

# **Greater Bendigo City Council**

## **Community Local Law**

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## **PART A - PRELIMINARY**

### **1.1 Title**

This is the Greater Bendigo City Council Community Local Law.

### **1.2 Power to make this Local Law**

This Local Law is made under Section 111 of the *Local Government Act 1989*.

### **1.3 Objectives of this Local Law**

The objectives of this **Local Law** are to:

- (a) provide for the peace, order and good governance of the municipal district,
- (b) provide a safe and healthy environment so that the community and visitors can enjoy a quality of life that meets its expectations,
- (c) prohibit, regulate and control activities, events, practices or behaviours in public places so that no detriment is caused to the amenity of the area, nor nuisance to a person nor detrimental effect to a person's property,
- (d) provide for the safe and fair use and enjoyment of public places,
- (e) provide for the safe and fair use of roads,
- (f) protect Council assets and land and regulate their use; and
- (g) to provide standards and conditions for certain activities in relation to the physical and visual environment within the municipality.

### **1.4 Commencement**

This Local Law comes into operation on the first day of September 2018.

### **1.5 Revocation of Local Law**

On the commencement of this Local Law the following City of Greater Bendigo Local Laws are revoked:

- Local Law no. 3 - Environment
- Local Law no. 4 - Streets and Roads
- Local Law no. 5 - Municipal Places Local Law

### **1.6 Application of this Local Law**

- (a) This Local Law applies throughout the whole of the Greater Bendigo City Council, except where it is indicated that a Clause or Schedule applies to specific areas.

- (b) This Local Law does not apply where any act or thing otherwise prohibited or regulate by this Local Law is authorised by any Act, Rule, Regulation or Planning Scheme.

## 1.7 Cessation date

Unless this Local Law is revoked sooner its operation will cease on the day which is 10 years after the day on which it came into operation.

## 1.8 Definitions

Act	means the <i>Local Government Act 1989</i> or <i>Local Government Act 2020</i> , whichever Act is relevant
Advertising sign	means any placard, notice board, sign, structure, banner, A-frame or similar device, whether portable or affixed to any structure, which is used for the purposes of soliciting sales or notifying persons of the presence of an adjacent property where goods or services can be obtained.
Amenity	means a desirable or useful feature or facility of a building or place.
Authorised Officer	means a person appointed by Council under Section 224 of the <i>Local Government Act 1989</i> or a Police Officer appointed under Section 224A of the <i>Local Government Act 1989</i> .
Barbecue	means a structure or device: (a) designed or constructed for the primary purpose of cooking food, and (b) which is being used for the purposes of cooking food or is being prepared to cook such food.
Busk/busking	means to perform to the public, whether by acting, juggling and singing, playing a musical instrument or otherwise entertaining passers-by, with or without collecting money.
Camp/camping	means using a caravan, tent, swag, motor vehicle, shipping container, shed or like structure for residential accommodation (either temporary or permanent) by a person or persons, and 'camp' has corresponding meaning.
Caravan/mobile home	means any campervan, mobile home or similar vehicle which includes sleeping and/or living facilities, whether manufactured or converted, and includes a caravan, camper trailer and other similar

	towed living/sleeping trailer facility, whether or not any of the wheels or axles have been removed so the body of the structure is resting on the ground or other supports and includes structure annexed thereto.
Chairperson	means the Chairperson of a meeting and includes an acting, a temporary and a substitute Chairperson
Chief Executive Officer	means the person appointed by Council to be its Chief Executive Officer or any person acting in that position.
Clause	means a clause of this Local Law and sub-clause has a corresponding meaning.
Common seal	means the common seal of Council
Council	means the Greater Bendigo City Council
Outdoor Dining and Street Trading Code of Practice	means a policy document that supports the City's decisions for approving outdoor dining and street trading, which is attached to this Local Law as an incorporated reference document and which may be amended from time to time.
Commercial Fitness Operator Policy	means a policy document that supports the City's decisions for determining suitable commercial fitness activities, which is attached to this Local Law as an incorporated reference document and which may be amended from time to time.
Commercial	means land zoned for the purpose of commercial uses and development as defined under the Greater Bendigo Planning Scheme.
Council	means the Greater Bendigo City Council.
Council land	means any land owned by or vested in or under the care, management and control of Council, and include, all roads, reserves and water courses.
Environmental Management Plan for Scheduled Reserves and Park Land	means a list of Council owned or managed reserves, which specifies prohibited activities on those reserves for the protection and conservation of those reserves and which is attached to this Local Law as an incorporated reference document.
Heavy vehicle	has the same meaning as the <i>Road Safety Act 1986</i> .

Incinerator	means a structure or device able to be used for the purpose of burning matter, substance or material, but does not include a barbecue or pizza oven.
Industrial zone	means land zoned for the purpose of industrial uses and development as defined under the Greater Bendigo Planning Scheme.
Liquor	means any alcoholic beverage, and any liquid is deemed to be liquor until the contrary is proven.
Mall	means that part of Hargreaves Street, Bendigo between Mitchell Street and Williamson Street.
Motor vehicle	has the same meaning as the <i>Road Safety Act 1986</i> .
Offence	means an act or default contrary to this Local Law
Open air fire	means a fire lit in the open air, not including a barbeque.
Outdoor dining facility	means any approved area containing tables or chairs or both tables and chairs, located out of doors on a footpath or part of a road in which food or drink is served and may be consumed.
Penalty unit	means penalty unit as prescribed in Section 110 of the Sentencing Act 1991
Procession	means an organised group of people proceeding along a road or gathering for a ceremony or function and includes fun runs and bicycle events.
Properly constructed fireplace	means a fireplace constructed of stone, metal, concrete or other non-flammable material in a manner which contains the perimeter of a fire.
Public place	means, but not limited to: <ul style="list-style-type: none"> <li>(a) any public highway, road, street, footway, court, mall, alley or thoroughfare, notwithstanding that it may be formed on private property;</li> <li>(b) any public garden, reserve or other place of public recreation or resort;</li> <li>(c) any open space to which the public have or are permitted to have access;</li> <li>(d) Crown Land;</li> <li>(e) Council land or land owned by or vested in any public Authority.</li> </ul>
Refuse	includes rubbish of a domestic or commercial nature

	(except sewage and manure) produced in or about any house, building or premises, but does not include trade waste from food manufacturing plants, or industrial waste material.
Residential	means any land used predominantly for residential purposes and includes land in the Residential Growth, General Residential, Low Density Residential, Mixed Use, Township and Rural Living zones pursuant to the Greater Bendigo Planning Scheme.
Road	means any area that is open to or used by the public and is developed for, or has as one of it's main uses, the driving of motor vehicles and includes a street, right of way, a public road under the <i>Road Management Act 2004</i> , footpath, bridge, bicycle path nature strip and other land or works forming part of the road.
Responsible road authority	means the road Authority which has operational functions as determined in accordance with Section 37 of the <i>Road Management Act 2004</i> .
Solid fuels	means heat beads, briquettes and dry timber.
Street party	means an organised, recreational, cultural, commercial or social gathering of people held on a road.
Street trading	means the use of a road or part thereof, including a footpath, for the sale or display of goods or signs or for an outdoor dining area, whether or not such activity has been approved by the Council.
Traffic	means the movement of people by foot or in or on vehicles, along, across or within a road.
Toy vehicle	means recreational equipment designed to be propelled by human power and includes a skateboard, scooter, roller and in-line skates.
Vehicle	has the same meaning as the <i>Road Safety Act 1986</i> .
Waste receptacle	means a wheeled garbage bin approved by Council.
Waste Services Code of Practice	means a policy document supporting the City's kerbside collection service, which is attached to this Local Law as an incorporated reference document and which may be amended from time to time.



