



General Local Law (consolidated)

Including provisions of the General Local Law 2016 and the General (Consumption of Liquor in Public Places) Amendment Local Law 2021



This consolidated local law includes provisions of the following local laws

| | General Local Law | General (Consumption of Liquor in Public Places) Amendment Local Law |
|--------------------|--------------------------|---|
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PART 1 – INTRODUCTION

1. Title

This Local Law is entitled “General Local Law”

2. Purposes of Local Law

This Local Law is made for the purposes of:

- 2.1 providing for the peace, order and good government of the municipal district of Yarra City Council;
- 2.2 promoting a physical and social environment that is accessible inclusive and 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;
- 2.3 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
- 2.4 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.

3. Authorising Provision

This Local Law is made under section 111(1) of the Local Government Act 1989.

4. Operation Date

This Local Law commences on the day following the notice of making the Local Law is published in the Victorian Government Gazette.

5. Revocation

- 5.1 Upon this Local Law becoming operative, Roads and Council Land Local Law No. 2 of 2012 and Environment Local Law, No. 3 of 2012 are revoked.

6. Application

This Local Law applies and has operation throughout the whole of the municipal district.

7. Interpretation

Unless the contrary intention appears in this Local Law, the following words and phrases are defined as indicated:

- 7.1 “**Act**” means the *Local Government Act 1989*;
- 7.2 “**accessible**” in the purposes of the Local Law means best practice in access for people with disabilities as required by Universal Design Principles;

- 7.3 **“advertising sign”** means any placard, board, sign, card or banner, whether portable or affixed or attached to any land, building, vehicle, or other thing, which:
- 7.3.1 provides information about the occupier of the land or building, or a business or industry; or
- 7.3.2 advertises goods, services, an event or a competition;
- 7.3A **“AFL Grand Final Day”** means any day on which the Australian Football League stages the Grand Final;
- 7.4 **“animal”** means every specimen of four footed animal and every specimen of reptile;
- 7.5 **“appointed agent”** means a person authorised by an owner of land to make an application on the owner’s behalf;
- 7.6 **“approved waste receptacle”** means a bin or mobile bin of a type and size approved by Council or an authorised officer;
- 7.7 **“approved recycling receptacle”** means a bin or mobile bin of a type and size approved by Council or an authorised officer;
- 7.8 **“Asset Protection Permit”** means a permit issued under clause 25 for the protection of assets or infrastructure during *building work*;
- 7.9 **“Asset Protection Permit Bond”** means a bond, bank guarantee or like security required to be paid under an Asset Protection Permit;
- 7.10 **“authorised officer”** means any person appointed by the Council to be an authorised officer under section 224 of the Act;
- 7.11 **“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 the person in charge of any *building work* being carried out;
- 7.12 **“building”** includes any structure whether permanent or temporary or any part of a building or structure;
- 7.13 **“building work”** includes any work for or in connection with the construction, demolition, renovation, alteration or removal of any building or structure; and includes any change to the natural or existing condition or topography of land including but not limited to trenching, digging, excavating or filling whether by mechanical or manual methods and the loading or unloading of any goods or materials for or in connection with any *building work*;
- 7.14 **“bulk rubbish container”** means a bin, skip or other similar container used for the deposit of waste, but excludes an *approved waste receptacle* or an *approved waste recycling receptacle* used in connection with the Council’s refuse collection service;
- 7.15 **“caravan”** includes a mobile home or moveable dwelling;
- 7.16 **“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;

