



**Yarra City Council**

**Environment Local Law**

**Local Law No. 3 of 2002**

**(This local law was originally made 11 March 2003 and incorporates amendments made 15 May 2007 by the 'Control of Noise in Council Parks and Gardens Local Law', No 2 of 2007.)**

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# TABLE OF CONTENTS

Part A - Introduction .....	4
1 Title .....	4
2 Purpose of Local Law.....	4
3 Authorising Provision .....	4
4 Operation Date.....	4
5 Revocation .....	4
6 Application.....	4
7 Interpretation .....	5
Part B – Use of land.....	10
8 Machinery, Materials, Goods or Vehicles on Land.....	10
9 Unsightly land.....	10
10 Vermin and Noxious Weeds .....	11
11 Prevention of Fire Risks .....	11
12 Circuses, Carnivals and Festivals .....	12
12A Disturbing Noise in Council's Parks and Gardens .....	12
12B Occasional Events in Council's Parks and Gardens.....	13
13 Building Works.....	13
14 Dilapidated Buildings .....	17
15 Heavy Motor Vehicles.....	17
16 Use of Awnings and Verandahs for Advertising .....	18
Part C – Waste disposal .....	19
17 Disposal of Disused Refrigerators and other Compartments .....	19
18 Use of approved garbage bin or approved mobile garbage bin. ....	20
19 Interpretation .....	20
20 Use of approved garbage receptacle .....	20
21 Placement of approved garbage receptacle .....	21
22 Maintenance of approved garbage receptacle .....	21
23 Numbering of approved garbage receptacle .....	22
24 Removal of approved garbage receptacle.....	22
25 Notice to comply .....	22
26 Recycling and Hard Garbage Collection .....	22
27 Trade Waste Hoppers .....	22
28 Screening of Bins and Hoppers.....	24
29 Transportation of Waste .....	24
Part D – Camping and caravans.....	26
30 Permitting Camping .....	26
31 Camping .....	27
32 Exemption.....	28
Part E – Animals and birds .....	29
33 Application of Part E .....	29
34 Keeping of Animals Generally .....	29
35 Keeping of Animals in Flats .....	30
36 Animal Shelters .....	30
37 Removal of nuisance animals.....	32
38 Feeding of Animals.....	32
39 Notices to Comply under this Part .....	32
Part F – Management of drains .....	33
40 Maintenance of Drains.....	33
41 Tapping into Drains .....	33

**Yarra City Council**  
**Environment Local Law, No. 3 of 2002**

---

Part G - Open air burning and incinerators .....	34
42 Application of Part G.....	34
43 Fires.....	34
44 Nuisances.....	35
45 Extinguishing Fires .....	36
Part H - Recreational vehicles .....	37
46 Use of Recreational Vehicles .....	37
Part I - Administration and enforcement .....	38
47 Impounding.....	38
48 Permits .....	38
49 Considering applications .....	39
50 Correction of permit.....	39
51 Transitional Provision .....	39
52 Grounds for cancellation of or amendment of permits.....	40
53 Notices to Comply .....	40
54 Offences .....	41
55 Infringement Notices.....	41
56 Payment of Penalties.....	41
57 Date for Payment.....	41
58 Acceptance of Infringement Notice.....	42
59 Waiver of Infringement Notice .....	42
60 Withdrawing a Notice.....	42
61 Failure to Comply with Notice.....	42
62 Schedule No. 1 – Additional purposes of this Local Law.....	43
63 Schedule No. 2 - Notice to destroy vermin/noxious weeds .....	44
64 Schedule No. 3 – Notice to Comply.....	45
65 Schedule No. 4 – Penalty amounts for Infringement Notices .....	46

**Yarra City Council**  
**Environment Local Law, No. 3 of 2002**

---

**Part A - Introduction**

**1 Title**

1.1 This Local Law is entitled "Environment Local Law" and is Local Law No. 3 of 2002 of the Yarra City Council.

**2 Purpose of Local Law**

2.1 This Local Law is made for the purpose of:

2.1.1 providing for the peace order and good government of the Yarra City Council;

2.1.2 promoting a physical and social environment free from hazards to health, in which the residents of the Municipal District can enjoy a quality of life that meets the general expectations of the community;

2.1.3 preventing and suppressing nuisances which may adversely affect the enjoyment of life within the Municipal District or the health, safety and welfare of persons within the Municipal District; and

2.1.4 prohibiting, regulating and controlling activities which may be dangerous or unsafe or detrimental to the quality of life and the environment of the Municipal District; and

2.2 the further purposes set out in Schedule 1.

**3 Authorising Provision**

3.1 This Local Law is made under section 111(1) of the Act.

**4 Operation Date**

4.1 This Local Law commences to operate on Wednesday 12 March 2003.

**5 Revocation**

5.1 Unless sooner revoked, this Local Law ceases to operate on 12 March 2013.

5.2 The following local laws are revoked upon this local law becoming operative:

5.2.1 Environment Local Law, No 3; and

5.2.2 Environment (Amendment) Local Law, No 13.

**6 Application**

6.1 This Local Law applies and operates throughout the whole of the Municipal District.

## **7 Interpretation**

- 7.1 Unless the contrary intention appears in this Local Law, the following words are defined as indicated:
- 7.2 "**the Act**" means the Local Government Act 1989;
- 7.3 "**appointed agent**" means the person authorised in writing by an owner of land to make an application, appeal, referral or representation on the owner' s behalf;
- 7.4 "**approved garbage bin**" means a garbage bin constructed of -
- 7.4.1 galvanised iron;
  - 7.4.2 strong and impervious moulded plastic; or
  - 7.4.3 other strong and impervious material approved by the Council or an authorised officer  
which:
    - 7.4.4 has a capacity of no greater than the maximum capacity determined by the Council or an authorised officer from time to time for the purposes of this clause;
    - 7.4.5 is water tight and vermin proof;
    - 7.4.6 is equipped with side lifting handles; and
    - 7.4.7 is equipped with a close fitting lid constructed of the same material as the rest of the approved garbage bin which has a flange overlapping the top of the approved garbage bin;
- 7.5 "**approved garbage receptacle**" means:
- 7.5.1 an approved garbage bin; or
  - 7.5.2 an approved mobile garbage bin;
- 7.6 "**approved mobile garbage bin**" means a wheeled mobile garbage bin of a type and size approved by the Council or an authorised officer;
- 7.7 "**authorised officer**" means any person appointed by the Council to be an authorised officer under section 224 of the Act;
- 7.8 "**bird**" does not include poultry;
- 7.9 "**builder**" means a person who has applied to the Council (or any other person to whom an application may be made) for a building permit or, if no such application has been made, the person in charge of any building work being carried out;