## **1.9 Administration**

- (a) Notices to Comply, Notices of Impounding, Infringement Notices and Permits for this Local Law may be issued by an Authorised Officer pursuant to the Administration Local Law No. 10.
- (b) A Police Officer appointed as an Authorised Officer pursuant to Section 224a of the *Local Government Act 1989*, may serve an Infringement Notice on any person believed to have contravened or failed to comply with Clause 4.1 of this Local Law.

## **PART B - ENVIRONMENT**

### **2.1 Kerbside waste collection**

- (a) The occupier(s) of any premise where a kerbside waste collection service is provided shall use waste receptacles which are approved by Council.
- (b) In Residential areas, waste receptacles shall not be placed outside the property boundary except within twenty four (24) hours either side of the day of refuse collection.
- (c) In Commercial areas waste receptacles shall not be placed outside the property boundary between 10.00am (1000hrs) and 5:30pm (1730hrs) each day, regardless of the frequency of collection.
- (d) Municipal litter bins must not be used for the disposal of general residential or commercial waste.
- (e) The occupier(s) of any premises where a kerbside waste collection service is provided will have regard to any matters prescribed within the City of Greater Bendigo's Waste Services Code of Practice.

**PENALTY: Two penalty units**

### **2.2 Open air burning**

This section applies to all land within the Greater Bendigo Municipality, including land zoned Commercial or Industrial under the Greater Bendigo Planning Scheme.

- (a) A person must not light an incinerator at any time.

**PENALTY: Two penalty units**

- (b) A person must not light or allow to be lit, or allow to remain alight any fire in the open air during the declared Fire Danger Period as specified by the Country Fire Authority, unless authorised by a written permit issued under the *Country Fire Authority Act 1958*.

**PENALTY: Five penalty units**

- (c) Unless prohibited pursuant to any Act, Regulation or fire danger period, a person may only light an open air fire for cooking or warmth, provided only dry solid fuels are used and that the fire is in:-
  - (i) a barbeque; or
  - (ii) a properly constructed fire place.

**PENALTY: Three penalty units**

- (d) An open air fire constructed for warmth or cooking shall:-
  - (i) be located no closer than 3 metres to the property boundary or 3 metres to any building; and
  - (ii) be cleared of flammable material for a minimum radius of 3 metres; and
  - (iii) not occupy an area in excess of 1 metre square and the size and dimensions of solid fuel used are the minimum necessary for the purpose; and
  - (iv) must not be used when the wind speed in the vicinity of the fire is stronger than 15kph; and
  - (v) be supervised by an adult at all times whilst an open air fire is being used and who shall ensure that there is immediately available a container of not less than 9 litres of water or a charged hose for safety precautions; and
  - (vi) must use dry solid fuel, untreated timber; and
  - (vii) shall not cause a nuisance to neighbours.

**PENALTY: Three penalty units**

- (e) This clause applies only to land one (1) hectare or less in size.
  - (i) A person shall not without a written permit from an Authorised Officer light an open air fire to burn dry solid fuels for fuel reduction purposes only unless authorised pursuant to an Act or Regulation.

**PENALTY: Three penalty units**

- (ii) A person who has lit or allowed to remain lit a fire in the open air to burn dry solid fuels without a permit from an Authorised Officer must immediately extinguish same when directed to do so by an Authorised Officer, Police Officer or an officer or member of a Fire Authority acting in an official capacity.

**PENALTY: Three penalty units**

- (f) This clause applies only to land greater than one (1) hectare in size:-

- (i) Any person before lighting an open air fire to burn dry solid fuel for fuel reduction purposes, must ensure that it does not exceed any of the prescribed dimensions of 4 metres width, 4 metres length and 3 metres in height, unless authorised by a written permit to do so.

**PENALTY: Five penalty units**

- (ii) Subsection (i) does not apply to the owner or occupier of any land or a person acting under the direction of an owner or occupier of any land conducting a burn for primary production or broad acre farming purposes.
- (g) In determining whether to issue a permit under clause (f)(i), the Authorised Officer shall have regard to whether the permit is required in order to protect property, the general health of the community or any other purpose that in the opinion of the Authorised Officer is deemed to be a reasonable request.
- (h) Any person before lighting an open air fire must ensure that before the open air fire is lit, it must:-
  - (i) not be located closer than 3 metres to the property boundary or 3 metres to any building; and
  - (ii) is cleared of flammable material for a minimum radius of 3 metres; and
  - (iii) not be lit when the wind speed in the vicinity of the fire is stronger than 15kph; and
  - (iv) be supervised by an adult at all times whilst an open air fire is being used and who shall ensure that there is immediately available a container of not less than 9 litres of water or a charged hose for safety precautions; and
  - (v) must use dry, untreated timber; and
  - (vi) shall not cause a nuisance to neighbours.

**PENALTY: Three penalty units**

- (i) Before an open air fire is lit the property owner or responsible person must notify adjoining neighbours and the Emergency Services Telecommunications Authority (ESTA), or relevant Authority of their intention to light an open air fire.

**PENALTY: Three penalty units**

## **2.3 Burning of materials causing offence**

- (a) A person shall not burn or cause to be burned any of the following or any substance containing any of the following:-

- (i) manufactured chemicals; or
- (ii) rubber or plastic; or
- (iii) petroleum, oil or derivative thereof; or
- (iv) paint or receptacle which contains or which contained paint, food waste, fish or other offensive or noxious matter; or
- (v) explosive material; or
- (vi) container which may cause an explosion; or
- (vii) green waste or damp garden refuse including leaves; or
- (viii) cardboard or newspaper; or
- (ix) any other material deemed offensive or dangerous by an Authorised Officer of the Council.

**PENALTY: Five penalty units**

## **2.4 Motor vehicles on Council land**

- (a) A person shall not cause or permit a motor vehicle to be on Council land other than:-
  - (i) on a road; or
  - (ii) in a designated parking area; or
  - (iii) in an area where provision has been specifically made for the entry or accommodation of motorised vehicles.

**PENALTY: Five penalty units**

- (b) Any person responsible for a breach of subsection (a) shall meet the costs incurred by Council of any repair or reinstatement works considered by Council to be necessary as a result of damage caused by such vehicle.
- (c) Subsection (a) shall not preclude the entry onto public land of an emergency vehicle, City of Greater Bendigo Council vehicle or a vehicle operated by a Public Authority.

## **2.5 Dangerous or unsightly land**

Unless otherwise permitted by a permit issued pursuant to the Greater Bendigo Planning Scheme, an owner or occupier of land must ensure that the land in the opinion of an Authorised Officer:-

- (a) does not constitute a danger to health or property,
- (b) does not constitute a fire hazard,
- (c) is not unsightly or detrimental to and does not adversely affect the general amenity of the adjoining land or the neighbourhood by the appearance of (including but not limited to):-
  - (i) stored unregistered motor vehicles;
  - (ii) machinery or any parts thereof;
  - (iii) scrap metal;
  - (iv) second hand timber and or building materials;

- (v) waste paper;
- (vi) rags;
- (vii) bottles;
- (viii) soil or similar materials;
- (ix) overgrown vegetation.

- (d) is not used in any manner that may cause a nuisance or become detrimental to the amenity of the immediate area.

**PENALTY: Five penalty units, and one penalty unit for each day after a finding of guilt by any Court during which the breach continues.**

## **2.6 Heavy Vehicles**

- (a) It is an offence for a person to allow a heavy vehicle to be parked, kept, stored or repaired on any property in a Residential area without a permit issued by the Chief Executive Officer or his/her delegate.

**PENALTY: Five penalty units, and one penalty unit for each day after a finding of guilt by any Court during which the breach continues.**

- (b) In determining whether to grant a permit for the purposes of sub-clause (a), the Authorised Officer shall have regard to-
  - (i) the possible impacts on adjoining properties; and
  - (ii) the amenity of the area; and
  - (iii) any other matters considered relevant by the Chief Executive Officer or his/her delegate.
- (c) A permit will not be granted under sub-clause (a) unless the following minimum conditions are complied with:-
  - (i) the engine of such vehicles shall not be started before 6.00am; and
  - (ii) no exhaust breaks shall be used when parking; and
  - (iii) animals shall not be housed within the heavy vehicle when stationary; and
  - (iv) operation of any compressor driven refrigeration unit on the vehicle shall not be permitted; and
  - (v) parking of the heavy vehicle shall not cause any visual obstruction for motorists using adjoining roads or driveways; and
  - (vi) any other matter considered relevant by the Chief Executive Officer or his/her delegate.

