount of the security bond, in full or in part:
 - (i) may be retained by Council in full or in part to offset the costs of repairing any damage or replacing any Council asset damaged, destroyed or removed; or
 - (ii) may be refunded to the person who lodged it, upon Council's satisfaction that no damage has been caused, or that any damage caused has been repaired by or on behalf of that person to Council's satisfaction.

5.8 Inspections

- (a) An authorised officer may enter into or upon any building site at any reasonable time for the purpose of undertaking an inspection of the building site including any portable toilet, plant or any other things placed on the land.
- (b) If an authorised officer identifies any damage that appears to result from non-compliance with this Local Law, the authorised officer may:
 - (i) direct the owner, builder or person undertaking building works to reinstate the damage within a specified time and to a specified standard; and
 - (ii) provide the owner, builder, appointed agent or person undertaking building works with a notice to comply, either at the time of the inspection or within a reasonable timeframe.

PART 6 – KEEPING OF ANIMALS, BIRDS AND POULTRY

6.1 Keeping Animals

- (a) An owner or occupier of any land must not keep any bird, livestock, or any other animal on that land unless each is kept in accordance with the relevant Code of Practice.
- (b) An owner or occupier of any land must not, without a permit keep or allow to be kept any more in number, for each type of Animal, than is set out in the Table of Animal Types and Numbers in this clause.

Table of Animal Types and Numbers

Type Of Animal	In Flats, Units Or Townhouses	On land that is in a residential area or commercial area	On land of less than 2 hectares in a farming zone ³⁴
Dogs	2	2	4
Cats	2	2	4
Poultry (excluding Roosters)	0	10	20
Roosters	0	0	5
Large and/or Noisy Birds (not including poultry or roosters)	0	0	10
Pigeons	0	10	20*
Domestic Birds (caged, excluding Large and/or Noisy Birds)	4	20	In accordance with a Planning Scheme in force in the municipal district
Maximum total number of all birds	4	20	In accordance with a Planning Scheme in force in the municipal district
Domestic Rabbits, Guinea Pigs	2	4	In accordance with a Planning Scheme in force in the municipal district
Horses and donkeys	0	0	5
Cattle	0	0	5
Sheep, goats and alpacas	0	0	5
Pigs	0	0	5

³ 0.4 hectares = 0.99 acres 2 hectares = 4.94 acres

⁴ Animal numbers on any private property or land exceeding 2 hectares are subject to restrictions applicable under the Planning Scheme.

Type Of Animal	In Flats, Units Or Townhouses	On land that is in a residential area or commercial area	On land of less than 2 hectares in a farming zone ³⁴
Any other Livestock	0	0	5
Maximum total number of all livestock (excluding birds)	0	0	10

- (c) A permit is required to keep or allow to be kept any animal not listed in sub-clause (b).⁵
- (d) For the purpose of calculating the numbers of any animal kept under this clause, the progeny of any animal lawfully kept will be counted from 12 weeks after its birth.
- (e) Where at the date immediately prior to the day of the commencement of this Local Law any owner or occupier of land lawfully keeps a number of animals in excess of the new maximum number or type of animals prescribed by sub-clause (b), and those animals, where required, are registered with Council:
- (i) that maximum number will be increased for that owner or occupier to include those previously lawful animals, but only until that time when those individual animals in excess of the new maximum die or are otherwise disposed of; and
 - (ii) for roosters, the time period referred to in this clause cannot exceed two years from the commencement date of this Local Law; and
 - (iii) those excess animals may not be replaced, unless by permit.
- (f) No person may without a permit keep in a residential area any animals, birds, or poultry other than those animals birds or listed in the above Table of Animal Types and Numbers.
- (g) No person shall allow to remain on any land any noisy animal, bird, or poultry such as to cause a nuisance to any person residing in the neighbourhood.

6.2 Housing of Poultry and Other Birds

- (a) Poultry and other birds shall not, without a permit, be kept on any land other than in a poultry house, pigeon loft or bird enclosure which is:
- (i) at least 20m from the property frontage;
 - (ii) at least 3m from any other street or road; and

⁵ Note: Nothing in this Local Law will enable the granting of approval for keeping of any animal where State or Commonwealth legislation provides otherwise.