**Yarra City Council**  
**Environment Local Law, No. 3 of 2002**

---

- 7.10 "**builder's refuse**" includes any solid or liquid domestic or commercial waste, debris or rubbish, and, without limiting the generality of the above, includes any glass, metal, plastic, paper, fabric, wood, food, vegetation, soil, sand, concrete, rocks and other waste material, substance or thing generated by or in connection with building work;
- 7.11 "**building**" includes any structure or building, whether temporary or permanent, or part of such building or structure;
- 7.12 "**building site**" means the parcel of land on which or part of which building work is being carried out;
- 7.13 "**building work**" includes:
- 7.13.1 any work for or in connection with the construction, demolition, renovation, alteration or removal of any building or structure; and
  - 7.13.2 without limiting the generality of clause 7.13.1, the loading or unloading of any goods or materials for or in connection with any building work;
- 7.14 "**caravan**" includes a mobile home or moveable dwelling;
- 7.15 "**the Chief Executive Officer**" means the Chief Executive Officer of the Council or any person acting in that position and includes a person authorised by the Chief Executive Officer to act on his or her behalf in relation to this Local Law;
- 7.15.1 "**Council's Parks and Gardens**" means parks and gardens listed on Council's Open Space Register;
- 7.16 "**construction period**" means the period during which building work is carried out;
- 7.17 "**the Council**" means the Yarra City Council;
- 7.18 "**Council land**" means any land owned or under the control of the Council, including roads, reserves, watercourses, reservations and the like;
- 7.19 "**dwelling**" means any building or portion of a building which is used, intended, adapted or designed for use for living;
- 7.20 "**frontage**" means a boundary between a property and an adjoining road. If a property adjoins more than one road, the frontage is the boundary between the property and the road to which the largest building on the property fronts;
- 7.21 "**heavy motor vehicle**" means a motor vehicle, within the meaning ascribed to that term by the Road Safety Act 1986, of a net weight of three (3) tonnes or more;
- 7.22 "**incinerator**" means a structure, device or piece of equipment which is designed adapted, used or capable of being used for the burning of any material or substance and which is not:
- 7.22.1 enclosed in any building;
  - 7.22.2 a barbecue; or

**Yarra City Council**  
**Environment Local Law, No. 3 of 2002**

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- 7.22.3 licensed under the provisions of the Environment Protection Act 1970;
- 7.23 "**minor building work**" means building work valued at less than \$5,000 but excludes demolition and removal of buildings and structures (regardless of value);
- 7.24 "**Municipal District**" means the Municipal District of the Council;
- 7.25 "**noxious weed**" has the meaning ascribed to it by the Catchment and Land Protection Act 1994;
- 7.25.1 "**occasional event**" means a gathering of 40 or more persons where a sound producing device will be used, including where dancing or the playing or performing of amplified music is the predominant activity (such as a "rave" or "dance party");
- 7.26 "**owner**" has the meaning ascribed to it by section 3 of the Act;
- 7.27 "**penalty unit**" has the meaning ascribed to it by the Sentencing Act 1991;
- 7.28 "**permit**" means a permit in writing issued under clause 48;
- 7.29 "**poultry**" includes ducks, chickens, geese, peacocks, pheasants, turkeys and guinea fowl of any age;
- 7.30 "**private property**" means any property within the Municipal District that is not Council land or a road;
- 7.31 "**property**" means any land, building or dwelling in separate ownership or separate occupation within the Municipal District;
- 7.32 "**public place**" has the meaning ascribed to it by the Summary Offences Act 1966;
- 7.33 "**recreational vehicle**" means any mini bike, trail bike, motor bike, motor scooter, go-cart or other vehicle propelled by a motor which is normally used for recreational purposes, but does not include a motorised wheelchair;
- 7.34 "**recyclable goods**" means any substances or articles declared by the Council or an authorised officer to be "recyclable goods" for the purposes of this Local Law from time to time;
- 7.35 "**refuse**" means all waste or rubbish produced or accumulated in or on any property, but does not include:
- 7.35.1 nightsoil, sewage or animal excreta;
- 7.35.2 slops or liquid wastes;
- 7.35.3 waste generated from building work;
- 7.35.4 waste generated from the restoration, repair or servicing of motor vehicles;
- 7.35.5 ash, unless it is:

**Yarra City Council**  
**Environment Local Law, No. 3 of 2002**

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- 7.35.5.1 cold;
- 7.35.5.2 dampened; and
- 7.35.5.3 wrapped or contained in a manner which prevents its escape;
- 7.35.6 trade waste;
- 7.35.7 oil, paints, solvents, herbicides and similar chemical substances (except paint residue contained in a sealed container);
- 7.35.8 garden refuse;
- 7.35.9 any waste that cannot be contained in an approved garbage bin due to its size, shape, nature or volume;
- 7.35.10 any recyclable goods;
- 7.35.11 medical or veterinary waste; or
- 7.35.12 any other substance declared by the Council or an authorised officer not to constitute "refuse" for the purposes of this Local Law from time to time;
- 7.36 "**refuse facility**" means a suitable rubbish receptacle capable of retaining all waste material and builder's waste within the building site and preventing removal by unauthorised persons or the intervention of wind or water;
- 7.37 "**reptile**" means a snake, lizard, frog, turtle or tortoise of any age;
- 7.38 "**residential area**" means land which has been declared by the Council or an authorised officer to be a "residential area" from time to time for the purposes of this Local Law;
- 7.39 "**road**" has the meaning ascribed to it in section 3 of the Act;
- 7.39.1 "**sound producing device**" means a device, the main function of which is to make, reproduce or amplify sound but excludes any device whilst used in sporting activities;
- 7.40 "**stormwater system**" means stormwater system which provides for the conveyance of stormwater run-off including kerb and channel, open channels, underground pipe systems and natural waterways;
- 7.41 "**trade waste**" means any waste, refuse, slops or other matter arising from or generated by any trade, industry or commercial undertaking;
- 7.42 "**trade waste hopper**" means a purpose-built receptacle for the deposit of trade waste that is ordinarily emptied by mechanical means;
- 7.43 "**vehicle**" includes any conveyance propelled or drawn by human, animal, mechanical, electrical or other power; and
- 7.44 "**vermin**" means:
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**Yarra City Council**  
**Environment Local Law, No. 3 of 2002**

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- 7.44.1 a "pest animal" within the meaning ascribed to that term by the Catchment and Land Protection Act 1994; or
- 7.44.2 a European wasp.
- 7.45 "**waste management guidelines**" means the document entitled 'Builders Code of practice and Waste Management Guidelines' and associated documents, as amended from time to time
- 7.46 "**waste management plan**" means a plan prepared in accordance with the waste management guidelines that deals with waste minimisation."

**Part B – Use of land**

**8 Machinery, Materials, Goods or Vehicles on Land**

- 8.1 Unless permitted under a Planning Scheme applicable to the land, a person must not, without a permit:
- 8.1.1 use any land for the storage of old, used or secondhand machinery, materials or goods or for the assembly or dismantling of such machinery, materials or goods to an extent which, in the opinion of the Council or an authorised officer, is likely to diminish the amenity of adjacent land;
  - 8.1.2 use any land for the storage of old or secondhand vehicles or for the assembly or dismantling of old or secondhand vehicles to an extent which, in the opinion of the Council or an authorised officer, is likely to diminish the amenity of adjacent land; or
  - 8.1.3 repair a motor vehicle on any land, other than a motor vehicle registered in the name of, or owned by, a person who is resident on the land.

**Penalty: ten (10) penalty units**

- 8.2 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 8.1, it, he or she may serve a Notice to Comply under clause 53 on the person apparently in breach of clause 8.1.

**9 Unsightly land**

- 9.1 Unless permitted under a Planning Scheme applicable to the land, a person must not allow or permit land of which he or she is the owner or occupier to be kept in a manner which is:
- 9.1.1 unsightly;
  - 9.1.2 dangerous; or
  - 9.1.3 detrimental to the general amenity of the neighbourhood in which it is located.

**Penalty: ten (10) penalty units**

- 9.2 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 9.1, it, he or she may serve a Notice to Comply under clause 53 on the person apparently in breach of clause 9.1.