## **2.7 European wasps and bees**

- (a) Any person who is the owner or occupier of any land upon which is located a colony of European wasps, shall cause all such colonies to be destroyed in such a manner that ensures that all the wasps are killed within five (5) days of being directed to do so by an Authorised Officer.

**PENALTY: One penalty unit**

- (b) Any person who is the owner or occupier of any land upon which is located an unmanaged or abandoned colony of bees, shall cause all such colonies to be removed or destroyed in such a manner that ensures that the colony is removed or destroyed within five (5) days of being directed to do so by an Authorised Officer.

**PENALTY: One penalty unit**

**2.8 Protection and preservation of scheduled Council reserves and parkland**

- (a) A person shall not, within any area listed in the Environmental Management Plan Scheduled Reserves and Park Land, carry out any activity prohibited in that schedule.

**PENALTY: Five penalty units**

- (b) The Environmental Management Plan Scheduled Reserves and Park and is attached to this Local Law.

## **PART C - STREETS & ROADS**

### **3.1 Vehicle crossings**

This section applies to all properties which have vehicles accessing them.

- (a) Require by written notice that the vehicle crossing be constructed, modified or replaced, so that it complies with Council's approved standard drawings for vehicle crossings.
- (b) Notice in writing shall specify reasonable time for compliance with sub-clause (a) failure to comply with the notice in the specified time frame is an offence.

**PENALTY: Five penalty units**

### **3.2 Advertising signs placed on roads**

- (a) A person shall not place an advertising sign on any part of a road without a permit from the Chief Executive Officer or his/her delegate

**PENALTY: Five penalty units**

- (b) In considering whether to grant a permit for an advertising sign on any part of a road the Chief Executive Officer or his/her delegate shall have regard to the following criteria:-
  - (i) any matter prescribed within the City of Greater Bendigo's Outdoor Dining and Street Trading Code of Practice,
  - (ii) such sign shall be suitably constructed and weighted to be safe and stable in strong winds
  - (iii) such advertising sign shall be located to ensure a clear footway area measuring a minimum of 1.8 metres from the property frontage and a minimum of 0.75 metres from the face of the kerb
  - (iv) such signage shall be placed where it does not affect traffic visibility
  - (v) such signage shall not be placed on a median roundabout, tree reserve or other public reserve
  - (vi) public liability insurance shall be provided by the owner of such signage to a sum specified by Council.
- (c) An Authorised Officer may impound any advertising sign erected or placed on any part of a road contrary to Clauses 3.2 (a) and (b). An Authorised Officer may take all reasonable steps to facilitate the impounding of such signs. Where such steps are taken Council and the Authorised Officer whether together or individually shall not be liable for any reinstatement costs.

### **3.3 Sale of motor vehicles or goods on roads or road reserves.**

- (a) A person must not park a vehicle or goods on a road or public place as defined under Clause 1.8 of the Local Law while that vehicle displays a sign or inscription which promotes or advertises the sale of the vehicle.

#### **PENALTY: Five penalty units**

- (b) An infringement for this offence may be served in the same manner as section 12(c) of the *Infringements Act 2006*.

### **3.4 Waste skip bins placed on the road or road reserve.**

- (a) A person must not without a permit, place a waste skip bin on any road or road reserve.

#### **PENALTY: Five penalty units**

- (b) In considering whether to grant a permit for any waste skip bin on any part of a road the Chief Executive Officer or his/her delegate shall have regard to the following criteria:
  - (i) Vic Roads Code of Practice for the Placement of Waste Bins on Roadsides 2001, with any amendments or its successor is incorporated into this Local Law; and
  - (ii) public liability insurance shall be provided by the owner of such waste skip bin to a sum specified by Council.

### **3.5 Occupancy of footpath or road reserve for works.**

- (a) A person must not occupy a footpath or road reserve to conduct works on private property without a permit.

#### **PENALTY: Five penalty units**

- (b) In considering whether to grant a permit to temporarily occupy a footpath or road reserve, on any part of a road, the Chief Executive Officer or his/her delegate shall have regard to the following criteria:
  - (i) safety and amenity of other users of the footpath/or road reserve; and
  - (ii) public liability insurance shall be provided by the person conducting the works to a sum specified by Council.

### **3.6 Third party advertising on footpaths or road reserves.**

- (a) Third party advertising and promotion is not permitted on footpaths or road reserves.



**PENALTY: Two penalty units**

- (b) A person wishing to install street art, information signage on the footpath or road reserve must obtain a permit.

**PENALTY: Two penalty units**

- (c) In considering whether to grant a permit the Chief Executive Officer or his/her delegate shall have regard to the following criteria:
  - (i) safety and amenity of other users of the footpath/or road reserve;  
and
  - (ii) public liability insurance shall be provided by the person conducting the activity to a sum specified by Council.

## **PART D - MUNICIPAL PLACES**

### **4.1. Consumption of Liquor**

- (a) A person must not:
  - (i) in or at a public place; or
  - (ii) in or on a vehicle which is in or at a public place

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

#### **PENALTY: Five penalty units**

- (b) The Chief Executive Officer or his or her delegate may grant a permit for the consumption of any liquor or for the possession of liquor in an unsealed container in any public place within a location proclaimed by Council.
- (c) In determining whether to grant a permit, the Chief Executive Officer or his or her delegate shall have regard to:
  - (i) the nature of the event at which the liquor is to be consumed; and
  - (ii) any other matter considered relevant by the Chief Executive Officer or his or her delegate.

#### **PENALTY: Five penalty units**

### **4.2 Designation of smoke-free zones within the municipality**

- (a) The Council, or the Chief Executive Officer under delegation, may designate by Notice in the Government Gazette an area or areas within the municipality as a smoke-free zone.
- (b) The Notice referred to in sub-section (a) must:
  - (i) specify the date on which the designation has effect; and
  - (ii) be published in a newspaper circulating in Victoria; and
  - (iii) be kept in a register of designations under this clause available for public inspection.
- (c) The Council must cause any area designated under sub-section (a) to be sufficiently signed to reasonably notify members of the public it is a smoke-free zone and smoking is prohibited.
- (d) It is an offence for a person to smoke within an area designated under sub-clause (a).

**PENALTY: Two penalty units**

- (e) For the purpose of sub-clause (d) **smoke** means smoke, hold or otherwise have control over an ignited or heated tobacco product; or use an e-cigarette to generate or release an aerosol or vapour.

**4.3 Activities in public places**

- (a) It is an offence for a person while in a public place to:
  - (i) speak to an assembly of people; or
  - (ii) use amplifying equipment; or
  - (iii) perform or conduct any form of entertainment or instruction; or
  - (iv) hold a street party, procession, demonstration or other like assembly; or
  - (v) erect any booth, kiosk, tent or other temporary building structure or display; or
  - (vi) use Council owned or managed land or facilities for the purpose of commercial gain or events

without a permit issued by the Chief Executive Officer or his/her delegate.

**PENALTY: Five penalty units**

- (b) In determining whether to grant a permit for the purposes of sub-clause (a), the Chief Executive Officer or his/her delegate shall have regard to:
  - (i) any matter prescribed within the City of Greater Bendigo's Outdoor Dining and Street Trading Code of Practice as amended from time to time;
  - (ii) any matter prescribed within Commercial Fitness Operator Policy as amended from time to time;
  - (iii) in relation to businesses operating adjacent to roads and road reserves, whether the consent of Victoria Police or VicRoads is required and obtained; and
  - (iv) any other matter considered relevant by the Chief Executive Officer or his/her delegate.
- (c) It is an offence for a person while in a public place to use or allow to be used any object or thing as to endanger, harm, intimidate, unduly obstruct or hinder any other person or vehicle using or intending to use the same area, or damage any public building, structure, furniture, object or fitting.

