

Community Local Law 2019: Incorporated Documents

1. Scaregun Policy

- 1.1 A person must not use a scaregun within 1000m of a residential area.
- 1.2 A scaregun may be used without a permit on rural zoned land subject to the following conditions:
- a. the scaregun must be positioned at least 300m from any dwelling on an adjoining property
 - b. the scaregun must be set to provide a clear interval between blasts (or cycles of blasts) of at least 8 minutes
 - c. the scaregun can only be used for a maximum of 6 hours per day, between the following hours:
 - i. Eastern Standard Time 7AM-10AM and 4PM – 7PM
 - ii. Daylight Savings Time 7AM – 10AM and 5PM – 8PM
 - d. a cycle of blasts may be up to three blasts, and must not exceed 60 seconds from the first blast to the last blast of the cycle
 - e. the scaregun must be located in or adjacent to the crop being protected, and subject to the distance specified in (1.1) and (1.2)(a)
 - f. scareguns must be of an electronic programmable gas fired type
 - g. The number of scare guns must not exceed 1 per 4Ha of crop area or part thereof, and must be positioned at least 150m from any other scaregun
 - h. Where multiple scareguns are used on one property, the interval of at least 8 minutes between blasts (or cycles of blasts) for any scaregun on the property must be maintained
- 1.3 Noise levels must not exceed the levels specified for scareguns in *the Environment Protection Authority's Publication 1254 Noise Control Guidelines (October 2008)*

- 1.4 Scaregun users may apply for a permit to vary the conditions outlined above. In deciding whether to grant a permit, Council must take into account:
- a. Consultation with nearby residents / businesses that may be affected by the change
 - b. A written application justifying the requested changes to standard conditions, including:
 - i. The proposed locations, timing and other details of the requested change to the use of scareguns
 - ii. An overall management strategy for dealing with crop damage caused by birds including a range of methods that are / will be used
 - iii. The commercial nature of the crop(s) to be protected
 - iv. Other matters as relevant in consultation with Council.

2 Waste Services Policy

2.1 Provision of Service

- a. Council's kerbside waste and recycling collection service is compulsory for all premises within the Shire's kerbside collection areas (as determined by Council), except where:
 - i. The volume of waste or recyclables generated by a business/commercial premise is such that the mobile waste & mobile recyclables bins provided by the Council are inadequate, and a Waste Management Plan for the premises has been approved by Council;
 - ii. The type of waste generated by a premises is not permitted to be placed in the mobile waste & recyclable bins;
 - iii. Council is not able to provide a collection service due to the premise location or the premise location means Council deems it unsafe for the collection to occur.
- b. In such cases, a premise may apply to be exempted from the waste and / or recycling collection service by Council.

2.2 Occupiers Responsibilities

- a. The occupier of every premise provided with Council's waste and/or recycling collection service must:
 - i. Use only the mobile waste bin & the mobile recyclables bin/s supplied by Council
 - ii. Place the mobile waste bin & mobile recyclables bin out for collection prior to 6.00AM on the designated day of collection, in the designated location with the lids in the fully closed position and spaced at least 500mm apart
 - iii. Not place the bins out for collection more than one (1) day before collection and bring the bin/s in within one (1) day after collection
 - iv. Use the mobile waste bin & mobile recyclables bin only for the purpose and materials intended
 - v. Not remove the mobile waste bin or the mobile recyclables bin from the premises to which they have been allocated, except when being taken to and returned from a municipal waste facility
 - vi. Remove, as soon as practicable, any material which has spilled onto the road, nature strip or surrounding area prior to collection
 - vii. Maintain the mobile waste recyclables bins in a clean, sanitary and tidy condition
 - viii. Maintain the area where the mobile waste and recyclables bins are stored at the premises in a clean and sanitary condition
 - ix. Notify Council as soon as possible if a mobile waste bin or mobile recyclables bin is damaged, develops a defect, or is stolen or missing. In the case of a stolen or missing mobile waste or recyclables bin a statutory declaration must be submitted to Council prior to a new mobile bin being issued by Council

- x. Only put items in the mobile recyclables bin that is acceptable in the kerbside recycle stream, and put only acceptable domestic waste items in the mobile waste bin.

2.3 General Requirements

- a. A person must not:
 - i. deposit waste in a mobile waste bin or mobile recyclable bin at a property, without the occupiers consent
 - ii. remove waste from a mobile waste bin or mobile recyclables bin at a property, without the occupiers consent.

2.4 Waste Management Plans

- a. Where a Waste Management Plan is required by Council, it must address the following:
 - i. Type and volume of waste, comingled recyclables and cardboard generated by the commercial / business premises
 - ii. Actions taken to reduce the amount of waste generated, and to manage the overall environmental impact of waste generated (e.g. recycling, reuse, product substitution)
 - iii. Storage and access arrangements for waste, comingled recyclables and cardboard and waste service vehicles
 - iv. Arrangements made to prevent odour, nuisance or risk to public health or the environment as a result of the generation and storage of waste, comingled recyclables or cardboard as applicable, and
 - v. Provide a copy of the contract entered into with a waste collection service provider

3 Register of Penalties for Infringement Notices

Clause	Topic	Penalty Units (one penalty unit = \$100)
2.1	Behaviour on Council land	2
2.2	Consumption of liquor on Council land	2
3.1	Condition of land	3
3.2	Fires in the open air or in an incinerator	3
3.3	Recreational vehicles	2
3.4	Snowmobiles	2
3.5	Camping	2
3.6	Keeping animals	2
3.7	Animal housing	2
3.8	Removal of animal faeces	2
3.9	Objectionable noises	3
3.10	Wasp nests	2
3.11	Wandering animals and birds	2
3.12	Waste collection	2
3.13	Restriction of use of public place bins	2
3.14	Municipal waste facilities	2
3.15	Scavenging at municipal waste facilities	2
3.16	Drains on private land	3
3.17	Construction site details	3
3.18	Construction work	3
3.19	Scareguns	2
3.20	Council owned airfields	3
4.1	Vehicle crossings	2
4.2	Temporary vehicle crossings	2
4.3	Redundant vehicle crossings	2
4.4	Damage or interference with Council land caused by vegetation	2

Clause	Topic	Penalty Units (one penalty unit = \$100)
4.5	Trees and plants	2
4.6	Signs and posts	2
4.7	Construction of garden beds on nature strips	2
4.8	Erecting or placing advertising signs	2
4.9	Roadside trading	2
4.10	Outdoor eating facilities on roads	2
4.11	Road occupation	3
4.12	Busking and street entertainment	1
4.13	Repair of vehicles	2
4.14	Substances from vehicles	3
4.15	Storage of materials and trailers	2
4.16	Firewood collection permits	2
4.17	Snow clearing	2
5.1	Droving of livestock	3
5.2	Livestock on road reserve	3
5.3	Fencing of land	3