- (iii) at least 12m from any dwelling whether on the same or adjoining property, and an enclosed run attached to a poultry house must also comply with this requirement.
- (b) Pigeons shall not be kept on any land unless in a pigeon loft constructed to Council's requirements.
- (c) A poultry house shall consist of a minimum floor area of five square metres to house ten fowls.
- (d) An owner or occupier of land on which a poultry house is located must ensure that it has:
 - (i) a location on ground which is well drained; and
 - (ii) weatherproof walls of approved materials, provided that wire netting may be used in a portion of one wall; and
 - (iii) a weatherproof roof of approved materials; and
 - (iv) a wall height of not more than 2.1 metres.
- (e) The provisions of this Part referring to poultry shall not apply to any commercial poultry farm.

6.3 Bees

- (a) A person must not, without a permit, keep or allow to be kept:
 - (i) more than one hive on land in a residential area or commercial area; or
 - (ii) any bees on a road; or
 - (iii) any bees on Council land.
- (b) Bees must be kept in accordance with the Apiary Code of Practice.
- (c) An authorised officer may by notice direct a person to relocate a bee-hive.

6.4 Cleanliness

- (a) The owner or occupier of any land shall cause every poultry house, pigeon loft, bird cage or enclosure, to be thoroughly cleansed as often as may be necessary to keep the same in a clean and sanitary condition and free from vermin at all times.
- (b) Droppings and refuse from any animal, bird or poultry shall be removed from the land from time to time and as frequently as may be directed by an authorised officer so as not to cause a nuisance or offensive conditions.

6.5 Livestock

No person may, without a permit, keep any livestock on any land in a residential area or commercial area.

6.6 Animal Excrement

- (a) No person in charge of an animal shall allow any part of the animal's excrement to remain on a road or Council land.
- (b) A person in charge of a domestic animal must carry a suitable receptacle for the removal of that animal's excrement while with the animal on a road or Council land.

6.7 Disposal of Livestock

- (a) No person shall dispose of dead livestock or part thereof in a manner that is likely to cause a nuisance, or detriment to the environment or to the health of any person.
- (b) No person shall allow any dead livestock or part thereof to remain on any road or Council land.

6.8 Droving of Livestock

No person shall drive livestock on any road without a permit.

6.9 Grazing of Livestock

No person shall graze livestock on any road without a permit.

6.10 Movement of Livestock

A person who is in charge of movement of livestock on any road does not require a permit under this Local Law but shall comply with the following requirements:

- (a) ensure all livestock shall reach their destination by the most direct route consistent with the requirements of this Local Law and any direction of an authorised officer;
- (b) ensure livestock are only to be on the road for the time it reasonably takes to move them to their destination;
- (c) ensure, as far as possible, the livestock are moved during daylight hours;
- (d) comply with any directions from an authorised officer with regard to:
 - (i) the route to be followed; and

- (ii) the protection from damage likely to be caused by livestock to the road, native roadside vegetation, any construction on the road, roadside drainage or private property;
- (e) ensure the livestock are supervised and under effective control by a person who is competent in the management of livestock;
- (f) ensure any livestock excretion deposits on the road pavement are removed if required by an authorised officer for prevention of danger to other road users; and
- (g) comply with
 - (i) other legislation, including the *Impounding of Livestock Act 1994*; and
 - (ii) all the requirements of the guidelines prepared by the Roads Corporation and referred to in the *Road Safety Road Rules 2017*.

6.11 Non Application of Clause

The provisions of clauses 6.8 to 6.10 do not apply to:

- (a) livestock being transported by vehicle or other means in circumstances where there is no contact between the livestock and the road; or
- (b) a horse being ridden or led by some attachment.

6.12 Prohibited Roads

- (a) Council may specify roads or parts of roads as prohibited roads.
- (b) No person shall, without a permit, drive, move or graze livestock on a prohibited road.