- 7.17 **“Council”** means Yarra City Council;
- 7.18 **“commercial fitness activities”** means any individual or group fitness activities involving a commercial fitness trainer who derives a payment or reward, either directly or indirectly, in connection with such fitness activities, and includes (but is not limited to):
- 7.18.1 gym sessions (with or without weights, fit-balls, skipping ropes or other personal fitness equipment);
 - 7.18.2 boxing and pad training;
 - 7.18.3 organised aerobic activity;
 - 7.18.4 yoga, tai chi and Pilates classes and like activities;
 - 7.18.5 circuit training;
 - 7.18.6 jogging;
 - 7.18.7 soccer; and
 - 7.18.8 a combination of any of the above.
- 7.19 **“commercial fitness trainer”** means a person who receives payment or reward for conducting commercial fitness activities;
- 7.20 **“Council land”** means any land owned by, vested in or under the management or control of the Council, including reserves, footways watercourses, reservations and the like, but excludes a road;
- 7.21 **“emergency service”** means a body, corporation or person deemed to be an “emergency service” by the Council or an authorised officer from time to time;
- 7.21A **“event”** means a festival or other event prescribed by Council;
- 7.22 **“footway”** includes every footpath, lane or other place within the municipal district used by pedestrians, but excludes a road;
- 7.23 **“heavy motor vehicle”** means a motor vehicle of a net weight of three (3) tonnes or more;
- 7.24 **“incinerator”** includes 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 enclosed in any building, a barbecue or licenced under the provisions of the *Environment Protection Act 1970*;
- 7.24A **“liquor”** has the same meaning as in the *Liquor Control Reform Act 1998*;
- 7.25 **“minor building work”** means *building work* valued at less than \$5,000.00 but excludes demolition and removal of buildings and structures;
- 7.26 **“motor vehicle”** has the meaning ascribed to it by the *Road Safety Act 1986*;
- 7.27 **“municipal district”** means the municipal district of the Council;
- 7.27A **“municipal reserve”** means any area of open space owned by, vested in or under the management or control of Council, and includes parks and gardens;

- 7.28 **“owner”** in relation to any land, has the same meaning as it has in section 3 of the Act;
- 7.29 **“penalty unit”** has the same meaning as it has in the Sentencing Act 1991;
- 7.30 **“permit”** means a permit or Public Space Licence Agreement in writing issued by an Authorised Officer or Council;
- 7.31 **“planning scheme”** means the Yarra Planning Scheme as amended from time to time;
- 7.32 **“poultry”** includes ducks, chickens, geese, peacocks, pheasants, turkeys and guinea fowl of any age;
- 7.32A **“prescribe”** means determine by resolution;
- 7.32B **“Prescribed Area”** means a public place (or part of a public place) prescribed by the Council under Part 20A;
- 7.33 **“private land”** means land that is not:
- 7.33.1 Council Land; or
- 7.33.2 7.33.2 Non-residential land occupied, managed or controlled by a public authority.
- 7.34 **“procedure and protocols manual”** means the procedure and protocols manual authorised and published by the Council from time to time and which is incorporated into this Local Law pursuant to section 112 of the Act ;
- 7.35 **“public body”** means any government department or municipal council or body established for a public purpose by legislation;
- 7.36 **“public place”** has the same meaning in the *Summary Offences Act 1966* but does not include land owned or managed by Parks Victoria;
- 7.37 **“Public Space Licence Agreement”** means any agreement (by way of a lease, licence or otherwise) between the Council and a person under which that person is authorised to occupy a site specified in that agreement for the purpose of displaying goods, placing an advertising sign, or placing a seat, umbrella, table, chair, screen, heater or other furniture on that site or placing, constructing or fixing any semi-permanent or permanent structure on that site.
- 7.38 **“road”** has the meaning as in section 3 of the Act but does not include a footway;
- 7.39 **“security bond”** means a payment or guarantee made to council for the purposes of defraying costs to repair damage to assets or as required under the Local Law;
- 7.40 **“sell”** includes:
- 7.40.1 sell by means of any machine or mechanical device;
- 7.40.2 barter or exchange;
- 7.40.3 agree to sell;
- 7.40.4 offer or expose for sale; or