**PENALTY: Five penalty units**

**4.4. Activities in the Mall**

- (a) A person shall not without a permit from the Chief Executive Officer or his or her delegate:

- (i) display or erect any advertisement, notice, plaque or sign: except in Council approved community signage boards; or
  - (ii) conduct an event or activity; or
  - (iii) use Council owned or managed land or facilities for the purposes of commercial gain; or
  - (iv) perform any form of entertainment; or
  - (v) disrupt the flow of pedestrian traffic.
- (b) A person who desires to obtain a permit for such purposes shall make written application in the approved form. The application shall be lodged with Council and shall be accompanied by the prescribed fee and any such other information as Council may require as prescribed in the Code of Practice.
- (c) Dogs must be kept on a lead within the Mall at all times.

**PENALTY: Two penalty units**

#### **4.5. Street trading and outdoor dining facility**

- (a) A person shall not without a permit, engage in Street Trading or erect or place an Outdoor Dining Facility on any footpath or part of a road.

**PENALTY: Ten penalty units**

- (b) In determining whether to grant permission, the Chief Executive Officer or his or her delegate shall have regard to:
- (i) matters prescribed by the City of Greater Bendigo's Outdoor Dining and Street Trading Code of Practice; and
  - (ii) any other matter considered relevant by the Chief Executive Officer or his or her delegate.
- (c) It is an offence for a person to not comply with all conditions relevant to the approval given.

**PENALTY: Ten penalty units**

#### **4.6 Camping and caravans**

- (a) A person shall not without a permit occupy a tent, caravan or other temporary or make-shift structure in any public place.
- (b) A person shall not occupy a tent, caravan or other temporary or makeshift structure on private property for more than a total of 21 days in any calendar year, without a permit.
- (c) Subclauses (a) and (b) of this Clause do not apply to persons within an area registered under the Residential Tenancy Act 1997 or camping within a recognised camping reserve.

- (d) In determining whether to grant a permit pursuant to this Clause the Chief Executive Officer or his or her delegate shall have regard to:
  - (i) whether the amenity of the area will be detrimentally affected,
  - (ii) whether adequate facilities will be available to occupants; and
  - (iii) any other matter considered relevant by the Chief Executive Officer or his/her delegate.

Such a permit shall not be granted for a period greater than six months unless special circumstances apply:

- (e) A person wishing to obtain a permit to occupy a caravan upon a property where that person intends to build a dwelling must satisfy the following criteria:
  - (i) have a current valid building permit for the dwelling,
  - (ii) have installed an approved onsite wastewater management system or be connected to reticulated sewerage system,
  - (iii) have installed proper sanitation facilities as required by Councils Environmental Health Officers; and
  - (iv) that all domestic refuse will be adequately disposed of.

Such a permit shall not be granted for a period greater than six months but is renewable subject to the Council being satisfied as to the progress of the construction of the dwelling. The application must be in writing and give appropriate details of the proposed living arrangements whilst the dwelling is being constructed.

**PENALTY: Five penalty units**

#### **4.7 Behaviour**

A person must not in, on or within the hearing or sight of a public place:

- (a) cause or commit any nuisance;
- (b) adversely affect the amenity of that public place;
- (c) interfere with the use or enjoyment of that public place or the personal comfort of another person in or on that public place;
- (d) annoy, molest or obstruct any other person in or on that public place;
- (e) defecate or urinate except in a toilet or urinal (as the case may be) in a public convenience; or
- (g) use any threatening, abusive or insulting words.

**PENALTY: Ten penalty units**

## **PART E - PROCESS OF MUNICIPAL GOVERNMENT**

### **5.1. Use of the Common Seal**

- (a) The Council's common seal must only be used on the authority of the Council and every document to which the seal is affixed must be signed by the Chief Executive Officer or his/her delegate.
- (b) The CEO must ensure the security of the Council's common seal at all times.
- (c) Any person who uses the Council's common seal without authority is guilty of an offence.

#### **PENALTY: Two Penalty Units**

### **5.2. Maintenance of Order**

- (a) It is an offence for any person to fail to obey a direction of the Chairperson in relation to the conduct of the meeting and the maintenance of order.

#### **PENALTY: Two Penalty Units**

- (b) It is an offence for a Councillor to not withdraw an expression, considered by the Chairperson to be offensive or disorderly, and satisfactorily apologise when called upon twice by the Chairperson to do so.

#### **PENALTY: Two Penalty Units**

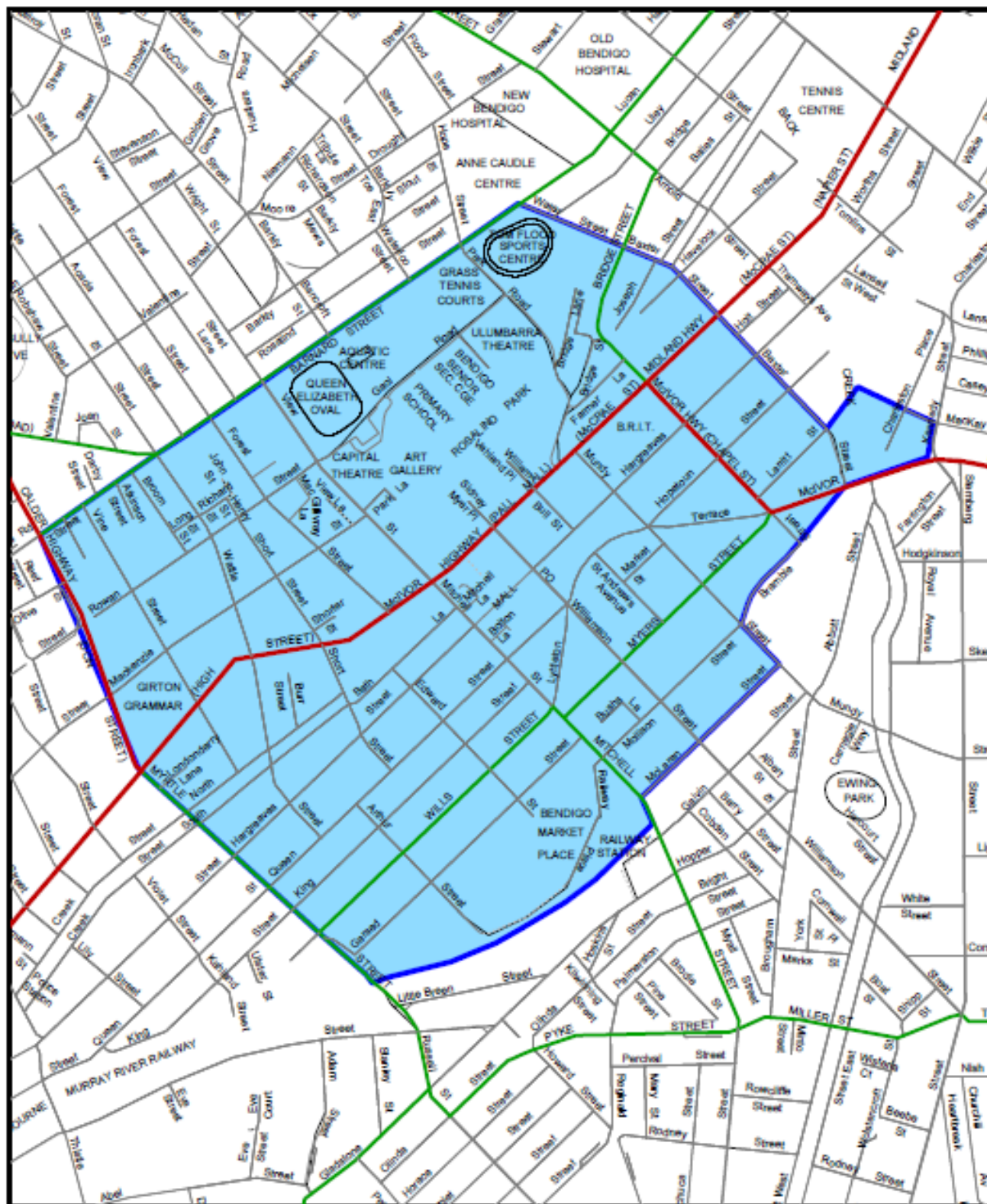
- (c) It is an offence for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave when requested by the Chairperson to do so.

