



Borough of Queenscliffe

Policies and Procedures Manual

**Additional Requirements Applying to Uses and Activities
Set Out Under Law No. 2 2010 Community Amenity**

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*In addition to any requirements in the Local Law or conditions of a permit
a person must comply with the following requirements.*

PART 1 – DOMESTIC WASTE AND RECYCLABLE MATERIALS

1. These requirements apply to the occupiers of every dwelling or other property where the Council provides a domestic garbage collection service.
2. All domestic waste and recyclable material left for collection must be placed in bins ready for collection in accordance with the Council requirements established in this Part and on the days from time to time specified by the Council.
3. If the Council has notified occupiers of a green waste or hard waste collection, the recycled material and the type of hard waste to be collected must be left for collection in accordance with the Council's instructions.
4. Sub-clause (3) does not apply to material which is recycled on the property in a manner which causes no nuisance to neighbours or kept on the property for recycling in accordance with a Council sponsored recycling program.
5. Where the Council supplies or arranges the supply of bins for domestic waste or recyclable material, waste and recyclable materials must be stored in the bin supplied and must be used for no other purpose.
6. Bins must be placed on the verge of the vehicle crossing or roadway abutting the property within 2 meters of sealed or trafficked surface the night before the waste is to be collected and should not constitute a hazard to vehicular traffic.
7. Material that may cause a hazard or a safety risk is prohibited from being placed in bins provided and collected by the council for domestic waste or recycling.
8. Once the waste has been collected by the Council, the empty bins must be returned to the property as soon as practicable but within 24 hours from the collection.
9. Where any waste from a container has spilled onto the road, nature-strip or surrounding area before collection it must be removed by the occupier responsible for the bin, as soon as practicable and may be reported to the Council.
10. Bins must be maintained in a clean and tidy manner so that they do not cause a health threat or are offensive to any person.
11. The owner of any flats or units if required to do so must provide a clearly defined storage area for the storage of bins and every occupier must keep the bin allocated to the flat or unit in that defined storage area.
12. Any container issued to a property:
 - (a) is owned by the Council;
 - (b) must be kept and remain on the property; and
 - (c) if it is damaged, lost or stolen the occupier of the premises must notify the Council as soon as possible on the prescribed form and may be required to pay the costs of replacement.

PART 2 – GENERAL REQUIREMENTS APPLYING TO INDUSTRIAL, TRADE AND COMMERCIAL WASTE

1. The occupier of property must ensure that any container used for the storage of industrial, trade or commercial waste is:
 - (a) not kept on a road or Council land and must be kept on the property for which the bin as been obtained unless the Council has approved an alternative location;
 - (b) constructed of material to prevent leakage, is water-tight, fly and vermin proof ;
 - (c) of a sufficient size to contain all waste generated on the premises in between clearances;
 - (d) kept in a clean, sanitary and inoffensive condition; and
 - (e) emptied at least weekly or more regularly if the contents become offensive.

2. The occupier of any premises must ensure that any area where any container used for the storage of industrial, trade or commercial waste is kept is:
 - (a) maintained at all times in a clean, sanitary and inoffensive condition;
 - (b) adequately screened from adjoining properties; and
 - (c) adequately fenced or otherwise constructed so that access to the public is not possible.

3. Every skip, waste hopper or recycling bin used for the collection of waste or recyclable material must display a notice indicating the type of waste or material which is permitted and stating that it is an offence to deposit any material contrary to the notice.

PART 3 – REQUIREMENTS APPLYING TO HARD WASTE AND GREEN WASTE COLLECTION

1. The Council may notify occupiers of a declared day or period during which hard waste or green waste items may be placed outside the premises near the kerb or nature strip for collection.

2. In this Manual:

“hard waste” means any material that is not reasonably capable of being contained within a domestic rubbish container. Hard waste left for collection must not exceed 32kg in weight, 1.20 metres in length and 0.6 metres in width.