- 7.40.5 keeping or having in possession for sale, or directing, causing or attempting any of such acts or things;
- 7.41 **“service authority”** means a body or corporation deemed to be a “service authority” by the Council or an authorised officer from time to time;
- 7.42 **“significant tree”** means a tree which meets one or more of the following criteria:
- 7.42.1 the tree is single trunked with a trunk diameter of 400 mm or greater measured at 1500 mm (1.5m) above the ground; or
- 7.42.2 the tree is multi-trunked with a combined trunk diameter of 400mm or greater at 1500 mm (1.5m) above the ground; or
- 7.42.3 the tree is individually listed on the significant tree register;
- 7.42.4 the tree is one of a group of trees listed on the significant tree register; or
- 7.42.5 the tree is single trunked with a trunk diameter of 400 mm or greater measured at ground level; or
- 7.42.6 the tree is multi-trunked with a combined trunk diameter of 400 mm or greater measured at ground level;
- 7.43 **“significant tree register”** means a register of trees of cultural significance to the Council, which is kept and maintained by Council;
- 7.44 **“storm water system”** means storm water system which provides for the conveyance of storm water run-off including kerb and channel, open channels, underground pipe systems and natural waterways;
- 7.45 **“toy vehicle”** means a vehicle, built to transport a person and designed to be propelled by human power or gravity, and ordinarily used for recreation or play and includes roller skates, roller blades, a skateboard or similar wheeled device, but does not include a pram, stroller or trolley, or bicycle or wheelchair but includes a drone notwithstanding it does not transport a person or is propelled by human power or gravity;
- 7.46 **“trade waste”** means any waste, refuse, slops or other matter arising from or generated by any trade, industry or commercial undertaking;
- 7.47 **“trade waste hopper”** means a purpose built receptacle for the deposit of trade waste that is ordinarily emptied by mechanical means;
- 7.48 **“traffic control item”** means any sign, mark, structure or device displayed, placed or erected for the purpose of controlling, directing, guiding, regulating or warning drivers, cyclists or pedestrians, and includes a traffic control signal;
- 7.49 **“traffic control signal”** means a device, however, operated, which uses words symbols, lights or other means to control or regulate traffic;
- 7.50 **"trailer"** has the same meaning as in the *Road Safety Act 1986*;
- 7.51 **"vehicle"** has the same meaning in the *Road Safety Act 1986*;

- 7.52 **“Vehicle Parking Permit Holder”** means the person to whom a Vehicle Parking Permit has been issued by Council in accordance with a Resident Parking Scheme established pursuant to Schedule 11 to the Act;
- 7.53 **“Vehicle Parking Permit”** means a Vehicle Parking Permit issued by Council in accordance a Resident Parking Scheme established by Council pursuant to Schedule 11 to the Act to regulate motor vehicle parking, and includes a Visitor Permit;
- 7.54 **“visitor”** means a person visiting a property for which a Visitor Permit has been issued; and
- 7.55 **"Visitor Permit"** means a Vehicle Parking Permit issued for use in respect of a vehicle used by a person visiting at the place of residence of a Vehicle Parking Permit Holder;
- 7.56 **“Waste management guidelines”** means the document titled ‘Builders Code of Practice and Waste Management Guidelines’ and associated documents, as amended from time to time and published on the Council’s website;
- 7.57 **“Waste management plan”** means a plan prepared in accordance with the waste management guidelines that deals with waste minimisation and published on the Council’s website.

PART 2 – PARKING OR DRIVING IN RECREATIONAL RESERVES

8. Vehicles in Recreational Reserves

- 8.1 In this clause “*recreational reserve*” means any land within the *municipal district* that is owned, occupied or controlled by the *Council* and is dedicated or used for cultural, recreational or entertainment purposes and includes *Council’s* parks and gardens.
- 8.2 A person must not, without a *permit*, on any recreational reserve:
- 8.2.1 drive a *vehicle* into or onto a recreational reserve; or
- 8.2.2 allow a *vehicle* which they are the owner, or otherwise in charge of, to remain in or on a recreational reserve.
- 8.3 For the purpose of clause 8.2, *vehicle* does not include the following:
- 8.3.1 a bicycle;
- 8.3.2 a child’s toy vehicle;
- 8.3.3 a pram, baby or child carriage, wheelchair, mobility scooter or similar device.
- 8.4 Clause 8.2 does not apply to:
- 8.4.1 a staff member of the *Council* or a *public body* (or other person authorised by the *Council* or the *public body* for this purpose), member of the police force or a staff member of an *emergency service* acting in the course of his or her duties;
- 8.4.2 or in accordance with any applicable Act or regulation.
- 8.5 Where damage is caused to a recreational reserve, or anything in or on a recreational reserve, by a person in breach of clause 8.2, the *Council* may institute proceedings to recover the costs incurred by or on behalf of the *Council* in rectifying the damage.