6.13 Responsibility of Owners or Occupiers

The owner or occupier of any land to or from which livestock are being driven, moved or grazed shall be responsible to ensure:

- (a) adequate surface treatment measures in accordance with Council's requirements are applied between the carriageway and each property access point; and
- (b) a vehicular crossing constructed in accordance with Council's requirements is provided and maintained at points where livestock either enter or exit the land.

6.14 Right of Way

- (a) Travelling livestock (being livestock being driven in accordance with a valid permit) have right of way over other livestock on the road.

- (b) If a person responsible for livestock on a road is notified of the approach of travelling livestock, the person must remove the livestock for which he or she is responsible to an adjoining location or keep them separate from the travelling livestock by means suitable for the purpose.

6.15 Warning Signs

- (a) A person involved in droving, movement or grazing of livestock must ensure that adequate warning of the presence of livestock on the road is given to other road users or potential road users.
- (b) Apart from any other warnings considered appropriate by the person engaged in such activities under sub-clause (a), such person must display signs conforming to guidelines prepared by the Roads Corporation and referred to in the *Road Safety Road Rules 2017*.
- (c) A person involved in droving, movement or grazing of livestock must ensure that any signs referred to in sub-clause (b) are removed from the road at the time of completing such droving, movement or grazing of livestock.
- (d) In addition to complying with any permit or other conditions relating to warning signs to other road users, lighting requirements and the location, size, contents and colour of such devices, the person in charge of livestock must have regard to:
 - (i) any Australian Standards for such purposes;
 - (ii) any other signage necessary for road safety having regard to topography, conditions, livestock type and numbers; and
 - (iii) any other requirements of the Roads Corporation.

PART 7 – WASTE

7.1 Security of Mobile Waste Bins

An occupier of land must ensure that any mobile waste bin put out on a road in order for its contents to be collected by or on behalf of Council is returned to that land no later than 12 noon on the day following that on which the contents of the mobile waste bin have been collected.

7.2 Use of Mobile Waste Bins

- (a) Except for the purpose of placing a mobile waste bin on a road for its contents to be collected by or on behalf of Council, a person shall not remove a mobile waste bin from the land to which it has been allocated by or on behalf of Council, except in accordance with a direction from an authorised officer.
- (b) No person shall use a mobile waste bin for any purpose other than the storage and disposal of waste material in accordance with the directions given by Council from time to time.
- (c) Any person who is in possession of a mobile waste bin which is not at the property to which it has been allocated by Council must notify Council in writing of the location of the mobile waste bin and make it available for retrieval by Council in accordance with any directions of Council.
- (d) An authorised officer may enter any land or building in the municipal district at any reasonable time to retrieve any mobile waste bin which is present, or being used, on the land or in the building in breach of this clause 7.2.

PART 8 – USE OF SIGNS

8.1 Official Signs

- (a) Council may construct, make, mark, place, erect, affix or paint in, into, on or near any public place such official signs as it considers necessary or desirable.
- (b) When appearing in any official sign, words, figures or symbols indicating specified hours, times or days shall mean that the direction or indication given by such sign applies at any time during the hours, times or days indicated by the words, figures or symbols.
- (c) Any matter forming part of any indication or direction given by an official sign may be stated thereon in an abbreviated form.
- (d) A person shall not act in a manner contrary to the direction or indication given by an official sign.

PART 9 – CONSUMPTION AND POSSESSION OF LIQUOR

9.1 Consumption of Liquor

(a) A person must not, without a permit:

- (i) on a road;
- (ii) in or at a public place;
- (iii) in or on a vehicle at any of these locations,

consume any liquor, or have any liquor in their possession or under their control, other than in a sealed container, unless the road or public place is part of a licensed premises or authorised premises pursuant to the *Liquor Control Reform Act 1998*.

(b) The consumption of liquor or possession of liquor in an unsealed container may be permitted in any public place proclaimed by resolution of Council from time to time.