#### **PENALTY: Two Penalty Units**

- (d) It is an offence for a Councillor to refuse to leave the chamber on suspension.

#### **PENALTY: Five Penalty Units**

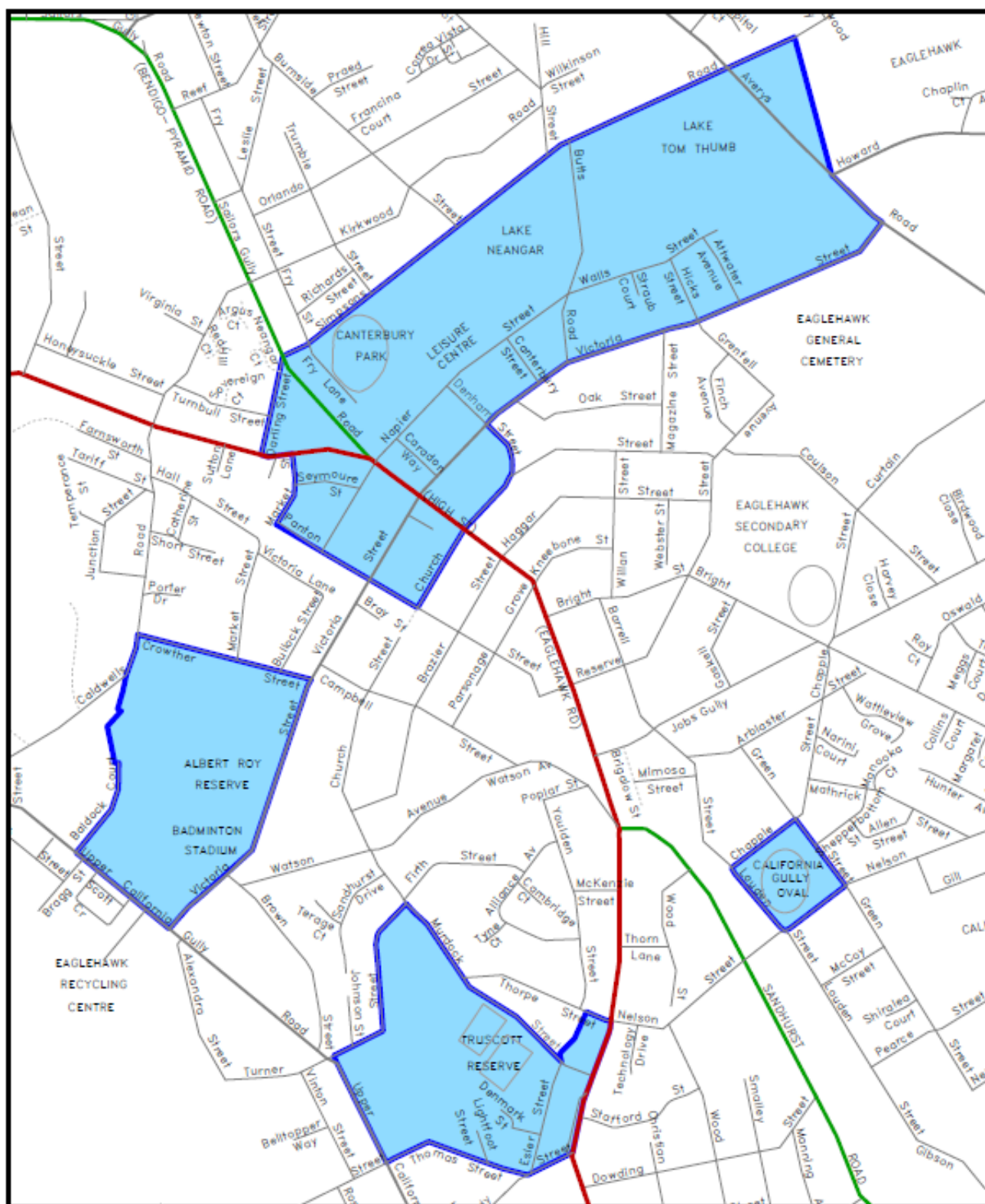
## PROCLAIMED AREA No 1 : CENTRAL BENDIGO AREA