PART 3 – TRAFFIC AND OTHER HAZARDS

9. Vegetation

- 9.1 The *owner* or occupier of *private land* must not allow any tree, shrub, hedge or other vegetation on the *private land* to obstruct the clear view:
- 9.1.1 by a driver of any:
- 9.1.1.1 pedestrian;
- 9.1.1.2 *vehicle*; or
- 9.1.1.3 *traffic control item*; or
- 9.1.2 by a pedestrian of any:
- 9.1.2.1 *vehicle*; or
- 9.1.2.2 *traffic control item*.
- 9.2 An *owner* or occupier of *private land* must not allow a tree, shrub, hedge or other vegetation to encroach on *Council Land*, a *road* or *footway* at a height less than 2.4 metres from the surface of the *road*, *Council Land* or *footway*.

10. Obstructions and Hazards on Roads and Council Land

- 10.1 An *owner* or occupier of *private land* must not allow an *advertising sign* or any other similar object to:
- 10.1.1 encroach onto *Council Land*, a *road* or a *footway* at a height less than 2.4 metres; or
- 10.1.2 remain on *private land* or be placed on *private land* which obstructs the clear view of a *traffic control item* by a person in a *vehicle* or a person on a *footway*.
- 10.2 A person must not, without a *permit*, place, allow to be placed or cause to be placed on any *road*, *footway* or *Council Land*:
- 10.2.1 a *bulk rubbish container*; or
- 10.2.2 any other thing which interferes with the use of the *road*, *footway* or *Council Land*.
- 10.3 A person must not place a bulk rubbish container on any road, footway or Council land or collect a bulk rubbish container from any private land or Council land at any time except:
- 10.3.1 From 7am to 8pm on a Monday to Saturday (inclusive); or
- 10.3.2 From 9am to 8pm on a Sunday or Public Holiday.
- 10.4 This clause does not apply to the works or activities of a *service authority*.
- 10.5 A person must not, without a *permit*, obstruct or restrict the use of any *road*, *footway* or *Council Land* by any means.

11. Fencing of Vacant Land

- 11.1 If *Council* or an *authorised officer*, reasonably believes that vacant land is unsightly or waste is being dumped or is dangerous, may by notice in writing, direct the *owner* or occupier of any vacant land to:
- 11.1.1 erect;
 - 11.1.2 repair;
 - 11.1.3 replace; or
 - 11.1.4 modify,
- fencing enclosing the vacant land. A notice under this clause may specify:
- 11.1.5 the material with which any fencing to be erected must be constructed; and
 - 11.1.6 the height and other dimensions of the fencing to be erected.
- 11.2 The *owner* or occupier of any land must comply with a notice directed to that person under clause 11.1 and must perform any work specified in the notice within the time specified in the notice.

12. Securing and Fencing Dilapidated Land

- 12.1 The *Council* or an *authorised officer* may, by notice in writing, direct the *owner* or occupier of land on which any dilapidated dwelling exists to:
- 12.1.1 secure or better secure the dwelling; or
 - 12.1.2 fence the land.
- 12.2 The *owner* or occupier of any land must comply with a notice directed to that person under clause 12.1 and must perform any work specified in the notice within the time specified in the notice.

PART 4 – VEHICLE CROSSINGS

13. Vehicle Crossings

- 13.1 A person must not, without a *permit*, construct, repair, reconstruct or remove a temporary or permanent vehicle crossing.
- 13.2 The *Council* or an *authorised officer* may, by notice in writing, require:
- 13.2.1 the construction of a temporary or permanent vehicle crossing or adjacent footpath;
 - 13.2.2 the repair or reconstruction of a vehicle crossing or adjacent footpath;
 - 13.2.3 the removal of a vehicle crossing in accordance with clause 13.9; or
 - 13.2.4 the repair or reconstruction of a footway adjacent to a vehicle crossing which itself is being constructed, repaired, reconstructed or removed
- by the *owner* or occupier of any adjacent allotment by a date determined by the *Council* or an *authorised officer*, having regard to the size, cost and complexity of the required works.
- 13.3 A person must comply with a notice directed to that person under clause 13.2 and must perform any work specified in the notice within the time specified in the notice.
- 13.4 The *owner* or occupier of any allotment required, by notice in writing, to construct, repair, reconstruct or remove a vehicle crossing or adjacent footway under this clause must make an application to the *Council* for a *permit* under clause 13.1.
- 13.5 Any work in respect of a footway, kerb, drain, or vehicle crossing performed under clause 13.1 must be performed to the satisfaction of the *Council* or an *authorised officer*.
- 13.6 If *building work* is to be carried out or is being carried out on *private land*, a person must not drive a *motor vehicle* over a kerb, nature strip or footpath to access the *private land* unless a temporary vehicle crossing is in place and the motor vehicle drives over that temporary vehicle crossing.
- 13.7 If the *Council* or an *authorised officer* has required the *owner* or occupier of any *private land* on which *building work* is to occur to construct a temporary vehicle crossing under clause 13.2 the *owner* or occupier must not carry out, cause or allow the *building work* to commence until the *permit* has been granted and the temporary vehicle crossing has been constructed.
- 13.8 If *vehicles* enter or leave the carriageway of any *road* adjacent to any *private land*, on which any *building work* is being conducted, the *owner* or occupier of the *private land* must repair any damage to any permanent vehicle crossing, *road*, *footway*, kerb or drain that results from the passing of any *motor vehicle* over the vehicle crossing leaving or entering the carriageway of an adjacent *road*.