9.2 Power to Direct

(a) If an authorised officer reasonably suspects that a person is in contravention of or has contravened clause 9.1, he or she may direct the person to dispose of the contents of any unsealed container.

(b) A person to whom a direction is given under this clause 9.2 must comply with that direction.

PART 10 – EVENTS

10.1 Event

- (a) A permit is required to conduct an event on any Council land, road or reserve.
- (b) An application for a permit to conduct an event must provide such information as Council or an authorised officer requires, which may include, as relevant:
 - (i) a description of the event;
 - (ii) event operations and management plans;
 - (iii) proof that all necessary associated approvals (eg liquor licences, Victoria Police and traffic management) have been obtained; and
 - (iv) in the case of a parade or procession on a road or roads, the specific route that will be followed.
- (c) The applicant for the permit must provide all particulars of the permit to the local emergency services.
- (d) A procession of persons or vehicles coordinated for the purposes of a funeral is exempt from the requirement for a permit.

PART 11 – GENERAL

11.1 Permits

- (a) Council or an authorised officer may grant a permit under this Local Law upon application.
- (b) A person requiring a permit to do anything under this Local Law must make written application to Council and enclose the relevant permit fee.
- (c) Any fee which is payable for a permit is to be determined by Council from time to time.
- (d) Council may exempt any person or any activity from the need for a permit.
- (e) Council or an authorised officer may require:
 - (i) the applicant to provide more information before it deals with an application; and
 - (ii) payment of a security bond.
- (f) In considering an application for a permit, Council or an authorised officer may require the applicant to give notice of the application in a specified form and may take into consideration any response to that notice, any policy or guidelines, any objections or submissions, any comments from other authorities, government departments or community organisations, and any other matter that is considered relevant.
- (g) Council or an officer authorised shall consider any such application and may:
 - (i) grant a permit;
 - (ii) grant a permit subject to such conditions as Council or the authorised officer determines; or
 - (iii) refuse to grant a permit.
- (h) No person shall obtain or attempt to obtain a permit by wilfully making or causing to be made any false representation or declaration whether orally or in writing.
- (i) Any permit issued under this Local Law may be amended, suspended or revoked at any time if Council or an authorised officer considers that there has been:
 - (i) a material misstatement or concealment of facts in relation to the application for a permit;

- (ii) any material mistake in relation to the issue of the permit;
 - (iii) any material change of circumstances which has occurred since the issue of the permit;
 - (iv) a failure to comply with the conditions under which the permit was issued; or
 - (v) a failure to comply with a notice to comply within the time specified in the notice to comply.
- (j) Council or an authorised officer must notify the holder of a permit of any intention to amend or revoke the permit and give the holder of that permit an opportunity to make a written submission before the permit is amended or revoked.
 - (k) Unless it is sooner revoked or renewed, a permit will continue in force for the period specified in the permit or, if no period is specified, for a period of 12 months from the date of its issue or renewal.
 - (l) A permit holder must not assign, transfer or encumber his or her permit without the consent of Council or an authorised officer.
 - (m) Council may correct any permit issued under this Local Law if the permit contains a clerical error, an error arising from an accidental slip or omission, or an evident and material miscalculation of figures or a material mistake in the description of a person, thing or property referred to in the permit without prior notice to the permit holder.

11.2 Powers of Authorised Officers

An authorised officer, on becoming aware of a situation or activity which breaches this Local Law or may be reasonably suspected to breach this Local Law, may:

- (a) give a verbal direction or written notice to do such things as are necessary to remedy that situation and/or cease the activity;
- (b) issue an infringement notice; and/or
- (c) commence a prosecution.

11.3 Directive Powers

A person who is given a direction by an authorised officer to remedy a situation or cease an activity which is contrary to this Local Law must comply with that direction forthwith.

11.4 Compliance with Notices

- (a) A person who is served with a written notice pursuant to clause 11.2(a) must comply with that notice.

- (b) If a person on whom a written notice is served under clause 11.2(a) fails to comply with the conditions of that notice then, in addition to enforcing the prescribed penalty, Council may arrange to carry out such works as are necessary to ensure compliance with such notice, and all costs incurred shall be at the expense of the person on whom the notice was served.

