



Horsham Rural City
Council urban rural balance

**Community
Local Law
2021**

PART 1	
Preliminaries	
COMMUNITY LOCAL LAW 2021	
Objectives	
1.	The objectives of this local law are to provide for the— <ol style="list-style-type: none"> a. peace, order and good government of the municipal district; b. protection, fair use and enjoyment of waterways managed by Council and Council land; c. safe and fair use of roads and road related areas; d. protection and improvement of the amenity of the municipal district; e. keeping and control of animals; and f. uniform and fair administration of this local law.
Authorising provisions	
2.	This local law is made under Part 5 of the <i>Local Government Act 1989</i> and section 42 of the <i>Domestic Animals Act 1994</i> .
Commencement	
3.	This local law commences on 9 December 2021.
Application	
4.	This local law applies throughout the municipal district unless specifically stated otherwise.
5.	This local law does not apply— <ol style="list-style-type: none"> a. to an authorised officer or a member of Council staff in the course of carrying out their duties; b. to a person engaged to undertake any activity on behalf of Council in the course of carrying out that activity; c. to any activity by emergency services arising out of the performance of a function or exercise of a power of emergency services.
6.	Council may prescribe any person or class of person as exempt from the requirement to— <ol style="list-style-type: none"> a. obtain a permit, b. pay a fee or charge or lodge security, and such exemption may be conditional, amended, cancelled or corrected as for a permit.
Revocation of Community Local Law 2011	
7.	On the commencement of this local law, Council’s Community Local Law 2011 as amended from time to time is revoked save that any notice or consent given or any business, matter or thing commenced, already made or done (including the commencement of enforcement proceedings) under the revoked local law is not affected.

Incorporated documents	
8.	The following documents are incorporated into this local law— <ul style="list-style-type: none"> a. the Apiary Code of Practice; b. the Solid Waste Code made by Council; and c. any code of practice for the keeping of domestic animals, however called, under an Act, as formulated, issued, prescribed or published from time to time.
Definitions	
9.	In this local law—
	Apiary Code of Practice means the Apiary Code of Practice made under or with reference to the <i>Livestock Disease Control Act 1994</i> ;
	construction activity includes— <ul style="list-style-type: none"> a. the operation of vehicles within, or entering or leaving, a construction site; and b. any activities, at or within the immediate vicinity of a construction site, of persons who perform work at the site, or work connected with work at the site;
	construction work has the same meaning as in the <i>Building and Construction Industry Security of Payment Act 2002</i> ;
	Council means Horsham Rural City Council;
	Council land means any land owned, occupied, vested in, managed by or under the control of Council and includes improvements on such land, a reserve, watercourse, reservation and the like but excluding a road;
	emergency service includes ambulance, fire brigade, police or state emergency service;
	farm land has the same meaning as in the <i>Valuation of Land Act 1960</i> ;
	footpath has the same meaning as the <i>Road Safety Road Rules 2017</i> ;
	freight container has the same meaning as the <i>Road Safety Act 1986</i> ;
	incorporated document means a document incorporated into this local law by clause 8;
	land includes buildings and other structures permanently affixed to the land;
	livestock includes any animal of a kind listed or prescribed as livestock for the <i>Livestock Management Act 2010</i> including any animal kept other than for primary production;
	model aeroplane means any airborne device modelled on an aeroplane or aircraft and which is powered and includes a drone;
	motor vehicle has the same meaning as in the <i>Road Safety Act 1986</i> ;
	nature strip has the same meaning as in the <i>Road Safety Road Rules 2017</i> ;
	permit means a permit approved under this local law;
	prescribe means decided or specified by Council, the details of which are published on Council’s website;