- 13.9 The *Council* or an *authorised officer* may, by notice in writing, require the removal of any vehicle crossing and the reinstatement of any kerb, drain, *footway*, nature strip or other part of a *road* if, in the opinion of the *Council* or an *authorised officer*, the vehicle crossing is redundant or has been constructed in breach of any provision of clause 13 or a *permit*.
- 13.10 A person must comply with a notice directed to that person under clause 13.7 and must perform any work specified in the notice within the prescribed time.

PART 5 – BEHAVIOUR ON ROADS AND COUNCIL LAND

14. Toy Vehicles

- 14.1 For the purpose of clause 14.4 and 14.5 a “*wheeled 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 or electric bicycle.
- 14.2 A person:
- 14.2.1 must not; or
 - 14.2.2 must not allow a person under his or her care and control:
in any area of the *municipal district*:
 - 14.2.3 use; or
 - 14.2.4 leave
a *toy vehicle* in a manner which:
 - 14.2.5 interferes with the passage of;
 - 14.2.6 intimidates, obstructs, hinders or causes a nuisance to; or
 - 14.2.7 endangers,
any person or *vehicle* in the *municipal district*.
- 14.3 A person must not use or leave a *toy vehicle* in an area where the use of *toy vehicles* is prohibited by a sign erected by the *Council* or an *authorised officer*.
- 14.4 The owner or occupier of any *private land* must not, without a *permit*, use, or permit a person to use, a wheeled recreational vehicle on the *private land*.
- 14.5 A person must not, without a *permit*, use, or permit a person to use, a wheeled recreational vehicle on *Council Land*, a *road*, or *footway*.

15. Shopping Trolleys

- 15.1 In this clause “*shopping trolley*” means a wheeled receptacle supplied by a retailer of goods to enable persons purchasing any of those goods to transport them from one place to another.
- 15.2 A person must not leave a shopping trolley in any area except in an area designated for the leaving of shopping trolleys.
- 15.3 The owner of a shopping trolley must, within 24 hours of being notified by an *authorised officer* of the location of a shopping trolley, collect the shopping trolley.

16. Dogs

- 16.1 In this clause a “*litter device*” means a device suitable for the purpose of collecting, removing and disposing of an *animal’s* faeces and includes a paper or plastic bag.
- 16.2 A person in charge of an *animal* on any *road, footway, Council Land* or other *public place* must carry a litter device at all times and must produce the litter device on the request of an *authorised officer*.
- 16.3 A person in charge of an *animal* that excretes faecal matter on a *road, footway, Council Land* or other *public place* must immediately collect and dispose of the excrement.
- 16.4 A person in charge of an *animal* must not allow any part of the *animal’s* excrement to remain on any *road, footway, Council Land* or other *public place*.

17. Camping

- 17.1 A person must not, without a *permit*, camp in or on any *public place* in a *vehicle, tent, caravan* or any type of temporary or provisional form of accommodation.
- 17.2 The registered owner of a *vehicle* used for the purpose of camping in contravention of clause 17.1 is guilty of the same offence as the person who contravenes clause 17.1.