Materials excluded from hard waste collection are:

- (a) vehicle tyres;
- (b) chemicals and paints;
- (c) industrial or liquid wastes;
- (d) automotive batteries;
- (e) waste oils;
- (f) asbestos;
- (g) pharmaceutical or pathological wastes; and
- (h) chemical containers.

Building rubble and waste bulk material must not exceed 16kg for each item and must be capable of being lifted by one person.

“green waste” means domestic garden refuse. Green waste left for collection must be assembled in two bundles, not exceeding 1.2 metres in length and securely tied. The width of the bundle is dependent on the method of disposal as directed by an authorised officer and must be either:

- (a) 0.40 metres for collected bundles; or
- (b) 0.30 for mulching.

There will be no limit to the number of bundles collected from each property.

Materials excluded from the green waste collection are:

- (a) tree roots and stumps;
- (b) grass, weeds or bagged waste; or
- (c) Canary Island palm, box thorn or rose prunings.

PART 4 – POULTRY AND ANIMAL HOUSING

- 1.** If a person keeps poultry or animals on a property, the poultry or animal housing must be located on the property so that the amenity of the area or other premises is not affected by nuisance noise or odour experienced because of proximity of the poultry or animal housing.
- 2.** An owner or occupier must not construct or use any poultry or animal housing on any property unless it has adequate roofing, drainage, is rat proof.
- 3.** All poultry and animal housing must be maintained so that it does not cause a nuisance or offensive condition or harbours vermin.

PART 5 – USES AND ACTIVITIES ON COUNCIL LAND AND ROADS

ROAD ACTIVITIES

1. A person or organisation applying for a permit to conduct a road activity must provide the following information with the application:
 - (a) a sketch plan, prepared by an authorized traffic management company, showing the road or parts of the road required to be closed or where traffic conditions are to be altered and the places on or near the roads at which it is proposed to erect barriers, obstructions or signs;
 - (b) the date on which and the hours between which it is proposed to conduct the road activity and the times during which barriers and obstructions will remain;
 - (c) a full description of the road activity proposed to be undertaken including its organisation and control;
 - (d) details of any entry or other fees proposed to be charged;
 - (e) any other information that the Council considers is relevant to the application.
2. The Council must give a copy of the application to the police.
3. The Council:
 - (a) may publish or require the applicant to publish a public notice describing the proposed road closure or alterations to traffic conditions and the reasons for it, in the form and containing the details required by the CEO; and
 - (b) may also require a copy of it to be placed on the notice board at the Council office.
4. The Council must not initiate or proceed with or permit a road activity:
 - (a) until Council has complied with all obligations under the Act;
 - (b) until any objection to the road activity has been considered by the Council;
 - (c) unless the Council is satisfied that the majority of occupiers of premises adjoining the road activity do not object to the closure and the proposed road activity;
 - (d) if the police object;
 - (e) unless a public body whose approval is required has given that approval; and
 - (f) unless Council considers the proposed road activity appropriate in all of the circumstances.

SPECIAL USES AND EVENTS

5. The CEO must advise the Council of any application for a permit for a special use or event where the CEO considers that:
 - (a) the proposed special use or event is one which the Council ought to be aware of;
and
 - (b) it is not an event that is held annually in the municipal district.

PART 6 – REQUIREMENTS APPLYING TO ADVERTISING SIGNS, OUTDOOR EATING AND ANCILLARY EQUIPMENT AND DISPLAY OF GOODS.

1. OBJECTIVES

The objectives of this Part of the Policies and Procedures Manual are to:

- (a) To regulate the placing of signs, goods, tables and chairs on road reservations.
- (b) To minimise public risk, obstruction to the public and visual clutter.
- (c) To encourage thoughtful use of items in a way that adds to the character of the area.
- (d) To ensure the signage takes account of the heritage and urban character of the area.
- (e) To comply with any relevant guidelines such as streetscape or heritage guidelines.

2. CONTROLS

- (1) This policy relates to matters out of or applying to clause 14 of Local Law No.2, 2010.
- (2) This policy directs officers authorized to consider applications for a permit under the provision of clause 14 of the Local Law.