<p>recreational vehicle means a wheeled or tracked device ordinarily used for recreation or play and propelled by a motor that is not an auxiliary motor;</p>
<p>road and road related area have the same meaning as in the <i>Road Safety Act 1986</i> where the road and where the road related area are under the control or management of Council for the relevant matter in this local law;</p>
<p>security means a sum of money, or other means of security prescribed by Council, the value of which has been determined by Council, after taking account of—</p> <ol style="list-style-type: none">a. the nature of proposed works or activities (matter) that may damage or adversely impact a road, road related area, waterway managed by Council or Council land;b. the likely cost to remedy any damage or adverse impacts;c. any Council policy that applies to the matter;
<p>unsolicited document has the same meaning as in the <i>Environmental Protection Regulations 2021</i>;</p>
<p>urban area means—</p> <ol style="list-style-type: none">a. at Natimuk the Township Zone that applies in the Horsham Planning Scheme;b. an area where there are buildings in—<ol style="list-style-type: none">i. the locality of Horsham;ii. the locality of Haven;adjacent to a road with street lights, and—<ol style="list-style-type: none">iii. the buildings are not over 100 metres apart;iv. the street lights are not over 100 metres apart, for a distance of at least 500 metres, or if the road is shorter than 500 metres, for the whole road;
<p>vehicle has the same meaning as in the <i>Road Safety Act 1986</i>; and</p>
<p>wheeled recreational device has the same meaning as in the <i>Road Safety Road Rules 2017</i>.</p>

PART 2
Procedural
Permits
<p>10. Where this local law requires a permit, Council may—</p> <ul style="list-style-type: none"> a. approve an application with or without amendment to the proposal; b. impose conditions on any approval; or c. refuse the application for a permit.
Requirements
<p>11. Council may require an applicant for a permit—</p> <ul style="list-style-type: none"> a. to supply additional information; b. to give public notice of the application; and/or c. to provide the consent of the land owner.
Applications
<p>12. An application for a permit must be—</p> <ul style="list-style-type: none"> a. accompanied by the relevant fee; and b. in the prescribed form. <p>13. In considering an application, Council may consider as appropriate—</p> <ul style="list-style-type: none"> a. any Act and related documents relevant to the matter; <ul style="list-style-type: none"> Example The role, functions and powers of Council as a road authority for the <i>Road Management Act 2004</i>. b. whether the application complies or can be conditioned to comply with any incorporated document; c. any relevant policy adopted by Council; d. any written objection or written submission received in respect of the application; e. any written comment made in respect of the application by any public authority, government department, community organisation or other body or person; and/or f. any other relevant matter. <p>14. A permit may be subject to conditions including without limitation—</p> <ul style="list-style-type: none"> a. the payment of a fee or charge including without limitation an occupation charge; b. lodging or payment of security; c. a time limit specifying the duration, commencement or completion date; d. the happening of an event; e. the rectification, remedying or restoration of a situation or circumstance; f. when the applicant is not the owner of the subject property, the consent of the owner is required;

- g. the granting of some other approval or authorisation; and/or
 - h. the requirements of any incorporated document.
15. A permit will expire on the date specified in the permit or if no date is specified one year after the date of issue.
16. A person must not transfer or assign a permit.

Correction, suspension, cancellation or amendment

17. Council may correct a permit for—
- a. a clerical mistake or an error arising from any accidental slip or omission; or
 - b. an evident and material miscalculation of figures or any evident and material mistake in the description of any person, thing or property referred to in the permit.
18. Council may suspend, cancel or amend any permit if Council considers there has been—
- a. a material misstatement or concealment of fact in relation to the application for a permit;
 - b. any material mistake in relation to the issue of the permit;
 - c. any material change of circumstances which has occurred since the issue of the permit;
 - d. any substantial non-compliance with the permit (including any condition of the permit); or
 - e. any failure to undertake action within the time specified in a notice to comply issued under this local law.
19. Council may correct, suspend, cancel or amend a permit at the request of the permit holder or as an initiative of Council.

Impounding

20. If an authorised officer believes on reasonable grounds that a thing has been used so as to contravene this local law or otherwise constitutes goods that have been abandoned on a road related area, waterway managed by Council or Council land—
- a. the authorised officer may seize and impound the thing or abandoned goods (impounded item);
 - b. for the purpose of impoundment the authorised officer may seize the impounded item—
 - i. from a public place;
 - ii. from land that is not a public place with the consent of the owner or occupier of the land; and
 - c. if the impounded item is perishable, or in the opinion of the authorised office so damaged or insanitary as to be valueless, the impounded item may be disposed of immediately.