11.5 Power to Act in Urgent Circumstances

- (a) An authorised officer may, where a person has failed to comply with any requirement of this Local Law or any permit or notice issued in accordance with the Local Law, take such immediate action as is necessary to prevent any danger to the public or environment, or any nuisance arising, provided that:
 - (i) the circumstances are sufficiently urgent or that the potential difficulty in serving a notice to comply may place a person, animal, land or the environment at risk;
 - (ii) the Chief Executive Officer or his/her delegate, not being the authorised officer administering this clause 11.5, approves of the proposed urgent action; and
 - (iii) details of the circumstances and of the remedial action taken are as soon as practicable forwarded to the person to whom the notice to comply has been issued.
- (b) Action under this clause 11.5 shall not extend beyond what is necessary to cause the immediate abatement or minimisation of the risk or danger involved.
- (c) Where possible, a notice of urgent works will be issued to the person responsible prior to remedial works being undertaken by Council, or as soon as possible thereafter.
- (d) Any costs incurred by Council in undertaking any urgent actions will be borne by the person to whom a notice to comply has been issued.

11.6 General Impoundment Conditions

- (a) An authorised officer may seize and impound any goods, animals, birds, items or things that contravene this Local Law are in contravention of any condition placed on any permit issued under this Local Law or pose a risk to amenity, public safety, and the environment or to Council assets.
- (b) If an authorised officer has impounded an animal or other thing in accordance with this Local Law, Council may refuse to release it until the appropriate fee or charge for its release has been paid to Council.
- (c) Any release fee is to be determined by Council from time to time.

- (d) The costs and expenses of the seizure and impoundment of any item or thing shall be paid by the owner or person acting on behalf of the owner to Council and until so paid shall constitute a debt owing to Council and is recoverable summarily as a debt before the Magistrates' Court or in any other Court of competent jurisdiction.
- (e) As soon as possible after impoundment, the authorised officer will, if practicable, notify the owner or person responsible for the animal or other thing which has been impounded advising the fees and charges payable and time by which the animal or other thing must be retrieved.
- (f) If after 14 days from the date of impoundment, an impounded animal or other thing has not been retrieved, an authorised officer may take action to dispose of such impounded animal or other thing either by sale (public auction, public tender or private treaty), by disposal at a municipal landfill or transfer station or given away, as the Chief Executive Officer thinks fit.
- (g) When the identity or whereabouts of the owner or person responsible for the impounded animal or other thing is unknown, the authorised officer must take reasonable steps to ascertain the identity or whereabouts of that person and, once satisfied that all reasonable efforts have been made and the identity or whereabouts is still unknown, may proceed to dispose of the animal or other thing.
- (h) Any proceeds from the disposal of impounded animals or other things under this clause 11.6 will be paid to the owner except for the reasonable costs incurred by Council in impounding and disposing of the animal or other thing.
- (i) In the event that the owner cannot be identified or located within one (1) year of any animal or other thing under this clause 11.6, any proceeds as described in sub-clause (h) will be paid into the municipal fund.
- (j) A person must not, except with the authority of an authorised officer or pursuant to an order of a Court, remove, alter or interfere in any way with any animal or other thing seized or impounded by an authorised officer in the exercise of his or her powers, functions or duties under this Local Law.
- (k) Neither Council nor any authorised officer nor any officer, servant, agent or contractor of Council shall be liable to any person for any damage howsoever done or caused to, or for any loss sustained in respect of, any property seized and detained, sold, disposed of or destroyed pursuant to the provisions of this Local Law.
- (l) Notwithstanding anything herein contained, full responsibility for any damages caused as a result of any impoundment under this Local Law is to be borne by the owner or person responsible for the impounded animal or other thing.

11.7 Offences in Respect of Motor Vehicles

Owner onus applies in respect of any offence against this local law in relation to the use of a registered motor vehicle.