18. Busking

- 18.1 For the purpose of this clause, “*busk*” means playing any musical instrument, singing, haranguing, reciting, performing, juggling, dancing, and engaging in miming or puppetry or any other performance for money, gifts or other reward.
- 18.2 A person must not, without a *permit*, on any *road, footway* or *Council Land* busk.

19. Commercial fitness activities

- 19.1 In this clause “*recreational reserve*” means any land within the municipal district that is owned, occupied or controlled by the Council and is dedicated or used for cultural, recreational or entertainment purposes and includes Council’s parks and gardens.
- 19.2 In this clause “*exclusion zone*” means any of the following areas within a recreational reserve:
- 19.2.1 10 metres from any memorial;
- 19.2.2 10 metres from any playground or play equipment;
- 19.2.3 10 metres from any public change room, toilet or kiosk area;
- 19.2.4 15 metres from any residential dwelling;

- 19.2.5 any sports field or facility without a specific booking;
- 19.2.6 stairways and pathways; and
- 19.2.7 picnic sheds and benches.
- 19.3 A *commercial fitness trainer* must not, without a *permit*, conduct *commercial fitness activities* in a recreational reserve.
- 19.4 A *commercial fitness trainer* must not conduct *commercial fitness activities* in contravention of a condition of a *permit*.
- 19.5 A *commercial fitness trainer* must not conduct *commercial fitness activities* in an exclusion zone.
- 19.6 A person must not participate in *commercial fitness activities* in an exclusion zone.
- 19.7 Clause 19.3 does not apply if the *commercial fitness trainer* or person participating in the *commercial fitness activities* was, at the time of the contravention using a stairway or pathway to access a non-exclusion zone.
- 19.8 A *commercial fitness trainer* must produce a permit on the request of an authorised officer when conducting *commercial fitness activities* in a recreational reserve.
- 19.9 A *commercial fitness trainer* must not use amplified music or audio equipment when conducting *commercial fitness activities* in a recreational reserve.
- 19.10 A *commercial fitness trainer* conducting *commercial fitness activities*, and persons participating in *commercial fitness activities* in a recreational reserve must not engage in aggressive or intimidating behaviour, or cause a nuisance.

20. Commercial dog walkers

- 20.1 A person must not, without a *permit*, conduct a commercial enterprise of exercising dogs or any other *animals* on any *Council Land* or in any *public place*.
- 20.2 A person must when conducting a commercial enterprise of exercising dogs or any other *animals*, while exercising dogs or other *animals*, on any *Council land* or in any *public place*:
 - 20.2.1 have a *permit* and carry it with them while conducting that business and produce it on the request of an authorised officer;
 - 20.2.2 maintain effective control of dogs or other *animals* at all times; and
 - 20.2.3 must not have more than 4 dogs or other *animals* exercised or walked by a person at any one time.
- 20.3 if an *authorised officer* or Council is of the opinion that there is, or has been, a breach of clause 20.2, he or she may do any one or more of the following:
 - 20.3.1 require the walking or exercise activity to immediately cease;
 - 20.3.2 inspect the *permit* for the activity; or
 - 20.3.3 revoke any *permit* if the operator is found to be in breach.

PART 6 – COUNCIL ASSETS

21. Damage to Council Assets or Likely to Damage Council Assets

- 21.1 A person must not, without a *permit*, destroy, damage, remove, interfere with, attach to or change in any way anything in, on or under a *road, footway* or *Council Land*, except where the asset is designed for that use.

22. Occupation of Council Land

- 22.1 A person must not, without a *permit*, occupy *Council Land, road* or *footway* by:
- 22.1.1 placing on; or
 - 22.1.2 leaving;
- any boat, *trailer, caravan*, equipment or other thing for longer than one hour unless it is attached to a registered motor vehicle.

23. Occupation of Roads or Council Land for Filming Activities or other activity

- 23.1 A person must not, without a *permit*, occupy or allow the occupation of any *road, footway* or *Council Land* for the purposes of filming for commercial purposes or public exhibition or the placement of any equipment associated with such an activity, street parties or other like event.