Example

Camping equipment and associated foodstuffs other than in a prescribed area for camping, shopping trolley in any waterway managed by Council or Council land.

21. As soon as reasonably practicable after impounding any impounded item, an authorised officer must serve a notice of impounding on the owner or other person apparently responsible for the impounded item setting out—
- a. any fees and charges payable in respect of the impounding;

- b. the time within which the impounded item must be claimed; and
 - c. that Council may dispose of the impounded item if not claimed within the specified time.
22. A notice of impounding will not be served where the authorised officer cannot, after making reasonable inquiries, identify or locate the owner or other person apparently responsible for the impounded item.
23. Council may sell, destroy, dispose of or give away the impounded item if the owner has not claimed the impounded item and paid the relevant fee within the time specified in the notice of impounding.

Fees, charges and security

24. Council may—
- a. from time to time, by resolution determine—
 - i. fees, charges (including without limitation an occupation charge) or security for the purposes of this local law;
 - ii. an administration, inspection or processing fee or charge in addition to the fee, charge or security applying under this local law; and
 - iii. establish a system or structure of fees and charges, including a minimum or maximum fee or charge; and
 - b. reduce, waive or refund, in whole or in part a fee, charge or security with or without conditions.
25. If—
- a. a permit holder has provided security to Council;
 - b. an application by the permit holder is received by Council within 12 months of the expiry or earlier determination of the permit, Council will return to the permit holder so much of the security remaining after deducting—
 - i. any administration, inspection or processing fee or charge; and
 - ii. the cost to remedy any damage or adverse impacts; and
 - c. an application by the permit holder is not received by Council within 12 months of the expiry or earlier determination of the permit, any security that is a sum of money will be held by Council as unclaimed money for the *Unclaimed Money Act 2008*.

Enforcement

Penalties

26. A person who—
- a. contravenes or fails to comply with any provision under this local law;
 - b. causes, allows or suffers an activity without a current permit under this local law;
 - c. contravenes or fails to comply with any condition contained in a permit or condition of any exemption under this local law;
 - d. contravenes or fails to comply with a notice to comply;
 - e. fails to comply with a direction of an authorised officer;

- f. fails to comply with a sign erected by Council;
- g. knowingly or recklessly provides incorrect or misleading information (whether oral or written) in an application for a permit or an application for an exemption under this local law; or
- h. knowingly or recklessly omits relevant information in an application for a permit or an application for an exemption under this local law,

is guilty of an offence and subject to the following penalties—

- i. for a first offence a maximum of twenty (20) penalty units;
- j. a further penalty of two (2) penalty units for each day the contravention, failure or activity continues after conviction; and
- k. for a second or subsequent offence, a penalty of twenty (20) penalty units.

27. If a corporation is—

- a. charged with an offence against this local law any natural person who is concerned or takes part in the management of the corporation may also be charged with the same offence; or
- b. is convicted of an offence against this local law, a natural person charged with the same offence may also be convicted of that offence and is liable to the penalty for that offence unless that natural person proves that the act or omission constituting the offence took place without his or her knowledge or consent.

28. When a court finds a person guilty of an offence under this local law the court may, in addition to imposing any penalty, order the person to compensate Council for the cost of any work carried out by, or on behalf of Council, necessitated by the contravention, failure, representation or omission of the person.