**10 Vermin and Noxious Weeds**

- 10.1 The Council or an authorised officer may, by a Notice to Destroy Vermin/Noxious Weeds in the form or to the effect of Schedule 2 to this Local Law, require the owner or occupier of any land to destroy any vermin or noxious weeds listed in the Notice which are located on the land.
- 10.2 The time specified for compliance in a Notice to Destroy Vermin/Noxious Weeds served under this Local Law must be reasonable in the circumstances, taking into account, if applicable:
- 10.2.1 the amount of work involved;
  - 10.2.2 the degree of difficulty;
  - 10.2.3 the availability of necessary materials or other necessary items;
  - 10.2.4 climatic conditions;
  - 10.2.5 the degree of risk or potential risk; and
  - 10.2.6 any other relevant matter.
- 10.3 A person who fails to comply with a Notice to Destroy Vermin/Noxious Weeds within the time specified for compliance in the Notice is guilty of an offence under this Local Law.

**Penalty: five (5) penalty units**

**11 Prevention of Fire Risks**

- 11.1 The owner or occupier of any land must not permit:
- 11.1.1 the land, or the adjacent nature strip of any road on which the land abuts, to contain:
    - 11.1.2 grass;
    - 11.1.3 stubble;
    - 11.1.4 weeds;
    - 11.1.5 scrub;
    - 11.1.6 undergrowth; or
    - 11.1.7 other vegetation –
- which constitutes or is likely to constitute a fire hazard or a source of fuel for a fire; or
- 11.1.8 the use of any chimney or fireplace which is unsafe by reason of:
    - 11.1.8.1 being constructed of flammable material;

**Yarra City Council**  
**Environment Local Law, No. 3 of 2002**

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- 11.1.8.2 not being adequately protected; or
- 11.1.8.3 being constructed so as to prevent the ignition of adjacent inflammable material.

**Penalty: twenty (20) penalty units**

11.2 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 11.1, it, he or she may serve a Notice to Comply under clause 53 on the person apparently in breach of clause 11.1.

## **12 Circuses, Carnivals and Festivals**

12.1 Unless permitted under a Planning Scheme applicable to the land, a person must not, without a permit, hold or permit to be held a -

- 12.1.1 circus;
- 12.1.2 carnival; or
- 12.1.3 festival -  
on any land.

**Penalty: twenty (20) penalty units**

12.2 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 12.1, it, he or she may serve a Notice to Comply under clause 53 on the person apparently in breach of clause 12.1.

## **12A Disturbing Noise in Council's Parks and Gardens**

12A.1 In this clause and clause 12B, 'Council's Parks and Gardens' excludes:

- 12A.1.1 roads; and
- 12A.1.2 'indoor venues' and 'outdoor venues' within the meaning of the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

12A.2 A person must not, without a permit, play or operate any sound producing device in any of Council's Parks and Gardens at a volume that may be heard outside the boundaries of the particular park or garden where the source of the sound producing device is located.

**Penalty: Twenty (20) penalty units**

12A.3 An application for a permit must be submitted in accordance with clause 12B.2 and may be granted subject to any conditions determined in accordance with clauses 12B.3 and 12B.4.

12A.4 A person to whom a permit has been granted under this clause must comply with any conditions contained in such permit.

**Penalty: Twenty (20) penalty units**

**12B Occasional Events in Council's Parks and Gardens**

- 12B.1 A person must not, without a permit, conduct an occasional event in any of Council's Parks and Gardens.

**Penalty: Twenty (20) penalty units**

- 12B.2 An application for a permit must be submitted to the Council in accordance with the Council's Procedure and Protocols Manual and on the appropriate form as determined by an authorised officer from time to time.
- 12B.3 On consideration of an application submitted under this clause, an authorised officer may grant a permit to the applicant subject to any conditions that he or she thinks fit in addition to the conditions required under clause 12B.4.
- 12B.4 A permit granted under this clause is conditional on:
- 12B.4.1 the applicant providing an indemnity to the Council against all suits, actions, proceedings, claims, demands, costs, expenses, losses and damages for which it becomes or may become liable in respect of or arising out of any personal injury or loss or damage to property suffered by any person or thing in connection with the relevant occasional gathering; and
  - 12B.4.2 the applicant complying with any direction under section 48AB of the *Environment Protection Act 1970*.
- 12B.5 A person to whom a permit has been granted under this clause must comply with any conditions contained in such permit.

**Penalty: Twenty (20) penalty units**

**13 Building Works**

- 13.1 A person must not, without a permit specifying permitted working hours –

13.1.1 perform; or

13.1.2 permit to be performed;

any building work:

13.1.2.1 between the hours of 3pm on any Saturday and 7am on the following Monday; or

13.1.2.2 between the hours of 6pm on any day between Monday and Thursday inclusive and 7am on the following day; or

13.1.2.3 between the hours of 6pm on any Friday and 9am on the following Saturday; or

**Yarra City Council**  
**Environment Local Law, No. 3 of 2002**

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13.1.2.4 on Anzac Day, Christmas Day or Good Friday.

**Penalty: twenty (20) penalty units**

13.2 Clauses 13.1.2.1. and 13.1.2.3 do not apply where:

13.2.1 building works have already commenced as at Tuesday 11 March 2003; or

13.2.2 a builder provides evidence to the satisfaction of an authorised officer that the builder has entered into a contract for the building works as at Friday 28 March 2003.

In that event, a person must not, without a permit, perform or permit to be performed any building work between the hours of 6pm on any Friday and 7am on the following Saturday, nor 5:00pm on any Saturday and 7:00am the following Monday.

**Penalty: twenty (20) penalty units**

13.3 Clause 13.1 does not apply to:

13.3.1 any employee or agent of a permit holder;

13.3.2 any building work necessitated by an emergency;

13.3.3 any building work which is subject to a permit issued under the Planning and Environment Act 1987, if that permit contains a condition which:

13.3.4 restricts the times during which building work may be performed; and

13.3.5 the condition is more restrictive than clause 13.1; or

13.3.6 any person to whom section 48A of the Environment Protection Act 1970 applies.

13.4 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 13.1, it, he or she may serve a Notice to Comply under clause 53 on the person apparently in breach of clause 13.1.

13.5 The Council may inspect a building site at any reasonable time.

13.6 Where any building work is being carried out on any land, the owner of the land, the builder engaged to carry out building work on the land or the appointed agent must ensure that the building site is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice by adopting measures to:

13.6.1 minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting roads or washed into the stormwater system; and

13.6.2 prevent building clean up, wash down or other wastes being discharged offsite or allowed to enter the stormwater system.

**Penalty: ten (10) penalty units**

**Yarra City Council**  
**Environment Local Law, No. 3 of 2002**

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- 13.7 Where any building work (other than minor building work) is being carried out on any land, the owner of the land, the builder engaged to carry out building work on the land or the appointed agent must:
- 13.7.1 provide a refuse facility for the purpose of disposal of builder's refuse, and, provided the facility contains all builder's refuse on the land to the satisfaction of the Council, its size, design and construction will be at the discretion of the builder;
  - 13.7.2 place the refuse facility on the land and keep it in place (except for such periods as are necessary to empty the refuse facility) for the construction period;
  - 13.7.3 not place the refuse facility on any Council land or road without a permit; and
  - 13.7.4 empty the facility whenever full, and, if necessary, provide a replacement refuse facility during the emptying process.

**Penalty: ten (10) penalty units**

13.8 The requirement to provide a refuse facility may be waived at the Council's discretion.

13.9 During building work, the:

- 13.9.1 owner of land on which the building work is being carried out;
  - 13.9.2 builder engaged to carry out the building work; or
  - 13.9.3 appointed agent
- must ensure that:
- 13.9.4 all builder's refuse which requires containment is placed in the refuse facility referred to in clause 13.7;
  - 13.9.5 the builder's refuse is not deposited in or on any land other than in accordance with clause 13.7, and
  - 13.9.6 the builder's refuse is not deposited in or over any part of the stormwater system.