24. Occupation of Roads, Footpath or Council Land for Works or Events

- 24.1 A person must not, without a *permit*, or allow or suffer another person, without a *permit*, to:
- 24.1.1 occupy or fence off;
 - 24.1.2 leave or store building or construction material on;
 - 24.1.3 erect a hoarding or scaffolding on;
 - 24.1.4 use any plant or equipment on; or
 - 24.1.5 remove, damage or interfere with a temporary traffic signal, sign, barrier or other structure erected to protect pedestrians or regulate traffic on –
- any *road* or *footway* or part of a *road* or *footway*, or on any *Council land*.
- 24.2 Any contradiction of Clause 24.1 by an individual who is an owner of residential land, other than an individual who is carrying out building work to develop residential land for sale, is liable to an infringement penalty half that specified in Schedule 1.

25. Asset Protection Permit

- 25.1 If a building permit is required for *building work* on land and that *building work*, person or class of persons have not been exempted:

- 25.1.1 the *owner* of the relevant land;
 - 25.1.2 the *builder* engaged to carry out *building work* on the land;
 - 25.1.3 any *appointed agent*; or
 - 25.1.4 any demolition contractor engaged to demolish some object on the land as part of the *building work*
- must:
- 25.1.5 not carry out or allow to be carried out *building work* on that land unless an *Asset Protection Permit* has been obtained;
 - 25.1.6 not carry out or allow to be carried out *building work* on that land in breach of any conditions of an *Asset Protection Permit* that has been obtained; and
 - 25.1.7 pay any *Asset Protection Permit Bond* determined by the *Council* from time to time, in accordance with the *procedure and protocols manual*.

PART 7 – SIGNS, GOODS AND FURNITURE

26. Signs, Goods, Furniture, Semi-permanent and Permanent Structures

- 26.1 A person must not, unless authorised by a *Public Space Licence Agreement*:
- 26.1.1 display or allow to be displayed any goods on a *road, footway or Council land*;
 - 26.1.2 place or allow to be placed an *advertising sign* on a *road, footway or Council land*;
 - 26.1.3 place or allow to be placed a seat, umbrella, table, chair, screen, heater or other furniture on a *road, footway or Council land*; or
 - 26.1.4 place or allow to be placed, construct or allow to be constructed, fix or allow to be fixed, or occupy or use or allow to be occupied or used any semi-permanent or permanent structure on a *road, footway or Council land*.
- 26.2 If a use of a *road or footway* is a use:
- 26.2.1 described in clause 26.1;
 - 26.2.2 authorised by a *Public Space Licence Agreement*; and
 - 26.2.3 associated with the use of adjoining land-
- then, for the purposes of clause 62 of the Planning Scheme, the use is to be taken as a use authorised by *Council* under this Local Law and it is intended that no planning permit need be obtained in respect of such use.
- 26.3 Nothing in clause 26.1.1 prevents a person from placing goods, and nothing in clause 26.1.3 prevents a person from placing a seat, umbrella, table, chair or other furniture, in an area within a recreational reserve designed or adapted for such placement.
- 26.4 A person who has placed, permitted to be placed, displayed or permitted to be displayed:
- 26.4.1 goods;
 - 26.4.2 an *advertising sign* on a structure which is not permanently or semi permanently fixed to public space; or
 - 26.4.3 a seat, umbrella, table, chair, screen, heater or other furniture which is not permanently or semi permanently fixed to public space,
- on a *road, footway or Council land*, whether in accordance with a *Public Space Licence Agreement* or not, must move or remove the:
- 26.4.4 goods;
 - 26.4.5 *advertising sign*; or
 - 26.4.6 seat, umbrella, table, chair, screen, heater or other furniture,

if directed to do so by:

26.4.7 an *authorised officer*;

26.4.8 a member of the Victoria Police; or

26.4.9 a member of an *emergency service*.

26.5 A person who has placed or allowed to be placed, constructed or allowed to be constructed, fixed or allowed to be fixed, occupied or used or allowed to be occupied or used any semi-permanent or permanent structure on a road, footway or Council land, whether in accordance with a *Public Space Licence Agreement* or not, must remove, vacate or cease to use the permanent or semi-permanent structure if directed to do so by an *authorised officer*, a member of the Victoria Police, or a member of an *emergency service*.

26.6 A person must not allow or cause to be allowed the display of a sign, which advertises the leasing of a *building* or land, more than fourteen (14) days after the date of the lease of the *building* or land.