Notices to comply, directions, warnings

29. If a person is in breach of this local law then either as an alternative or in addition to a direction or an infringement notice, an authorised officer can issue to that person a notice to comply.

a. A person named in a notice to comply must—

- i. comply with this local law;
- ii. stop the conduct or cease the activity which is a breach of this local law;
- iii. deliver to the authorised officer or to a specified person or a specified location any item or property of the person which is a breach of this local law;
- iv. remove or cause to be removed any item, goods, equipment or other things that is a breach of this local law;
- v. leave an area; and
- vi. undertake any work or do specified things to remedy a breach of this local law, by the time and date specified in the notice to comply.

b. A notice to comply issued for unsightly or unsafe conditions may (without limitation) require a person to—

- i. improve the condition of land;
- ii. remove specified things from land;

<ul style="list-style-type: none">iii. fence, screen or otherwise enclose any part or the whole of land;iv. board up or otherwise secure any part or the whole of land to alleviate the risk to safety and adverse impacts on amenity; orv. display warning signs to alert members of the public to the presence of a danger and the erect barriers to prevent persons entering the land. <p>c. If a person does not comply with a notice to comply, Council or an authorised officer or any employee or any other person authorised in writing by Council may enter upon any land the subject of the notice to comply to do all acts, matters or things under the notice to comply.</p> <p>d. All costs and expenses including any administration fee incurred by Council in carrying out such acts, matters or things are a debt due to Council from the person issued with a notice to comply.</p> <p>30. A person must comply with a spoken or written direction by an authorised officer in respect of—</p> <ul style="list-style-type: none">a. any matter under this local law; orb. a person's use of a road, road related area, waterway managed by Council or Council land. <p>31. An authorised officer may give a person a spoken or written warning in respect of—</p> <ul style="list-style-type: none">a. any matter under this local law; orb. a person's use of a road, road related area, waterway managed by Council or Council land.
Infringement notices
<p>32. As an alternative to prosecution, an authorised officer may serve an infringement notice on a person who has contravened this local law.</p> <p>33. Infringement notice penalties are—</p> <ul style="list-style-type: none">a. five (5) penalty units for a breach in relation to the matters in clauses 48, 49 and 50; andb. two (2) penalty units for any other breach of this local law.
Power to act in urgent circumstances
<p>34. Council or an authorised officer may act to remedy any circumstance which threatens a person's life, health or property, or an animal, or to prevent any danger to the environment or any nuisance arising, without serving a notice to comply, provided that—</p> <ul style="list-style-type: none">a. the circumstance arises out of a person's use of road, road related area, waterway managed by Council or Council land or failure to comply with a provision of this local law;b. an authorised officer considers the circumstance to be sufficiently urgent that the time necessary to serve, or the potential difficulty in serving, a notice to comply may place the person's life, health or property, or the animal or the environment at risk or in danger or substantial detriment;c. the action taken is no more than the minimum reasonably necessary to remedy the urgent circumstance; andd. the person on whom a notice to comply would have otherwise been served is as soon as possible notified of the urgent circumstance and the action taken to remedy it.

PART 3	
Specific provisions	
Council controlled or managed places	
35.	<p>A person must not cause, allow or suffer vegetation, a gate, fencing, a sign or anything on land to or be likely to—</p> <ol style="list-style-type: none"> a. obstruct the view between vehicles at an intersection; b. obstruct the view between vehicles and pedestrians; c. obscure street lighting; d. constitute a danger to vehicles or pedestrians; or e. compromise the safe and convenient use of the road by pedestrians or vehicular traffic. <p>Example</p> <p>Vegetation on the nature strip, vegetation beyond the property boundary, roots in stormwater drains, basketball hoops outside of the property boundary, fencing at street corners, things that may cause a pedestrian or driver to veer, hindering the safe and convenient passage of persons using a pram, mobility aid, motorised mobility device, wheel-chair, accumulated dropped berries leaves or other materials on a footpath.</p>
36.	<p>Without an approval or authority under an Act or permit a person must not cause, allow or suffer in respect of road, road related area, or Council land (in this clause called the land)—</p> <ol style="list-style-type: none"> a. any change to the land; b. removal of anything from the land; c. erection of scaffolding, hoarding or overhead protective awnings and other structures or affixing of advertising or erection of signs or other things (including pipes, wires, cables, pavers, fixture, fitting and other objects) in, on, across, under or over the land; d. any change, interference with or removal of a structure or ornament (including pipes, wires, cables, pavers, fixture, fitting and other objects) associated with the land; e. planting of a tree or other vegetation on the land, interference with vegetation on the land or removal of vegetation from the land; f. occupation of the land including without limitation by fencing, use of a mobile crane, travel tower, concrete line pump, scissor lift, or the swinging or hoisting of things across any part of the land by means of a lift hoist or tackle; or g. the deposit or leaving of materials, supplies, waste and things on the land including without limitation skip bins, machinery plant or equipment and tools, paving, gravel, aggregate or other surface treatments. <p>Example</p> <p>Alter a drain, break down any bollard fence gate or other physical barrier to entry to the land, remove interfere with or deface any sign, affix to a building objects intruding into the airspace over the land, tree lopping or cutting taking or collecting of wood, make a hole or excavation; remove sand gravel or other materials, fill a hole or excavation; deposit rubble rocks gravel soil mulch pallets of turf.</p>