**Penalty: ten (10) penalty units**

13.10 On any land where building work is being, or has been, carried out, the:

- 13.10.1 owner of the land on which the building work is being or has been carried out;
- 13.10.2 builder engaged to carry out the building work or
- 13.10.3 appointed agent

must remove and lawfully dispose of all builder's refuse, including, without limiting the generality of the above, the builders' refuse in the refuse facility referred to in clause

**Yarra City Council**  
**Environment Local Law, No. 3 of 2002**

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13.6, within seven (7) days of cessation of the construction period or issue of an occupancy permit, whichever occurs last.

**Penalty: ten (10) penalty units**

13.11 The driver of any vehicle involved in placing or removing a refuse facility on or from a building site must access the building site by way of a temporary vehicle crossing, unless otherwise permitted by the Council and in accordance with that permission.

13.12 The:

13.12.1 owner of the land on which the building work is being or is to be carried out;

13.12.2 builder engaged to carry out the building work; or

13.12.3 appointed agent

must not undertake or carry on any building, engineering or other work necessitating the employment or engagement of persons on a building site unless a sewerated toilet or a fresh water flush with water seal type portable toilet (closed) system is provided, and is serviced as required (but at least monthly) for the use of persons on that building site to the satisfaction of the Council.

**Penalty: ten (10) penalty units**

13.13 No liability will arise under clause 13.12 if:

13.13.1 buildings are being constructed on adjacent building sites simultaneously by the same person; and

13.13.2 the Council allows and there is provided one (1) sewerated toilet system or a fresh water flush with water seal type portable toilet (closed) system serviced as required for three (3) building sites.

13.14 An authorised officer may enter any land at any reasonable time for the purpose of inspecting any sewerated toilet, portable toilet (closet) systems, urinals, pans, receptacles, vehicles, plant and any other things and placed on them and for the purpose of carrying out the provisions of this Local Law.

13.15 Before commencing any building work on any land, the owner of the land, the builder engaged to carry out building work on the land or the appointed agent must prepare a waste management plan.

**Penalty: five (5) penalty units**

13.16 Where any building work is being carried out on any land, the owner of the land, the builder engaged to carry out building work on the land and the appointed agent must:

13.16.1 comply with the waste management plan referred to in clause 13.15; and

13.16.2 ensure that all work is carried out on the building site in strict accordance with the Waste Management Guidelines.

**Penalty: five (5) penalty units**

**14 Dilapidated Buildings**

14.1 The owner or occupier of any land must not permit a building located on the land to-

14.1.1 become dilapidated; or

14.1.2 become further dilapidated,

14.1.3 and must maintain any such building in a state of good repair.

**Penalty: five (5) penalty units**

14.2 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 14.1, it, he or she may serve a Notice to Comply under clause 53 on the person apparently in breach of clause 14.1.

**15 Heavy Motor Vehicles**

15.1 Unless permitted under a planning scheme applicable to the land, the owner or occupier of any land must not, without a permit:

15.1.1 keep; or

15.1.2 allow to be kept -

a heavy motor vehicle on any land in a residential area.

**Penalty: five (5) penalty units**

15.2 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 15.1, it, he or she may serve a Notice to Comply under clause 53 on the person apparently in breach of clause 15.1.

**16 Use of Awnings and Verandahs for Advertising**

16.1 Unless permitted under a Planning Scheme applicable to the land on which the building is located, a person must not, without a permit, attach or permit to be attached any:

16.1.1 advertising sign; or

16.1.2 banner, flag, bunting or like decoration;

to an awning or verandah on a building which is not a dwelling.

**Penalty: five (5) penalty units**

16.2 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 16.1, it, he or she may serve a Notice to Comply under clause 53 on the person apparently in breach of clause 16.1.

16.3 The Council or an authorised officer may impound any -

16.3.1 advertising sign; or

16.3.2 banner, flag, bunting or like decoration -  
attached to a building contrary to clause 16.1;

16.4 Any advertising sign; banner, flag, bunting or like decoration impounded under clause 16.3 must be dealt with under clause 47.

**Part C – Waste disposal**

**17 Disposal of Disused Refrigerators and other Compartments**

17.1 A person must not place -

17.1.1 a disused refrigerator;

17.1.2 an ice chest;

17.1.3 an ice box;

17.1.4 a trunk;

17.1.5 a chest; or

17.1.6 any other similar article -

with a compartment having a capacity of 0.04 cubic metres or more upon any -

17.1.7 rubbish tip;

17.1.8 Council land;

17.1.9 public place; or

17.1.10 unfenced vacant land;

without having first:

17.1.11 removed from it every door and lid; or

17.1.12 removed from it every lock, catch and hinge attached to a door or lid; or

17.1.13 otherwise rendered every door and lid incapable of being fastened.

**Penalty: five (5) penalty units**

17.2 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 17.1, it, he or she may serve a Notice to Comply under clause 53 on the person apparently in breach of clause 17.1.

**18 Use of approved garbage bin or approved mobile garbage bin.**

18.1 The Council or an authorised officer may determine whether:

18.1.1 an approved garbage bin; or

18.1.2 an approved mobile garbage bin -

is to be used for the deposit of refuse under this clause by the occupier of any property.

18.2 The occupier of the property must comply with any such determination by the Council or an authorised officer.

**Penalty: two (2) penalty points**

**19 Interpretation**

19.1 A reference in clause 18 to an "approved garbage receptacle" must be construed as a reference to:

19.1.1 an approved garbage bin, if the Council or an authorised officer has determined that an approved garbage bin is to be used for the deposit of refuse by the occupier of the property; or

19.1.2 an approved mobile garbage bin, if the Council or an authorised officer has determined that an approved mobile garbage bin is to be used for the deposit of refuse by the occupier of the property;

in relation to the occupier of any property.

**20 Use of approved garbage receptacle**

20.1 The occupier of a property to which the Council provides a garbage collection service must:

20.1.1 deposit all refuse generated at the property into an approved garbage receptacle, provided that the occupier may:

20.1.1.1 use a container for the deposit of refuse prior to the transfer of the refuse to the approved garbage receptacle; or

20.1.1.2 compost any organic waste;

20.1.2 not place in an approved garbage receptacle anything other than refuse:

20.1.2.1 contained in a bag which:

20.1.2.1.1 is tied at the open end to prevent spillage of the contents and facilitate the lifting of the bag; and

**Yarra City Council**  
**Environment Local Law, No. 3 of 2002**

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- 20.1.2.1.2 is wrapped in any manner necessary to render it inoffensive and prevent the protrusion of sharp objects; or
- 20.1.2.2 contained in any other manner approved by the Council or an authorised officer;
- 20.1.3 not place out for collection any refuse other than in an approved garbage receptacle; and
- 20.1.4 not place out for collection any approved garbage receptacle, except in accordance with any requirements prescribed by or determined in accordance with this Local Law.

**Penalty: two (2) penalty units**

**21 Placement of approved garbage receptacle**

- 21.1 The occupier of a property must not, without the consent of the Council or an authorised officer, place more than:
  - 21.1.1 two (2) approved garbage bins; or
  - 21.1.2 one (1) approved mobile garbage bin;out for collection.
- 21.2 Any approved garbage receptacle placed out for collection must be positioned on the nature strip or footpath adjacent to the kerb, or in any other manner directed by the Council or an authorised officer from time to time.
- 21.3 An approved garbage receptacle placed out for collection must not have a gross weight more than the maximum gross weight determined by the Council or an authorised officer from time to time for the purposes of this clause.
- 21.4 A person must not place any refuse in an approved garbage receptacle that would prevent the lid of the approved garbage receptacle being closed.