3. DEFINITIONS

Advertising Sign	means any placard, board, sign, frame, notice, card, or banner which: <ul style="list-style-type: none">(a) provides information about a business or industry; or(b) advertises goods, services, an event or a competition.
Footpath	includes every path, lane or other place within the Municipal district habitually used by pedestrians
Road	has the same meaning as 'Road' in the Act and means any road in the municipal district for which the Council has responsibility under the Road Management Act 2004.

4. APPLICATION

A permit to place any advertising sign, display of goods for sale or any item of street furniture on any road will not be granted unless the provisions of this policy are complied with.

5. INFORMATION TO BE SUBMITTED

An application for a permit must contain the following information:

- (a) Location and size of area to be occupied
- (b) building line
- (c) kerb
- (d) existing street furniture, fixtures and fittings
- (e) width of footpath
- (f) information to be contained on sign, such as text, colour
- (g) style of furniture
- (h) demonstrate the proposal complies with Heritage or Urban Character values of the area.

6. PRESCRIBED SIZES

- (1) Despite any other provision of the Policy, signs must not be greater than 1.2 metre high and 600mm wide.
- (2) The maximum size of a table must not be greater than 900mm square or 900mm in diameter.
- (3) The maximum size for flag and pole type signs must not be greater than 1.5 metres high and 500mm wide.

7. RESTRICTIONS

- (1) No item or goods may be affixed to any sign, rubbish container or other fixture controlled or owned by the Council (Council fixture).
- (2) No items or good may be placed in such a way as to interfere with or otherwise obstruct the use of any Council fixture or item of furniture.
- (3) Items or goods may only be placed outside a business operated by the applicant.
- (4) Items or goods may only be placed on land contained within a Mixed Use Zone or Business 1 Zone as defined in the Queenscliffe Planning Scheme, except where the property has frontage to the Bellarine Highway.

- (5) Sufficient space must be maintained at all times to allow safe and unobstructed pedestrian movement from the roadway onto the footpath and vice versa.
- (6) Any sign, furniture or other approved sign must be maintained in good order and appearance otherwise an authorised officer may direct its removal.
- (7) No A Frame sign or advertising sign may be placed on a footpath within 2 metres of the building line or within 1.25 metres of an area where vehicles may stand, and may only be placed within the frontage of the premises to which the sign relates.
- (8) Tables, chairs and umbrellas may be located adjacent to the kerb or shop front and at least two metres must be kept clear on the footpath for the passage of pedestrians. Tables, chairs and umbrellas may only be placed within the frontage of the premises that has the permit.
- (9) Umbrellas must have a minimum height of 1.9 metres from the ground to the lowest point of the canopy.
- (10) Selling or hawking from displays is prohibited.
- (11) Food must not be displayed outside the premises.

8. HEALTH REQUIREMENTS

The preparation, handling and serving of food and drinks to patrons at table and chairs must be in accordance with the Food Act and Regulations and any applicable Codes of Practice.

9. PLANNING REQUIREMENTS

The provision of tables and chairs on a footpath may also require planning approval. Erection of permanent advertising signage may also require planning approval. Applicants should consult with the Planning Department of Council.

10. INSURANCE/INDEMNITY

An authorised officer will not grant a permit unless the applicant:

- (a) is the holder of an acceptable and current public liability insurance policy of at least \$10 million; and
- (b) that Council is named as an "**interested party**" and that the policy contains a "cross liability" clause between Council and the applicant.

11. QUANTITY

- (1) No more than one (1) advertising sign will be permitted within the frontage of a premise.

- (2) No more than three (3) sets of tables and chairs per shop front will be permitted for each business (one set comprises of 1 table, 2 chairs and 1 umbrella) in business areas.

12. CONSTRUCTION - FIXING

- (1) Signs must be constructed to the satisfaction of Council's Building Surveyor.
- (2) Signs must be fixed or secured at all times in such a manner so as to prevent their movement due to wind.

13. PROHIBITIONS

- (1) No items or goods may be placed on any carriageway, driveway or emergency vehicle access way.
- (2) No items or goods may be placed in such a way as to restrict the line of travel to and from disabled parking bays or loading zones.
- (3) No items or goods may be located within 1 metre of an intersection or pedestrian crossover.