37.	Without a permit a person must not collect wood from a road, road related area or Council land.
38.	A person must not— <ul style="list-style-type: none"> a. drive a motor vehicle or other machinery over a kerb, nature strip or footpath at a place other than a vehicle crossover; or b. without a permit construct, install, remove or alter a vehicle crossover, including any temporary crossover.
39.	A person must not on road, road related area or Council land cause, allow or suffer— <ul style="list-style-type: none"> a. to remain a motor vehicle, caravan (or similar), trailer, boat, damaged or dilapidated motor vehicle— <ul style="list-style-type: none"> i. for more than seven (7) days; or ii. for the purpose of sale; b. any repair, service, dismantling, painting, panel beating, washing, cleaning or other work of similar nature on a motor vehicle, caravan (or similar) or trailer except for running repairs in the case of breakdown.
40.	A person must not— <ul style="list-style-type: none"> a. use a wheeled recreational device in an area prescribed as an area in which a wheeled recreational device cannot be used; b. ride a bicycle on a footpath prescribed by Council to be a footpath on which a bicycle cannot be ridden; or c. ride a bicycle on a footpath at a time prescribed as a time on which a bicycle cannot be ridden.
41.	Except in an area prescribed as an area for the purpose a person must not on road, road related area or Council land cause, allow or suffer— <ul style="list-style-type: none"> a. a recreational vehicle to be used; b. camping, where camp has the same meaning as in the <i>Road Management (General) Regulations 2016</i>; or c. the operation of a model aeroplane.
42.	A person shall not cause or permit a motor vehicle to be on Council land other than— <ul style="list-style-type: none"> a. a road or other especially formed lane for motor vehicles; b. a carpark; or c. an area where provision has been specifically made for the entry or accommodation of motor vehicles.
43.	Without a permit a person must not cause or permit a prescribed vehicle or machine or class of vehicle or machine to be used on a road.
44.	A person must not cause, allow or suffer a shopping trolley to be left on or in a road, road related area, waterway managed by Council or Council land.

45. On a road related area that is a carpark or any Council land a person must not—
- a. act contrary to prescribed conditions of entry;
 - b. enter other than through the entrance for that purpose or during hours when that carpark or Council land is closed to the public;
 - c. enter and remain without paying any relevant fee, charge including any occupation charge or security;
 - d. hire or use any Council property in connection with that place without paying any relevant fee, charge or security; or
 - e. remain at that carpark or on Council land after being directed to leave by an authorised officer or other prescribed person.

46. A person must not, while aboard a vessel on any waterway managed by Council, interfere with the reasonable use and enjoyment by another person of the waterway or nearby land.

47. Council may prescribe—

- a. times of the day;
- b. days or dates;
- c. a part of the municipal district; and/or
- d. a case or class of case,

when a person must not have liquor in an open container on a road, road related area or Council land affected by such prescription, unless otherwise permitted under an Act.

Example

A Council prescription may prevent the consumption of liquor on the footpath. Such a prescription does not apply to that part of the footpath under a liquor licence.