**Penalty: two (2) penalty units**

**22 Maintenance of approved garbage receptacle**

- 22.1 The occupier of a property must keep any approved garbage receptacle in a clean and inoffensive condition.
- 22.2 An approved garbage receptacle must be covered by its lid at all times, except when refuse is being deposited in or removed from the approved garbage receptacle, in accordance with this Local Law.

**Penalty: two (2) penalty units**

**23 Numbering of approved garbage receptacle**

23.1 The occupier of a property may:

- 23.1.1 mark any approved garbage bin used by him or her with the number of the property; and
- 23.1.2 renew the marking of the number as often as may be necessary to keep the number clearly legible.

**24 Removal of approved garbage receptacle**

24.1 Once refuse has been collected by the Council or persons authorised by the Council, the occupier of a property must return any empty approved garbage receptacle that has been put out for collection to the property as soon as practicable.

**Penalty: two (2) penalty units**

**25 Notice to comply**

25.1 Where the Council or an authorised officer is of the opinion that there is or has been a breach of this Part, it, Council or the authorised officer may serve a Notice to Comply under clause 53 on the person apparently in breach of this Part.

**26 Recycling and Hard Garbage Collection**

26.1 Where the Council or an authorised officer has given public notice that a recyclable goods collection or hard garbage collection will be made, any recyclable goods or hard garbage to be collected must be left for collection in accordance with the Council's or authorised officer's directions from time to time.

**Penalty: four (4) penalty units**

26.2 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 26.1, it, he or she may serve a Notice to Comply under clause 53 on the person apparently in breach of clause 26.1.

26.3 A person must not, without the consent of the Council or an authorised officer, remove any recyclable goods or hard garbage left for collection in accordance with the Council's or an authorised officer's directions under clause 26.1.

**27 Trade Waste Hoppers**

27.1 A person must not place a trade waste hopper on a road for longer than is practicably required for the emptying of the trade waste hopper.

**Penalty: ten (10) penalty units**

27.2 A person must not cause any:

27.2.1 obstruction; or

27.2.2 danger -

to any person on a road when placing a trade waste hopper on a road to be emptied.

**Penalty: ten (10) penalty units**

27.3 A person must not empty or permit to be emptied:

27.3.1 a trade waste hopper between the hours of:

27.3.1.1 8 p.m. on any Sunday and 7 a.m. the following Monday;

27.3.1.2 8 p.m. on any day between Monday and Friday inclusive and 7 a.m. on the following day; or

27.3.1.3 8 p.m. on any Saturday and 9 a.m. on the following Sunday.

**Penalty: ten (10) penalty units**

27.4 A person who has placed a trade waste hopper on a road must repair any damage to any –

27.4.1 vehicle crossing;

27.4.2 road;

27.4.3 footpath;

27.4.4 kerb; or

27.4.5 drain -

that results from the placement of the trade waste hopper on the road or the emptying of the trade waste hopper.

**Penalty: ten (10) penalty units**

27.5 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 27, it, he or she may serve a Notice to Comply under clause 53 on the person apparently in breach of clause 27.

27.6 The Council or an authorised officer may impound any trade waste hopper which:

27.6.1 is placed on a road contrary to clause 27.1;

27.6.2 which endangers or obstructs any person on road contrary to clause 27.2; or

27.6.3 which is emptied contrary to clause 27.3.

27.7 Any impounded waste hopper must be dealt with under clause 47.

## **28 Screening of Bins and Hoppers**

28.1 The Council or an authorised officer may, by notice in writing, direct the owner or occupier of any land to:-

28.1.1 install;

28.1.2 repair;

28.1.3 replace; or

28.1.4 modify -

a fence or other means of screening an approved garbage bin or trade waste hopper from public view if it, he or she is of the opinion that the approved garbage bin or trade waste hopper is:

28.1.5 unsightly;

28.1.6 dangerous; or

28.1.7 detrimental to the general amenity of the neighbourhood in which it is located.

28.2 A person must comply with a notice issued to him or her under clause 28.1 within any time specified in the notice.

**Penalty: ten (10) penalty units**

## **29 Transportation of Waste**

29.1 A person must not convey or cause to be conveyed in a vehicle on a road any:

29.1.1 manure;

29.1.2 dead animal or remains of a dead animal, including offal, bones, hides or skins; or

29.1.3 refuse, rubbish, or other waste matter -  
unless,

**Yarra City Council**  
**Environment Local Law, No. 3 of 2002**

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29.1.4 the vehicle is constructed, fitted, loaded and covered so that:

29.1.4.1 no leakage occurs and no materials are dropped or deposited on any road or adjacent area from the vehicle; and

29.1.4.2 the possibility of escape of offensive odours is reduced.

**Penalty: ten (10) penalty units**

**Part D – Camping and caravans**

**30 Permitting Camping**

30.1 The owner or occupier of any land must not, without a permit, allow any person to;

30.1.1 occupy; or

30.1.2 place or cause to be placed for the purposes of occupation -  
any -

30.1.3 caravan;

30.1.4 tent; or

30.1.5 like structure -  
on any land, unless the occupation of -

30.1.6 caravans;

30.1.7 tents; or

30.1.8 like structures -  
is permitted under a Planning Scheme applicable to the land.

**Penalty: five (5) penalty units**

30.2 Where the Council or an authorised officer is of the opinion that there has been a breach of clause 30.1, it, he or she may serve a Notice to Comply under clause 53 on the person apparently in breach of clause 30.1.

30.3 The Council or an authorised officer may impound any:

30.3.1 caravan;

30.3.2 tent; or

30.3.3 like structure -

30.3.4 placed on any land contrary to clause 30.1.

30.4 Any -

30.4.1 caravan;

30.4.2 tent; or

30.4.3 like structure -  
impounded under clause 30.3 must be dealt with under clause 47.

**31 Camping**

31.1 A person must not, without a permit -

31.1.1 occupy; or

31.1.2 cause to be occupied:

any -

31.1.3 caravan;

31.1.4 tent; or

31.1.5 like structure -

on any land, unless the occupation of the -

31.1.6 caravan;

31.1.7 tent; or

31.1.8 like structure -

on the land is permitted under a Planning Scheme applicable to the land.

**Penalty: five (5) penalty units**

31.2 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 31.1, it, he or she may serve a Notice to Comply under clause 53 on the person apparently in breach of clause 31.1.

31.3 The Council or an authorised officer may impound any -

31.3.1 caravan; or

31.3.2 tent; or

31.3.3 like structure -

occupied contrary to clause 31.1.

31.4 Any -

31.4.1 caravan;

31.4.2 tent; or

31.4.3 like structure -

impounded under clause 31.3 must be dealt with under clause 47.

**32 Exemption**

32.1 The Council or an authorised officer may from time to time exempt -

32.1.1 any person;

32.1.2 any class of persons;

32.1.3 any authority; or

32.1.4 all persons during any specified time -  
from the application of clause 30 or clause 31.

**Part E – Animals and birds**

**33 Application of Part E**

33.1 This Part does not apply to any land:

33.1.1 on which a pet shop is located; or

33.1.2 on which an animal hospital or veterinary practice is located;

if the use of the land for this purpose is permitted under a Planning Scheme applicable to the land.

**34 Keeping of Animals Generally**

34.1 Unless permitted under a Planning Scheme applicable to the property, a person must not, without a permit, keep or allow to be kept on a property, other than a flat or unit, any more of each species or group of animals than is stated in the following table.