14. DURATION OF PERMIT

- (1) A permit remains valid from the date of issue until the next 1 July.
- (2) A permit applied for after 1 January in each year will only be required to pay 50% of the full permit fee.
- (3) Upon expiry of a permit the relevant sign, goods or items must be removed unless a new permit has been issued.

15. FEES

- (1) A fee of \$60 must be submitted with each application:
- (2) Council may, at its discretion, reduce or waive fees for signs associated with community activities, service clubs or the like.
- (3) All fees are due at the time of applying for a permit and signs must not be displayed until the fees have been paid and the permit issued.

16. PERMIT REVOCATIONS

The Council reserves the right to withdraw its approval to the granting of a permit, to cancel or not renew any permit granted or to alter or modify the conditions of approval of any permit, at

any time, if it so thinks fit. Such a withdrawal, cancellation, alteration or modification could be made necessary by changes in pedestrian volumes and other matters affecting the use of the footpath. Prior to any withdrawal cancellation, alteration or modification, Council must provide the permit holder with an opportunity to comment on Council's proposed actions.

17. AMENITY

- (1) An authorised officer may reject an application if it is likely to cause detriment to the amenity of the area.
- (2) The permit holder must provide a litter bin within the premises and must keep the area clean at all times.
- (3) Where the permit allows outdoor dining, the applicant is to provide a selection of tables, chairs and street furniture, which is functional and safe and which compliments the Heritage or Urban Character values of the area.

18. HOURS

Advertising signs, goods, tables and chairs and street furniture must be removed when the premises is not open to the public.

19. COLOUR

- (1) Advertising signs, goods, chairs and table should have a contrasting colour to their background to assist the visually impaired.
- (2) Fluorescent and iridescent colours are not permitted.

20. PERMIT TRANSFERS

- (1) Permits may be transferred where there is a change in the ownership of a business.
- (2) In the event of any change in the ownership of the business, the Council must be notified immediately of the name(s) of the new proprietor(s).

PART 7 – ABANDONED VEHICLES

In this Part, “vehicle” includes a “boat”.

1. If a vehicle is registered and has been standing for at least 7 consecutive days on Council land or a Public place (whether or not in a parking area or otherwise legally parked), the authorised officer must affix a warning sticker to the vehicle and serve a notice on the owner or proprietor.
2. If the owner or proprietor of the vehicle does not within the time specified in that notice:
 - (a) remove the vehicle; or
 - (b) notify the Council that the vehicle has not been abandoned -an authorised officer may presume that vehicle has been abandoned, provided that an inquiry of the police has been made and has not revealed that it has been stolen.
3. If a vehicle is unregistered, or if a vehicle is abandoned or presumed to have been abandoned, and in each case is standing on Council land or a Public place, an authorised officer may remove the vehicle and impound it.
4. Where a registered vehicle is impounded an authorised officer must as soon as practicable cause a notice in the form of Schedule 2 to the Local Law to be delivered or sent by registered post to the person who appear from the records kept by the relevant authority to be the owner or proprietor of the vehicle.
5. A vehicle which has been impounded must be released to the owner or the owner’s representative on the production of satisfactory evidence of his or her right to the vehicle and payment of the fees.
6. If a vehicle is not claimed and the fees payable are not paid within 7 days after the vehicle is impounded or the giving of notice under 5. above, whichever is the later, the vehicle may then be sold by auction or public tender of which at least 7 days public notice has been given.
7. If a vehicle is not sold as a result of the auction or calling of tenders it may be disposed of at the Council’s discretion.
8. Despite clause 6, if the Council is of the opinion that the vehicle cannot be sold or the likely proceeds of the sale will be insufficient to cover the selling expenses, the Council may direct that it be destroyed or given away.
9. A person who was entitled to claim a vehicle pursuant to clause 6 may claim and be paid the net proceeds of the sale of the vehicle less any fees payable under clause 6.