An authorised officer who observes a person in possession of liquor in an open container at a time of the day, on a day or dates, in a part of the municipal district or in a case or class case contrary to the prescription may direct the person to dispose of the liquor or seal the container of liquor.

In this clause, *liquor* has the same meaning as in the *Liquor Control Reform Act 1998*.

48. Without an approval or other authority under an Act or permit a person must not on a road, road related area or Council land—

- a. place or affix any advertising, banner, billposting, real estate sign, mobile billboard or prescribed sign;
- b. distribute any unsolicited document to persons;
- c. display any goods or samples;
- d. erect or place a vehicle, caravan, trailer, table, chairs, stall, barrow, booth, tent, kiosk or barrow for the purpose of selling or hiring any goods or services;
- e. place any outdoor eating furniture or associated facilities for food and drink premises;
- f. sell or offer for sale or hire any goods or services carried about or placed on the person or any other moveable thing;
- g. sell or offer for sale any raffle ticket or ask for or receive or do anything to indicate a desire for a donation of money or any other thing;

<p>h. busk;</p> <p>i. conduct or hold a concert, festival, show, public gathering, rally, street party, circus, carnival, performance or other similar activity;</p> <p>j. cause any public exhibitions, displays or events (including without limitation weddings);</p> <p>k. provide organised athletics, sport, health or fitness services;</p> <p>l. record images by film, video, digital or other technology to broadcast publish or publicly exhibit for commercial purpose; or</p> <p>m. undertake any other activity prescribed for the purposes of this clause.</p> <p>In this clause—</p> <p>a mobile billboard is an advertising sign that is not an integral part of the construction of the motor vehicle or is that type of sign on a trailer pulled by a motor vehicle; and</p> <p>street party means an organised social gathering of people from one or several adjacent roads that is held on a road or road related area.</p> <p>49. Without a permit obtained the prescribed number of days before the event relating to the discharge or display of the fireworks, Chinese firecrackers or theatrical fireworks, a person must not on a road, road related area, waterway managed by Council or Council land located in the urban area discharge or display fireworks, Chinese firecrackers or theatrical fireworks.</p>
<p>50. Unless otherwise approved or authorised under an Act prior to the commencement of construction work or construction activity the—</p> <p>a. owner or occupier causing the carrying out of construction work or construction activity on land;</p> <p>b. person undertaking construction work or construction activity on land; or</p> <p>c. appointed agent</p> <p>must ensure a permit is obtained from Council and payment or provision of security is made for use and access over (including by the travel of any boom or similar) and occupation of road, road related area or Council land.</p>
<p>51. Unless approved or authorised under an Act, a person must not, without a permit—</p> <p>a. excavate, destroy, damage, obstruct, alter, remove or in any way interfere with; or</p> <p>b. obstruct, divert, tap, add to, take, use or in any way interfere with the passage of drainage water or water through</p> <p>any drain or drainage works vested in Council, waterway managed by Council or any thing in the nature of a ditch, swale, gutter, levee or culvert on a road, road related area or Council land.</p> <p>52. A person must not cause, allow or suffer any substance, other than untreated stormwater, to be discharged into the stormwater system of Council.</p>
<p>Safety and amenity</p>
<p>53. A person must not cause, allow or suffer local nuisance, including from land owned or occupied by the person.</p> <p>In this clause local nuisance is—</p> <p>a. any adverse effect on amenity that—</p>

- i. is caused by—
 - A. light, noise, vibration, odour, smoke, fumes, aerosols or particles including, without limitation, dust, fly-ash or cinders (the agent); or
 - B. any other agent or class of agent prescribed by Council; and
- ii. unreasonably interferes with or is likely to interfere unreasonably with the enjoyment of the area by persons occupying land in, or lawfully resorting to, the area;

Example

Use of a chimney on residential land, fire in the open air (unless approved under an Act), chemical, mechanical or manual process, use of a recreational vehicle, musical instrument or any electrical amplified sound, the keeping of animals or construction activity.