11.8 Other Offences

- (a) A person must not refuse or neglect to furnish information to an authorised officer when required under this Local Law to do so.
- (b) A person must not make an oral or written statement to an authorised officer discharging a function or duty under this Local Law knowing it to be false or misleading.

11.9 Penalty

Except where otherwise indicated, the penalty for breach of any provision of this Local Law is 20 penalty units.

11.10 Infringement Notices

- (a) As an alternative to prosecution an Authorised Officer may serve an infringement notice.
- (b) The fixed penalty for infringement notice purposes is the amount set out in Schedule 1 to this Local Law.
- (c) Payments for infringement notices are to be paid to Council in the manner prescribed on a notice.

11.11 Saving

- (a) Nothing in this Local Law shall require a person to obtain or comply with a permit described in this Local Law if the thing in respect of which a permit is required is a thing allowed by a permit issued under an Act.
- (b) Council may exempt any person from the operation of this Local Law (or any provision contained in this Local Law) whether in whole or in part.

The Common Seal of the
GREATER SHEPPARTON CITY COUNCIL was hereto affixed in the presence of –

.....

CHIEF EXECUTIVE OFFICER

Resolution for the making of Local Law No. 1 was agreed to by Council on # date #.

Notice of the making of the Local Law was published in the Government Gazette on #
date #.

SCHEDULE 1 - PENALTIES FIXED FOR INFRINGEMENT NOTICES

Note: Section 110 of the *Sentencing Act 1991* describes one penalty unit as \$100

Provision	Offence	Infringement Penalty (Penalty Units)
2.1	Unsightly or Dangerous Land	4
2.2	Storage of Machinery or Second-Hand Goods	2
2.3	Fires in Open Air	2
2.4	Burning of Offensive Materials	5
2.5	Fire to be Extinguished	5
2.6	Trees and Plants	2
2.7	Pest Control	2
2.8	Noise	2
2.9	Recreational Vehicle	2
2.10	Behaviour	2
2.11	Horses on Public Places	2
2.12	Camping	2
2.13	Interference with Drains or Drainage Works	2
3.1	Bulk Refuse Containers/Clothing Bins	2
3.2	Shipping Containers	2
3.3	Public Places, Roads and Council Land – Works and/or Usage	2
3.4	Naturestrips	2
3.5	Access from Public Place	2
3.6	Storage of Private Property On Roads	2
3.7	Damage to Council Property	2
4.1	Servicing of Vehicles on Roads	2
4.2	Trading of Goods or Services	2
4.3	Movable Signs – Tables/Chairs – Goods for Display and other Structures	2
4.4	Street Appeals	2
4.5	Distribution of Handbills	2
4.6	Shopping Trolleys	1
4.7	Discharge of Water Prohibited	2
5.1	Stormwater Protection	2
5.2	Building Work	2
5.3	Sanitary Facilities	2
5.4	Containment of Refuse	2
5.5	Disposal of Refuse	2
5.6	Asset Protection Permits	5
6.1	Keeping Animals	2
6.2	Housing of Poultry and Other Birds	2
6.3	Bees	2
6.4	Cleanliness	2
6.5	Livestock	2
6.6	Animal Excrement	2
6.7	Disposal of Livestock	2
6.8	Droving of Livestock	2

Provision	Offence	Infringement Penalty (Penalty Units)
6.9	Grazing of Livestock	4
6.10	Movement of Livestock	4
6.12	Prohibited Roads	4
6.13	Responsibility of Owners or Occupiers of Farm Properties	2
6.14	Right of Way	2
6.15	Warning Signs	2
7.1	Security of Mobile Waste Bins	2
7.2	Use of Mobile Waste Bins	2
8.1	Act contrary to an official sign	2
9.1	Consumption of Liquor	2
9.2	Power to Direct	2
11.1	Offences relating to permits	2
11.3	Failure to comply with a direction	2
11.4	Failure to comply with Notice	2
11.6(j)	Remove, alter or interfere with matter impounded	3
11.8(a)	Refuse or neglect to furnish information	3
11.8(b)	False or misleading statement	3