**Permitted Animals on Properties other than Flats and Units.**  
**(Local Law 3 of 2002, Clause 34.1)**

<b>Type of Animal</b>	<b>Maximum Allowed</b>
Birds	5
Dogs (over six (6) months old)	2
Dogs (under six (6) months old)	4
Cats (over three (3) months old)	2
Cats (under three (3) months old)	4
Poultry	5
Reptiles	2
Ferrets, guinea pigs, rabbits or mice	2
Cold water and tropical gold fish	Unlimited

**Penalty: five (5) penalty units**

34.2 Unless permitted under a Planning Scheme applicable to the property, a person must not, without a permit, keep an animal of a species not listed in the table in clause 34.1 at any property, other than a flat or unit.

**Penalty: five (5) penalty units**

**35 Keeping of Animals in Flats**

35.1 Unless permitted under a Planning Scheme applicable to the land on which a flat or unit is located, a person must not, without a permit, keep or allow to be kept in a flat or unit any more of each type or group of animals than is stated in the following table.

**Permitted Animals in Flats and Units.**  
**(Local Law 3 of 2002, Clause 35.1)**

Type of Animal	Maximum Allowed
Birds	2
Dogs (over six (6) months old)	1
Dogs (under six (6) months old)	3
Cats (over six (6) months old)	1
Cats (under six (6) months old)	3
Cold water and tropical gold fish	Unlimited

**Penalty: five (5) penalty units**

35.2 Unless permitted under a Planning Scheme applicable to the land on which the flat or unit is located, a person must not, without a permit, keep any animal of a species not listed in the table in clause 35.1 in a flat or unit.

**Penalty: five (5) penalty units**

**36 Animal Shelters**

36.1 Any structure used for housing an animal must be maintained:

- 36.1.1 in a clean, inoffensive and sanitary condition;
- 36.1.2 so as not to cause any nuisance; and
- 36.1.3 to the satisfaction of the Council or an authorised officer.

**Penalty: five (5) penalty units**

36.2 The occupier of any land on which an animal is kept must ensure that:

36.2.1 the ground surrounding the place where the animal is kept is free from:

- 36.2.1.1 weeds;
- 36.2.1.2 refuse;
- 36.2.1.3 rubbish; and
- 36.2.1.4 other material harbouring, or which may harbour, rats or vermin;

36.2.2 all food for consumption by the animal is kept or stored in a vermin and fly-proof receptacle;

**Yarra City Council**  
**Environment Local Law, No. 3 of 2002**

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36.2.3 all manure, excrement, refuse or rubbish produced or accumulated by the animal is, as soon after the production or accumulation as is reasonably practicable, placed in a container:

- 36.2.3.1 which is vermin and fly-proof;
- 36.2.3.2 which has impervious walls and an impervious floor;
- 36.2.3.3 which is maintained in a good state of repair so as to prevent escape or leakage;
- 36.2.3.4 which is kept covered by a fly and vermin-proof lid;
- 36.2.3.5 which is maintained in a clean and sanitary condition; and
- 36.2.3.6 the contents of which are removed and disposed of at least once every week, or at such other intervals as an authorised officer considers necessary.

**Penalty: five (5) penalty units**

36.3 A person must not keep or allow to be kept on any land in separate ownership or occupation, a structure for the housing of an animal within a distance of:

- 36.3.1 20 metres from any road to which the land has a frontage;
- 36.3.2 three (3) metres from any other road;
- 36.3.3 two (2) metres from the boundary of any adjoining land in separate ownership or occupation; and
- 36.3.4 in the case of a poultry house or pigeon loft, (including any pen, compound or yard attached to the poultry yard or pigeon loft);
  - 36.3.4.1 15 metres from any dwelling on the land or any adjoining land in separate ownership or occupation.

**Penalty: five (5) penalty units**

36.4 The Council or an authorised officer may from time to time exempt -

- 36.4.1 any person; or
- 36.4.2 any class of persons;

from the application of clause 36.3.

**37 Removal of nuisance animals**

37.1 The Council or an authorised officer may, by notice in writing, direct the owner or occupier of any land to permanently remove from that land:

37.1.1 any rooster; or

37.1.2 other animal;

which, in the opinion of Council or the authorised officer, is detrimental to the general amenity of the neighbourhood in which it is located.

37.2 The owner or occupier named in the notice must comply with the notice.

**Penalty: five (5) penalty units**

**38 Feeding of Animals**

38.1 A person must not feed or leave food for an animal or bird in a public place so as to cause a nuisance.

**Penalty: five (5) penalty units**

**39 Notices to Comply under this Part**

39.1 Where the Council or an authorised officer is of the opinion that there is or has been a breach of any clause in this Part, it, he or she may serve a Notice to Comply under clause 53 on the person apparently in breach of a clause in this Part.

**Part F – Management of drains**

**40 Maintenance of Drains**

40.1 The owner or occupier of any land must ensure that any drain on the land that is not vested in the Council or another public authority is maintained in a condition that is not:

40.1.1 dangerous to health;

40.1.2 unsightly; or

40.1.3 a nuisance.

**Penalty: ten (10) penalty units**

40.2 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 40.1, it, he or she may serve a Notice to Comply under clause 53 on the person apparently in breach of clause 40.1.

**41 Tapping into Drains**

41.1 A person must not, without a permit -

41.1.1 destroy;

41.1.2 damage; or

41.1.3 tap into;

any drain vested in the Council.

**Penalty: ten (10) penalty units**

41.2 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 41.1 it, he or she may serve a Notice to Comply under clause 53 on the person apparently in breach of clause 41.1.

**Part G - Open air burning and incinerators**

**42 Application of Part G**

42.1 This Part does not apply to:

42.1.1 a barbecue while being used for the purpose of cooking food; or

42.1.2 a tool of trade while being used for the purpose for which it was designed.

**43 Fires**

43.1 A person must not, without a permit -

43.1.1 light;

43.1.2 allow to be lit; or

43.1.3 allow to remain alight;

a fire in the open air.

**Penalty: ten (10) penalty units**

43.2 Without limiting the power of the Council or an authorised officer under clause 43, a permit to light a fire may contain conditions that:

43.2.1 the matter being burned occupies a space not exceeding one (1) cubic metre at all times;

43.2.2 the fire is supervised by a person over the age of 16 years from the time it is lit until the time it is completely extinguished;

43.2.3 adequate means are at all times readily available for extinguishing the fire;

43.2.4 the ground within three (3) metres of the fire is free from all flammable material and vegetation, except live vegetation not exceeding 10 centimetres in height; and

43.2.4.1 the space:

43.2.4.1.1 above the fire; and

43.2.4.1.2 above the area within three (3) metres of the fire;

is free from all flammable material and vegetation.

**Yarra City Council**  
**Environment Local Law, No. 3 of 2002**

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43.3 A person must not -

43.3.1 construct;

43.3.2 erect;

43.3.3 install;

43.3.4 use; or

43.3.5 permit to be:

43.3.5.1 constructed;

43.3.5.2 erected;

43.3.5.3 installed; or

43.3.5.4 used -

an incinerator on any land.

**Penalty: (10) penalty units**

43.4 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 43, it, he or she may sever a Notice to Comply under clause 53 on the person apparently in breach of clause 43.

43.5 The Council or an authorised officer may exempt:

43.5.1 a person;

43.5.2 a class of persons; or

43.5.3 a body;

from the application of clause 43.

#### **44 Nuisances**

44.1 A person must not burn or cause or permit to be burned -

44.1.1 any substance in the open air, if the burning of the substance will, or is likely to:

44.1.1.1 cause a nuisance;

44.1.1.2 be dangerous to the health of any person; or

44.1.1.3 be offensive to any person.

**Penalty: five (5) penalty units**

**Yarra City Council**  
**Environment Local Law, No. 3 of 2002**

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44.2 Without limiting the application of clause 44.1, a person must not burn, cause or permit to be burned ;

44.2.1 in the open air, any:

44.2.1.1 rubber or plastic substance;

44.2.1.2 waste petroleum oil or material containing waste petroleum oil;

44.2.1.3 paint or receptacle which contains or has contained paint;

44.2.1.4 manufactured chemical;

44.2.1.5 pressurised can;

44.2.1.6 textile fabric; or

44.2.1.7 food waste.