PROCLAIMED 6 APRIL 1998

SCALE 1 : 12.500

**PROCLAIMED AREA No 2 : EAGLEHAWK AREA**

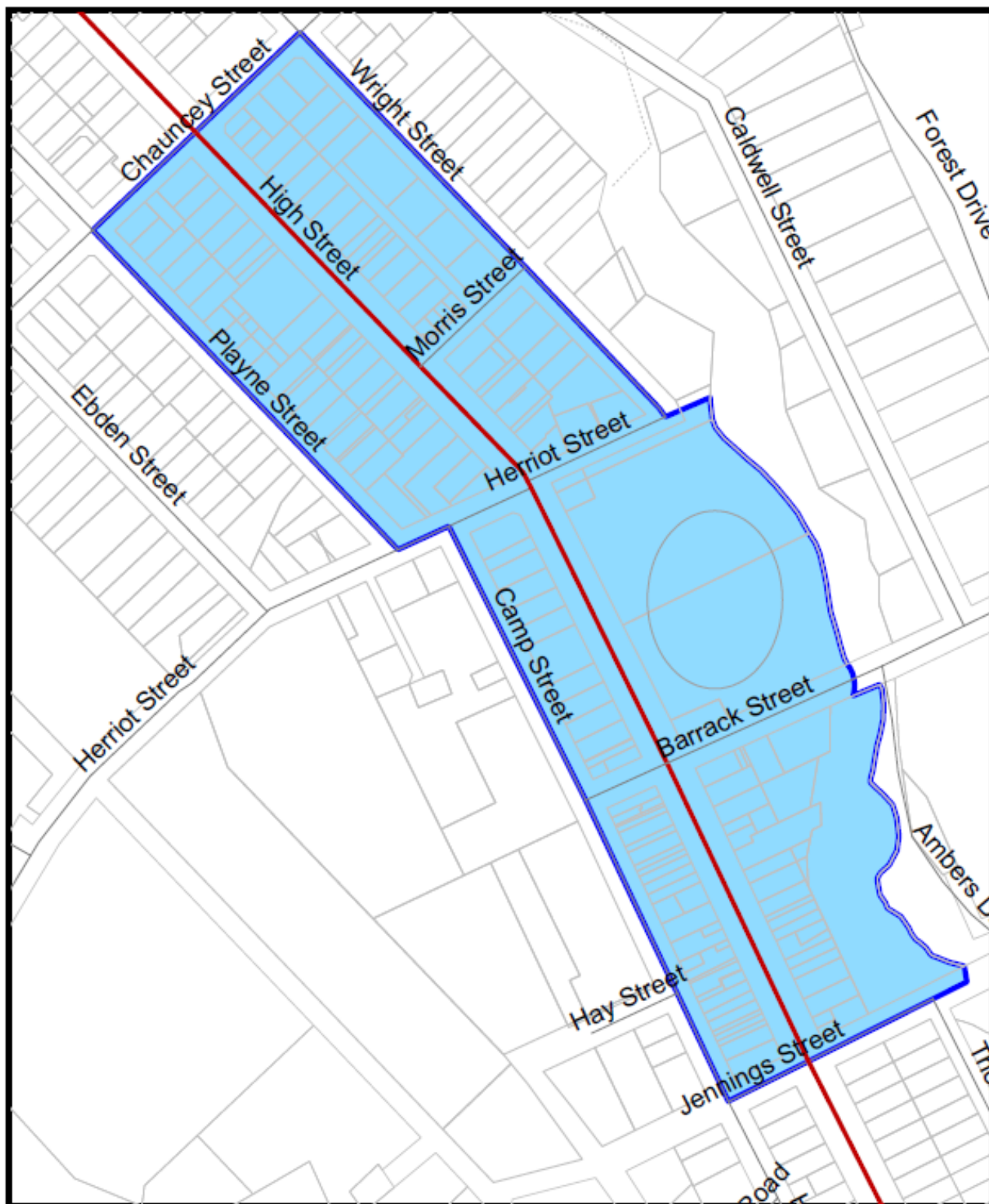


PROCLAIMED 21 MARCH 1995

**SCALE 1 : 12500**



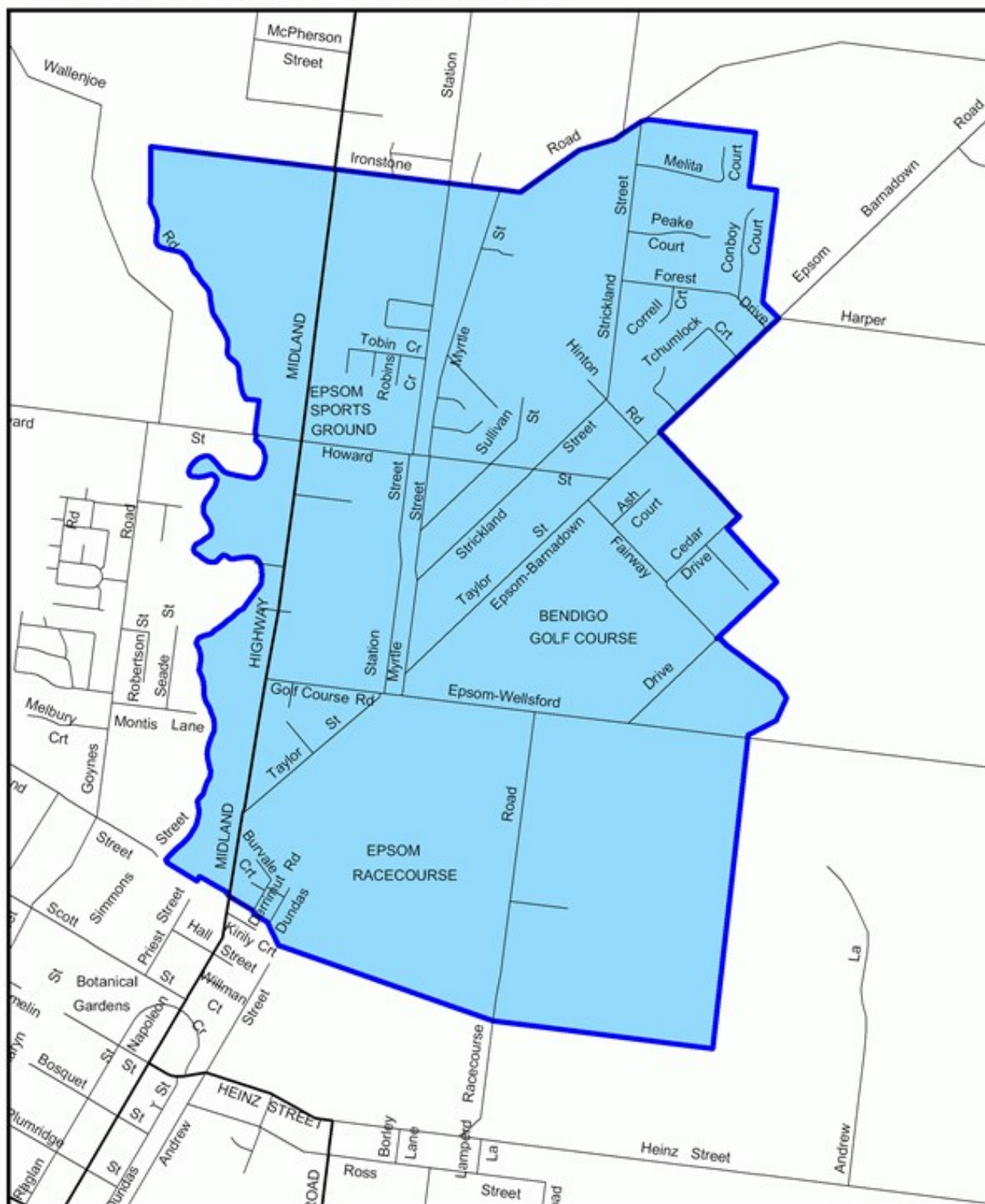
# PROCLAIMED AREA No 3 : HEATHCOTE AREA



PROCLAIMED 21 MARCH 1995

SCALE 1 : 5000

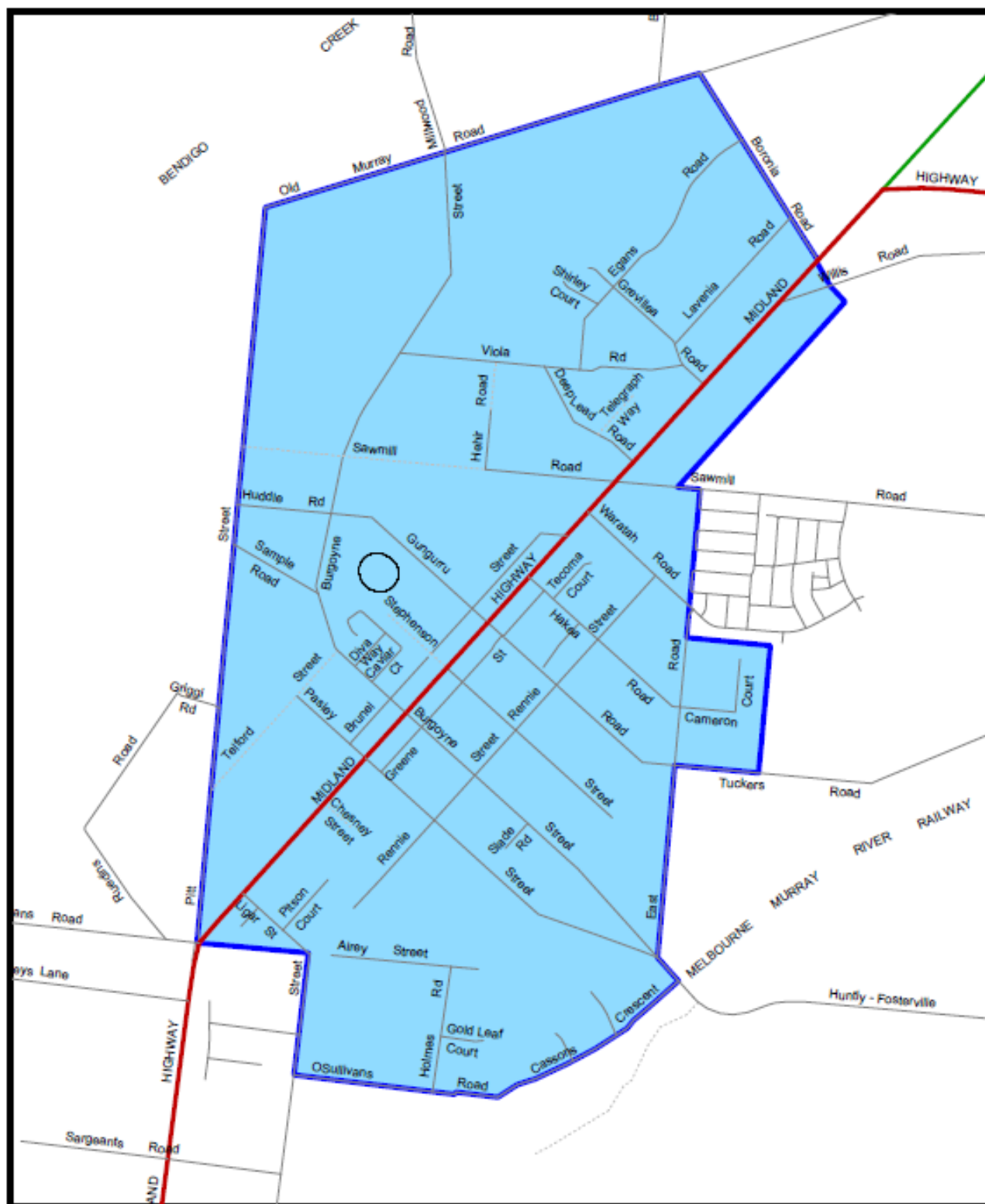
**PROCLAIMED AREA No 4 : EPSOM AREA**



PROCLAIMED 21 MARCH 1995

SCALE 1 : 20,000

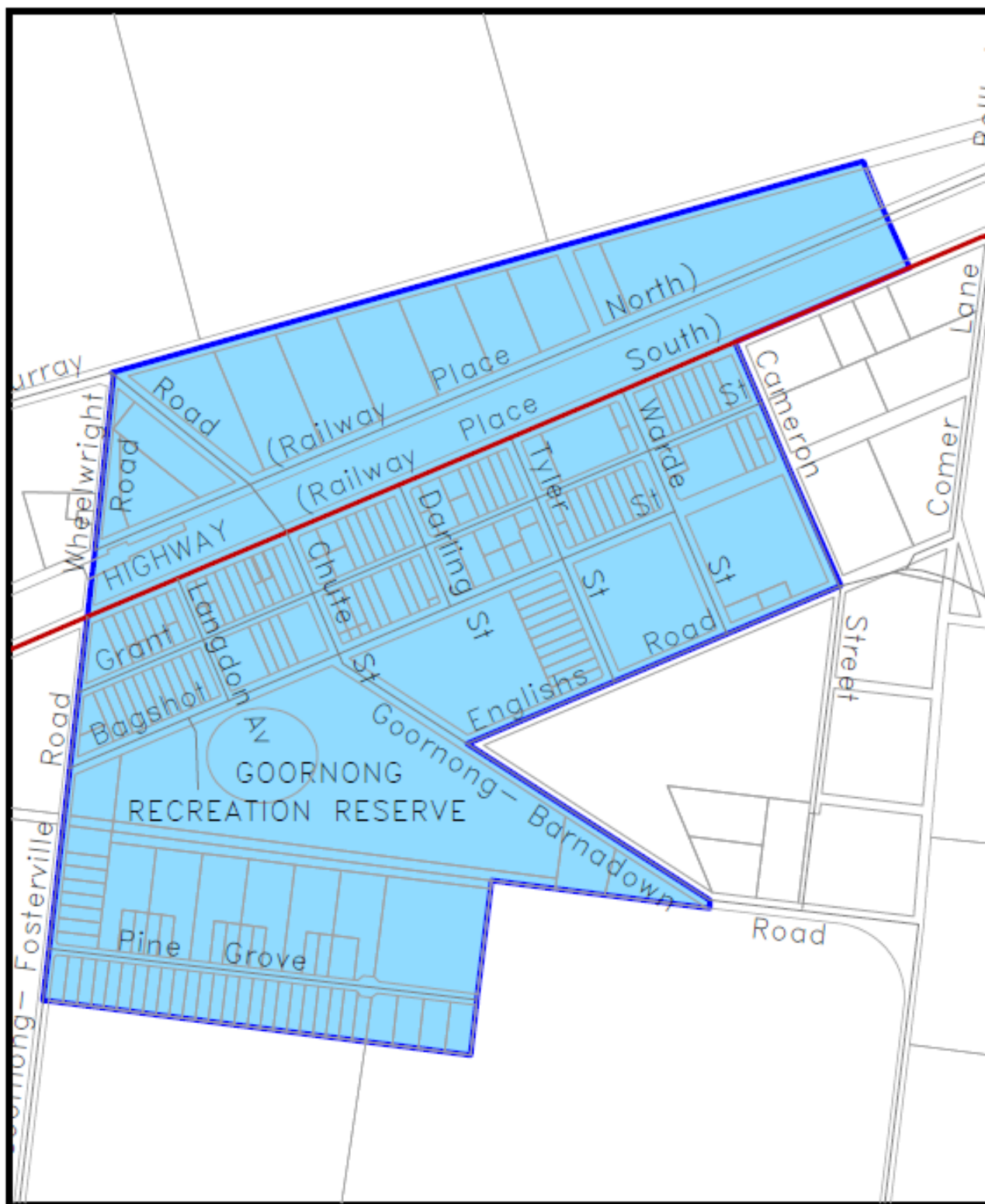
## PROCLAIMED AREA No 5 : HUNTLY AREA



PROCLAIMED 21 MARCH 1995

SCALE 1 : 20.000

**PROCLAIMED AREA No 6 : GOORNONG AREA**

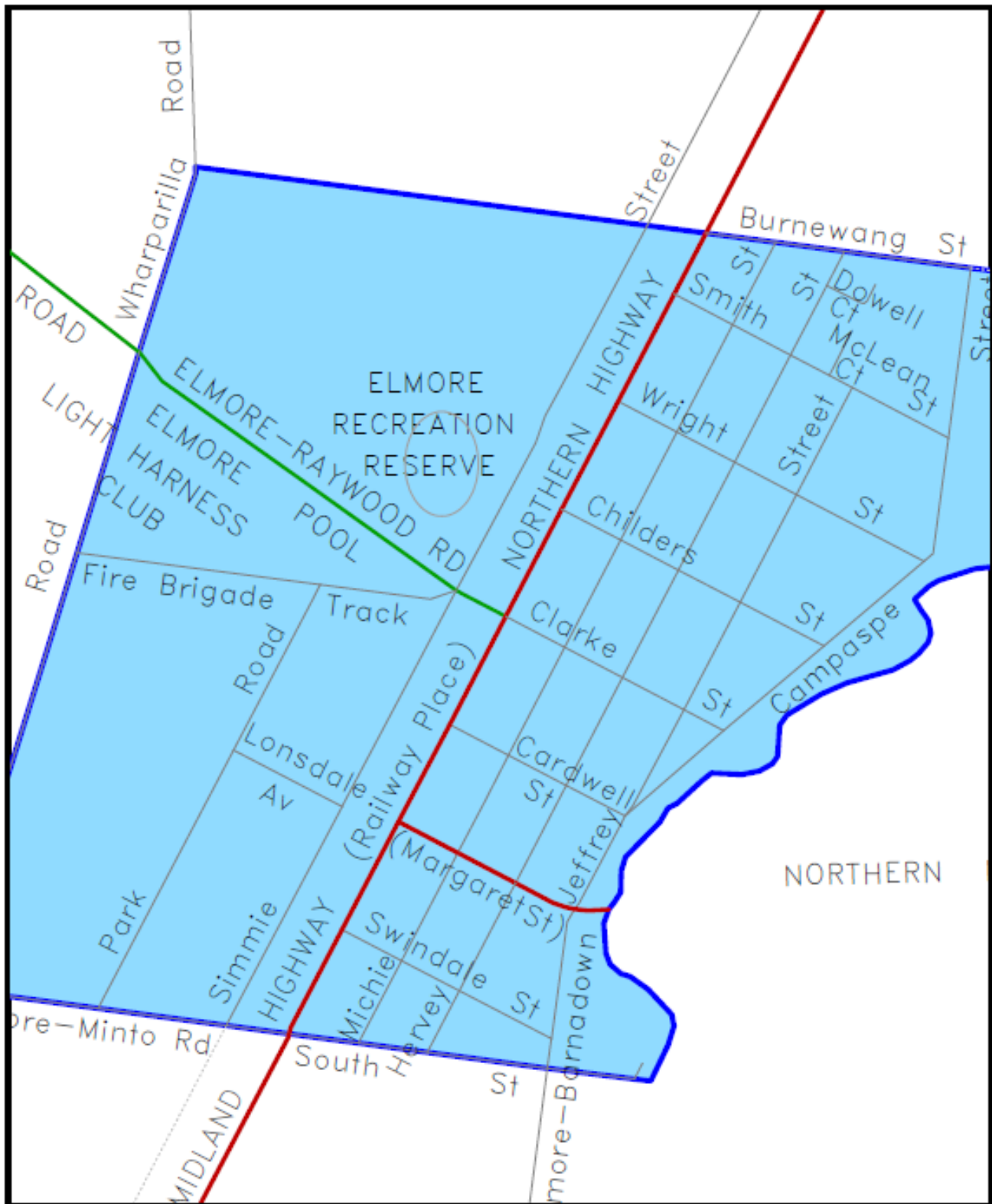


**PROCLAIMED 21 MARCH 1995**

**SCALE 1 : 10,000**



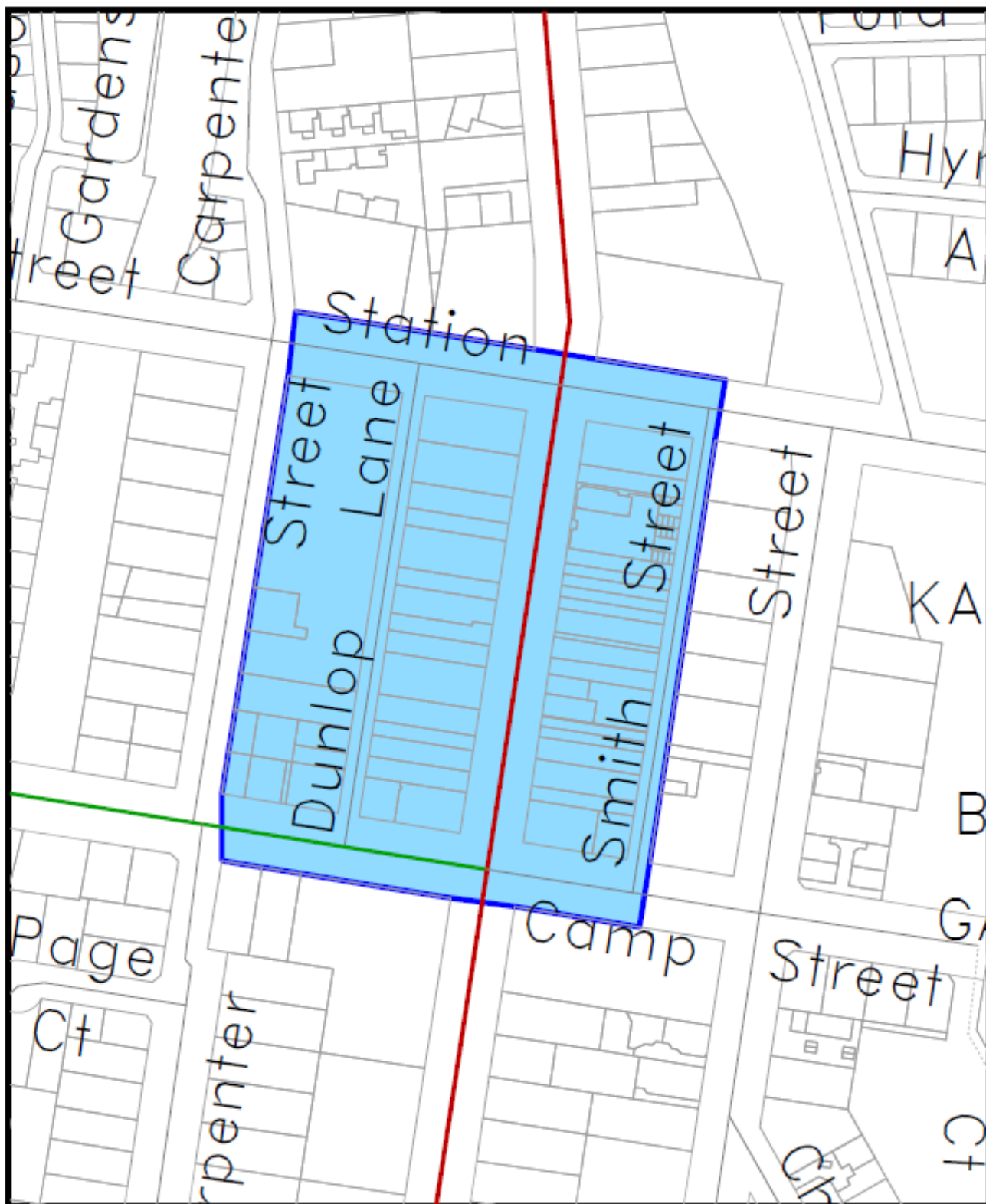
**PROCLAIMED AREA No 7 : ELMORE AREA**



**PROCLAIMED 21 MARCH 1995**

**SCALE 1 : 10,000**

**PROCLAIMED AREA No 8 : KANGAROO FLAT SHOPPING CENTRE**



**PROCLAIMED 15 DECEMBER 1997**

**SCALE 