OR

- b. insanitary conditions on land that unreasonably interfere with or are likely to interfere unreasonably with the enjoyment of land in the vicinity;

OR

- c. unsightly or unsafe conditions on land, of a kind caused by human activity, misuse or ageing, a lack of effective maintenance or a failure to act that involves—
 - i. bracken, grass or weeds in excess of 300mm in height;
 - ii. excessive or unconstrained disused or derelict items or material—
 - A. not usually associated with the maintenance of the land; and
 - B. that a reasonable person would consider to be rubbish or waste in the circumstances;

Example

Accumulation of paper, cloth, packaging, bottles, metal, timber, building materials, building refuse and rubble, excavation material, spoil, derelict parts machinery or vehicles.

- iii. more than 2 unregistered motor vehicles in an urban area;
- iv. buildings, structures or fences on the land in a dilapidated state or in a state of disrepair or general neglect or that have been damaged or defaced;

Example

Windows or doors in a building have been broken or removed so that the building cannot be secured, where guttering downpipes or drains are not in a good state of repair or clean and free from obstruction.

- v. incomplete construction work for two hundred and forty (240) days or more from the expiry or earlier determination of the relevant approval;
- vi. an unfenced or unsecured hole or excavation; or
- vii. the keeping or storage of temporary buildings or relocated or removable houses, which is detrimental to the general appearance and amenity of the surrounding area.

- 54. Unless approved under an Act or otherwise prescribed by Council a person must not light a fire in the open air in either of—
 - a. the urban area; or
 - b. on Council land wherever located

<p>unless—</p> <ul style="list-style-type: none"> i. the fire is for the purpose of meal preparation or personal comfort and accords with the conditions in section 38A(1)(a) of the <i>Country Fire Authority Act 1958</i>; and ii. in the case of Council land the fire is lit in a properly constructed fireplace provided by or on behalf of Council. <p>In this clause <i>in the open air</i> has the meaning in section 34A of the <i>Country Fire Authority Act 1958</i>.</p>
<p>55. A person must not cause, allow or suffer the construction, erection, installation or use of any incinerator on any land in the urban area.</p>
<p>56. The occupier of every dwelling and other property to which Council provides a municipal waste collection service must comply with the Solid Waste Code.</p>
<p>57. A person must not—</p> <ul style="list-style-type: none"> a. cause, allow or suffer a freight container to be placed on or to remain on any road, road related area or Council land; b. on land in the urban area, cause, allow or suffer a freight container to be kept, stored, repaired or otherwise used or remain unless permitted under an Act; or c. without a permit, in that part of the municipal district that is neither urban land nor farm land, cause, allow or suffer a freight container to be kept, stored, repaired or otherwise used or remain.
<p>58. A person must not allow, cause or suffer a vehicle (weighing more than 10.5 tonne including any load) to be parked (save for that reasonable period of time in which the vehicle is parked during daylight hours for the purpose of picking up or setting down goods), kept, stored or repaired on any public land in the residential zones which apply in the Horsham Planning Scheme.</p>
<p>59. Council may allot such numbers as are in its opinion necessary to identify each property in the municipal district.</p>
<p>60. If Council has allocated a number to a property the owner or occupier of that property must—</p> <ul style="list-style-type: none"> a. mark the property with the number of a sufficient size and placed in such a position as to be clearly read from the road on which the property has its frontage; and b. renew or replace the number as often as may be necessary.
<p>61. A person must not enter or remain on the prescribed aerodrome movement area within the Horsham Aerodrome other than—</p> <ul style="list-style-type: none"> a. a pilot or crew member of an aircraft; b. an employee or agent of Council, the Civil Aviation Safety Authority or an emergency service in performance of their duties; c. a person who is a passenger either in an aircraft or in the process of entering or leaving an aircraft; d. a person lawfully involved in the refuelling or servicing of an aircraft; or e. any other person authorised by the aerodrome manager and acting in accordance with that authority.