**Penalty: five (5) penalty units**

**45 Extinguishing Fires**

45.1 A person who has lit or allowed a fire to remain alight contrary to this Part, or any condition contained in a permit, must extinguish the fire immediately on being directed to do so by:

45.1.1 an authorised officer;

45.1.2 a member of the Victoria Police; or

45.1.3 a member of the Metropolitan Fire Brigade.

**Penalty: five (5) penalty units**

45.2 A person who is, in the opinion of an authorised officer, breaching this Part must extinguish any fire immediately on being directed to do so by the authorised officer.

**Penalty: five (5) penalty units**

**Part H - Recreational vehicles**

**46 Use of Recreational Vehicles**

46.1 A person must not, without a permit -

46.1.1 use; or

46.1.2 permit a person under his or her care or control to use,  
a recreational vehicle on any land except a road.

**Penalty: five (5) penalty units**

46.2 A person must not:

46.2.1 use; or

46.2.2 permit a person under his or her care or control to use,  
a recreational vehicle on any land except a road in a manner which:

46.2.3 causes a nuisance;

46.2.4 causes damage to any property or injury to any person; or

46.2.5 is likely, in the opinion of an authorised officer, to cause damage to any  
property or injury to any person.

**Penalty: five (5) penalty units**

46.3 The owner or occupier of any private property must not, without a permit, use, or  
permit a person to use, a recreational vehicle on the private property.

**Penalty: five (5) penalty units**

46.4 If the Council or an authorised officer is of the opinion that there is or has been a  
breach of clause 46 it, he or she may serve a Notice to Comply under clause 53 or  
the person apparently in breach of clause 46.

**Part I - Administration and enforcement**

**47 Impounding**

- 47.1 Where any item has been impounded under this Local Law, the Council or an authorised officer must serve notice of the impounding personally or by certified mail on the person who appears to be the owner of the impounded item if it is practicable to do so.
- 47.2 An impounded item must be surrendered to:
- 47.2.1 its owner; or
  - 47.2.2 a person acting on behalf of its owner who provides evidence to the satisfaction of an authorised officer of his or her authority from the owner;  
on:
  - 47.2.3 evidence to the satisfaction of the authorised officer being provided of the owner's right to the item; and
  - 47.2.4 payment of any fee determined by the Council or an authorised officer from time to time.

**48 Permits**

- 48.1 The Council or an authorised officer in its, his or her absolute discretion may issue a permit under this Local Law with or without conditions, including the payment of any fee the Council may require, or may refuse to issue the same.
- 48.2 The Council or an authorised officer may from time to time prescribe:
- 48.2.1 the manner and form in which applications for permits under this Local Law should be made;
  - 48.2.2 the manner in which any permit under this Local Law should be issued; and
  - 48.2.3 the fee for any such permit.
- 48.3 The Council may make appropriate delegations of permit-issuing powers.
- 48.4 The Council must keep a register of permits.
- 48.5 The Council or an authorised officer may require an applicant for a permit to give notice of the application in a manner specified from time to time by the Council or an authorised officer.
- 48.6 The Council or an authorised officer may require an applicant for a permit to provide the Council with more information before the Council or authorised officer deals with the permit application.
- 48.7 A permit expires on the date specified in the permit or if no such date is specified the permit will expire one (1) year after the date of issue.

**Yarra City Council**  
**Environment Local Law, No. 3 of 2002**

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48.8 Where the Council or an authorised officer is of the opinion that there is a breach of any condition of a permit, it, he or she may serve a Notice to Comply under clause 53 on the permit holder.

**49 Considering applications**

49.1 In considering an application for a permit the Council or an authorised officer may consider:

49.1.1 any policy or guideline adopted by the Council relating to the subject matter of the application for the permit;

49.1.2 any submission that may be received in respect of the application;

49.1.3 any comments that may be made in respect of the application by any public authority, Government department, community organisation or any other body or person; and

49.1.4 any other relevant matter.

**50 Correction of permit**

50.1 The Council or an authorised officer may correct a permit issued if the permit contains:

50.1.1 a clerical mistake or an error arising from any accident, slip or omission; or

50.1.2 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.

50.2 The Council or the authorised officer must note the correction in the register of permits.

**51 Transitional Provision**

51.1 In this clause, "existing permit" means a permit issued in accordance with any previous local law made by the Council, being a permit in force immediately before the commencement of this local law.

51.2 Unless sooner terminated, an existing permit continues in force until the day on which it is expressed to expire or, if no date is so expressed, until the day which is one year after its issue.

51.3 An existing permit continues to permit the activity it authorises immediately after the commencement of this local law.

**Yarra City Council**  
**Environment Local Law, No. 3 of 2002**

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**52 Grounds for cancellation of or amendment of permits**

- 52.1 The Council or an authorised officer may cancel or amend any permit if it, he or she considers that there has been:
- 52.1.1 a material misstatement or concealment of facts in relation to the application for a permit;
  - 52.1.2 any material mistake in relation to the issue of the permit;
  - 52.1.3 any material change of circumstances which has occurred since the issue of the permit;
  - 52.1.4 a failure to comply with the conditions under which the permit was issued; or
  - 52.1.5 a failure to comply with a Notice to Comply for a period of seven (7) days after the date specified in the Notice.
- 52.2 The Council or the authorised officer must notify the holder of a permit of the Council's or authorised officer's intention to amend or cancel the permit and give the holder of that permit an opportunity to make a written submission before the permit is amended or cancelled.
- 52.3 If the Council or the authorised officer, after considering any written submission made by the permit holder, determines to cancel or amend the permit, the Council or authorised officer must note that cancellation or amendment in the register of permits.

**53 Notices to Comply**

- 53.1 The Council or an authorised officer may, by serving a Notice to Comply in the form or to the effect of Schedule 3, direct any owner, occupier or other relevant person to remedy any thing which constitutes a breach under this Local Law.
- 53.2 A Notice to Comply issued in accordance with this Local Law must state the time and date by which the thing must be remedied.
- 53.3 The time required by a Notice to Comply served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable:
- 53.3.1 the amount of work involved;
  - 53.3.2 the degree of difficulty;
  - 53.3.3 the availability of necessary materials or other necessary items;
  - 53.3.4 climatic conditions;
  - 53.3.5 the degree of risk or potential risk; and
  - 53.3.6 any other relevant matter.

**Yarra City Council**  
**Environment Local Law, No. 3 of 2002**

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53.4 Any person who fails to remedy a thing in accordance with a Notice to Comply within the time specified is guilty of an offence under this Local Law.

**54 Offences**

54.1 A person who -

54.1.1 contravenes or fails to comply with any provision under this Local Law;

54.1.2 contravenes or fails to comply with any condition contained in a permit issued under this Local Law; or

54.1.3 contravenes or fails to comply with a Notice to Comply within the time specified in the Notice to Comply -

is guilty of an offence and is liable to:

54.1.4 the penalty stated under a provision, or, if no penalty is stated, then five (5) penalty units;

54.1.5 a further penalty of two (2) penalty units for each day after conviction during which the contravention continues; and

54.1.6 upon conviction for a second or subsequent offence, a penalty of twenty (20) penalty units will apply.

54.2 As an alternative to prosecution for an offence, a person may be served with an Infringement Notice under clause 55 of this Local Law.

**55 Infringement Notices**

55.1 The penalties fixed for Infringement Notices are set out in Schedule 4, or if no penalty is fixed, the penalty is one (1) penalty unit.