1 : 2500**

# Environmental Management Plan Scheduled Reserves and Park Land

<b>Crusoe Reservoir and No.7 Park</b>	<b>Kennington Reservoir Natural Reserve</b>	<b>O'Keefe Rail Trail</b>
Passive Recreation Allowed	Passive Recreation Allowed	
Walking and Cycling Allowed	Active Recreation Inc. Ball Games Prohibited	
Fishing Prohibited (At No.7 Park)	Walking and Cycling Allowed	
Fishing Allowed (At Crusoe Res)	Fishing Allowed	
Swimming Prohibited (At No.7 Park)	Dogs (On Lead Only)	
Swimming Allowed (At Crusoe Res)	Non-Power Boating Allowed	
All Domestic Pets Prohibited	Power Boating Prohibited	
Dogs Prohibited	Swimming Prohibited	
Horse Riding Prohibited	Littering Prohibited	
Carry Out Rubbish Only	Dumping of Garden Waste Prohibited	
Littering Prohibited	Motorcycles Prohibited	
Dumping of Garden Waste Prohibited	Prospecting Prohibited	
Camping Prohibited	Lighting Fires Prohibited	
Prospecting Prohibited		
Power Boating Prohibited		
Non-Power Boating Allowed (At Crusoe Res)		
All Boating Prohibited (At No.7 Park)		
Motorcycles Prohibited		
Horses Prohibited		
Lighting Fires Prohibited		
<b>Lake Weeroona Reserve</b>	<b>Lake Neangar Reserve (Including Lake Tom Thumb)</b>	
Passive Recreation Allowed	Passive Recreation Allowed	
Walking and Cycling Allowed	Walking and Cycling Allowed	
Swimming Prohibited	Active Recreation Inc. Ball Games Allowed	
Fishing Allowed	Fishing Allowed	
Littering Prohibited	Swimming Prohibited	
Dumping of Garden Waste Prohibited	Dogs (On Lead Only)	
Dogs (On Lead Only)	Littering Prohibited	
Camping Prohibited	Dumping of Garden Waste Prohibited	
Prospecting Prohibited	Camping Prohibited	
Power Boating Prohibited	Prospecting Prohibited	
Non-Power Boating Permitted	Power Boating Prohibited	
Motorcycles Prohibited	Non-Power Boating Permitted	
Lighting Fires Prohibited	Motorcycles Prohibited	
	Lighting Fires Prohibited	