Animals	
62.	<p>The owner of an animal which is present on a road, road related area or Council land must—</p> <ul style="list-style-type: none"> a. carry and produce upon demand by an authorised officer, a bag or other suitable container for the collection and lawful disposal of any faeces that the animal may deposit; b. remove and hygienically dispose of faeces deposited by the animal; and c. if the animal is a dog, ensure the dog is secured by a chain, cord or leash except in an area prescribed by Council as an off leash area where the person must keep the dog under effective control. <p>In this clause—</p> <ul style="list-style-type: none"> i. owner includes a person who has the animal in his or her care for the time being; and ii. effective control means the owner exercises effective control of the dog either— <ul style="list-style-type: none"> A. by means of a physical restraint; or B. by command, the dog being in close proximity to the person, and the person being able to see the dog at all times.
63.	<p>An owner or person who has a dog in his or her care for the time being must ensure the dog is muzzled when in or in close proximity to the municipal livestock exchange.</p>
64.	<p>A person must not ride or lead a horse—</p> <ul style="list-style-type: none"> a. in the urban area on any footpath or nature strip; or b. on Council land except in an area prescribed for that purpose.
65.	<p>An owner or occupier of land must not keep or allow to be kept any beehive on that property unless the person or one of them or another person permitted to use the property is a registered beekeeper and keeps the bees and hives in accordance with the Apiary Code of Practice.</p>
66.	<p>This clause does not apply where the keeping of a particular type of animal or bird is permitted (rather than ancillary) under the Horsham Planning Scheme or a planning permit applicable to the land.</p> <ul style="list-style-type: none"> a. In the urban area a person must not cause, allow or suffer to be kept— <ul style="list-style-type: none"> i. livestock (other than domestic fowl); ii. free flying pigeons; or iii. any rooster. b. Without a permit, in the urban area a person must not cause, allow or suffer to be kept— <ul style="list-style-type: none"> i. more than 2 dogs; ii. more than 2 cats; or iii. more than 10 domestic fowl. c. Without a permit, in that part of the municipal district that is not urban area and that is not farm land, a person must not cause, allow or suffer to be kept— <ul style="list-style-type: none"> i. more than 3 dogs; or ii. more than 3 cats.

- d. Without a permit, on farm land, a person must not cause, allow or suffer to be kept—
 - i. more than 5 dogs; or
 - ii. more than 5 cats.
 - e. A person keeping any domestic animal must comply with any code of practice, however called under an Act, for the keeping of domestic animals.
 - f. In this clause—
 - i. **domestic fowl** has the same meaning as the *Prevention of Cruelty to Animals (Domestic Fowl) Regulations 2016*;
 - ii. a dog or cat is a dog or cat over 3 months old; and
 - iii. a dog that herds, droves, protects, tends or works stock and lives on farm land is not counted in the number of dogs kept on farm land.
67. Without a permit a person must not drive livestock from outside the municipal district either—
- a. through the municipal district to a destination outside the municipal district; or
 - b. into the municipal district to a destination within the municipal district.
68. Without a permit a person may drive livestock if the livestock are driven—
- a. from within the municipal district to a destination within or out of the municipal district;
 - b. in the way set out in any guideline published by Council and available on Council’s website; and
 - c. other than in the urban area.
69. Without a permit an owner or occupier of land in the municipal district or an adjoining municipal district, or a person on their behalf, may drive livestock into the municipal district if the livestock are driven—
- a. the purpose of milking or shearing;
 - b. in the way set out in any guideline published by Council and available on Council’s website; and
 - c. other than in the urban area.
70. Without a permit a person may move livestock from one property or part of a property to another within the municipal district if—
- a. the trip is started and completed within daylight hours;
 - b. the person driving the livestock is competent in the handling of livestock and takes all reasonable steps to minimise risk to other road users and damage to fences, roads and vegetation;
 - c. the livestock are moved in the way set out in any guideline published by Council and available on Council’s website; and
 - d. other than in the urban area.
71. Without a permit a person must not graze livestock on a road related area or Council land.
72. An owner or occupier of land on which livestock or pets are kept must ensure the land has secure fencing so that neither the livestock nor pets can get over, under or through the fence.