55.2 Where an authorised officer has reason to believe that a person is guilty of an offence or offences for which an Infringement Notice may be issued under this Local Law, the authorised officer may serve on that person an Infringement Notice in a form determined by resolution of the Council from time to time.

**56 Payment of Penalties**

56.1 Any person issued with an Infringement Notice may pay the penalty indicated to an authorised officer at the Council offices.

**57 Date for Payment**

57.1 To avoid prosecution, the penalty indicated should be paid within twenty-eight (28) days from the date of the issue of the Infringement Notice.

**58 Acceptance of Infringement Notice**

58.1 A person issued with an Infringement Notice is entitled to disregard the Notice and defend the prosecution in Court.

**59 Waiver of Infringement Notice**

59.1 If a person issued with an Infringement Notice makes a written representation to the Council or an authorised officer within twenty-eight (28) days of the issue of the Infringement Notice, the representation must be brought to the attention of the Chief Executive Officer.

59.2 The Chief Executive Officer may consider any written representations and any other relevant information and must consider any such material brought to his or her attention within twenty-eight (28) days of the issue of the Infringement Notice to which it relates.

**60 Withdrawing a Notice**

60.1 The Council or the Chief Executive Officer may at any time withdraw an Infringement Notice either as a result of consideration of any representations made or with a view to prosecuting for an offence.

60.2 Where an Infringement Notice is withdrawn, the person upon whom it was served is entitled to a refund of any payment which that person has made on the Infringement Notice.

60.3 If the penalty referred to in an Infringement Notice has been paid within twenty-eight (28) days of its issue and no representation has been received by the Council or its officers, no decision may be made to withdraw the Infringement Notice and prosecute the offence after the expiry of twenty-eight (28) days from the issue of the Infringement Notice.

60.4 Any notice of withdrawal of an Infringement Notice may be served in accordance with section 234 of the Act.

**61 Failure to Comply with Notice**

61.1 In the event of the failure of a person served with an Infringement Notice to pay the amount specified within twenty-eight (28) days of the issue of the notice or such further time as the Council or the authorised officer may permit, the Council or the authorised officer may pursue the matter by prosecuting for an offence or by taking any steps which may be available for enforcing penalties by registration of infringement notices.

**62 Schedule No. 1 – Additional purposes of this Local Law**

**Yarra City Council  
Environment Local Law, No. 3 of 2002**

**Schedule No. 1**

The further purposes of this Local Law are:

- prohibiting, regulating and controlling the storage, assembly and dismantling of old machinery, materials, goods or vehicles on land;
- prohibiting the keeping of unsightly land;
- providing for the destruction of vermin and noxious weeds;
- preventing fire risks;
- prohibiting, regulating and controlling circuses, carnivals and festivals;
- regulating the hours during which building works may be conducted;
- prohibiting the dilapidation of buildings;
- prohibiting, regulating and controlling the keeping of heavy vehicles in residential areas;
- prohibiting, regulating and controlling the use of awnings and verandahs for advertising;
- prohibiting, regulating and controlling the disposal of disused refrigerators and other compartments;
- providing for the collection, storage and transportation of refuse, trade waste, hard garbage and recyclable materials;
- requiring the screening of approved garbage bins and trade waste hoppers which are unsightly, dangerous or detrimental to the general amenity of the neighbourhood in which they are located;
- prohibiting, regulating and controlling camping and the use of caravans, tents and like structures;
- prohibiting, regulating and controlling the keeping of animals;
- prohibiting, regulating and controlling the maintenance of drains and tapping into drains;
- prohibiting, regulating and controlling open air fires and the use of incinerators; and
- prohibiting, regulating and controlling the use of recreational vehicles.

63 Schedule No. 2 - Notice to destroy vermin/noxious weeds

Yarra City Council  
Environment Local Law, No. 3 of 2002

**Schedule No. 2**  
**Notice to destroy vermin/noxious weeds**

To: Name: .....

Address: .....

.....

Under clause 10.1 of the Yarra City Council's Local Law No. . . . . you are required to destroy the following vermin/noxious weeds on the land located at ..... of which you are the owner or occupier and the adjoining half width of ..... within . . . . . days of the service of this Notice on you:

.....

.....

.....

You should contact ..... at the Municipal Offices, ..... between the hours of . . . . . for any further information about this Notice.

If you fail to comply with this Notice you will be guilty of an offence and liable for payment of the penalty of \$ . . . . . and the Council will proceed to carry out the work for the cost of which, in addition to the above penalty, you will liable.

Date: . . . . .

Name of authorised officer: .....

Telephone No: . . . . .

Signature of authorised officer: .....

64 Schedule No. 3 – Notice to Comply

Yarra City Council  
Environment Local Law, No. 3 of 2002

Schedule No. 3

Notice to Comply

To: Name: .....

Address: .....

.....

You have, in the opinion of the Yarra City Council ("the Council") or an authorised officer of the Council, committed a breach of clause . . . . . of the Council's Local Law No. . . . . by

.....

To remedy the breach you must do the following, within . . . . . days from the date of this Notice:

.....

.....

You should contact .....  
at the Municipal Office, .....between  
the hours of . . . . . for any further information about this  
Notice.

If you fail to comply with this Notice you will be guilty of an offence and liable to a penalty of \$ . . . . . and the Council will carry out any required work, for the cost of which, in addition to the above penalty, you will liable.

Date: . . . . .

Name of authorised officer: .....

Telephone no: . . . . .

Signature of authorised officer: .....

**Note: If this Notice relates to a contravention of a permit and you do not comply with the Notice, the permit may be cancelled. If you do not wish to have the permit cancelled you should comply with the directions in this Notice or show cause to the Council in writing why the permit should not be cancelled.**

**65 Schedule No. 4 – Penalty amounts for Infringement Notices**  
**Environment Local Law, No. 3 of 2002**  
**Schedule No. 4**  
**Penalty amounts for Infringement Notices**

Notes:

1. In instances where no specific infringement notice penalty is stated below, a penalty of one (1) penalty unit applies. (Refer clause 55.1)
2. Court imposed penalties are stated in the body of the local law. Where no penalty is stated, a penalty of five (5) penalty units applies. (Refer clause 54.1.4)
3. All penalties are set by reference to 'Penalty Units' as defined in S. 110 of the *Sentencing Act* 1991. As at March 2003, a penalty unit equates to \$100.

Part	Clause	Penalty Units	Part	Clause	Penalty Units
<b>B. Use of land</b>	8.1	1	<b>C. Waste disposal (Cont'd)</b>	27.3	2
	9.1	1		27.4	2
	10.3	1		28.2	2
	11.1	2		29	2
	12A.2	5	<b>D. Camping</b>	30.1	1
	12B.1	10		31.1	1
	12B.5	10	<b>E. Animals &amp; birds</b>	34.1	1
	12.1	5		34.2	1
	13.1	5		35.1	1
	13.2	5		35.2	1
	13.6	2		36.1	1
	13.7	2		36.2	1
	13.9	2		36.3	1
	13.10	2		37	2
	13.12	2		38	1
	13.15	1	<b>F. Management of drains</b>	40.1	1
	13.16	1		41.1	1
	14.1	1	<b>G. Burning &amp; incinerators</b>	43.1	1
	15.1	1		43.3	1
	16.1	1		44.1	1
<b>C. Waste disposal</b>	17.1	1		44.2	1
	18.1	1		45.1	1
	20	1		45.2	1
	21	1	<b>H. Recreational vehicles</b>	46.1	1
	22	1		46.2	1
	24	1		46.3	1
	26.1	1			
	27.1	2			
	27.2	2			

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