PART 8 – SALE OF GOODS, STREET COLLECTIONS AND SPRUICKING

27. Persons Selling Goods, Commercial and Charitable Activities

- 27.1 A person must not, without a *permit*, *sell* or advertise any goods from:
- 27.1.1 a stall;
 - 27.1.2 a *vehicle*;
 - 27.1.3 a caravan;
 - 27.1.4 a *trailer*;
 - 27.1.5 a barrow;
 - 27.1.6 a box;
 - 27.1.7 a crate;
 - 27.1.8 a bag;
 - 27.1.9 tent or temporary structure, or
 - 27.1.10 any other receptacle,
standing or placed on:
 - 27.1.11 a *road*;
 - 27.1.12 a *footway*;
 - 27.1.13 *Council land*;
 - 27.1.14 vacant land; or
 - 27.1.15 land which is not ordinarily occupied by the person to persons-
on a *road*, *footway* or *Council land*.
- 27.2 If a use of a *road* or *footway* is a use:
- 27.2.1 described in clause 27.1;
 - 27.2.2 which is authorised by a *permit*; and
 - 27.2.3 associated with the use of adjoining land
- then, for the purposes of clause 62 of the *Planning Scheme*, the use is to be taken as a use authorised by Council under this Local Law and it is intended that no planning permit need be obtained in respect of such use.
- 27.3 A person must not, without a *permit*, sell any goods carried about on the person or on any animal or *vehicle*:
- 27.3.1 on a *road*;
 - 27.3.2 on a *footway*;
 - 27.3.3 on *Council land*; or
 - 27.3.4 from door to door.

- 27.4 Nothing in this clause requires a person to obtain a *permit* for a private function which is carried out on land where a person sells or advertises goods for sale to the people on the land.

28. Street Collection and Distribution

- 28.1 A person must not, without a *permit*, solicit or collect any money, gifts or subscriptions for any purpose or cause or authorise another person to do so:
- 28.1.1 on a *road*;
 - 28.1.2 on a *footway*;
 - 28.1.3 on *Council land*; or
 - 28.1.4 from door to door.

29. Spruiking

- 29.1 A person must not, without a *permit*, on a *road*, *footway* or *Council land* or from any land adjacent to a *road*, *footway* or *Council land* -
- 29.1.1 spruik, tout or solicit the sale of any goods or services; or
 - 29.1.2 hand out or give to persons on any *road*, *footway* or *Council Land* a document that advertises a commercial event, venture or the like or is of a fundraising nature.
- 29.2 Clause 29.1 does not apply to a person participating in highway collections approved under *Road Safety Act 1986*.

PART 9 – NUMBERING OF ALLOTMENTS

30. Numbering of Allotments

- 30.1 The *Council* or an *authorised officer* may from time to time allocate a number to an allotment and may from time to time allocate a different number to an allotment or otherwise change the numbering.
- 30.2 The *owner* or occupier of an allotment to which a number has been allocated by the *Council* or an *authorised officer* must mark the allotment with the number in a form that is legible, visible, and clear of vegetation and other obstructions and of a minimum size of 80 mm.
- 30.3 The *owner* or occupier of an allotment must ensure that all numbers marking the allotment are:
- 30.3.1 made of durable materials;
 - 30.3.2 kept in a good state of repair; and
 - 30.3.3 renewed as often as may be necessary.
- 30.4 A person must not display a number on an allotment unless the number has been allocated to the allotment by the *Council* or an *authorised officer*.

PART 10 – SPOIL ON ROADS

31. Spoil on Roads

- 31.1 A person must not:
- 31.1.1 drive; or
 - 31.1.2 permit or cause to be driven,
a *vehicle* on a *road* or *footway* in the course of any trade, industry or commercial undertaking, unless the:
 - 31.1.3 wheels; and
 - 31.1.4 tyres,of the *vehicle* are free from soil, earth, clay or like substances.
- 31.2 A person must not allow any produce, soil, earth, mud, clay, liquid waste or like substance to fall from or escape onto a *road* or *footway* from any *vehicle* which he or she is driving or any equipment which he or she is operating in the course of any trade, industry or commercial undertaking.
- 31.3 A person must not allow any grease, oil, mud, clay or like substance to run off a *motor vehicle* he or she is cleaning in the course of any trade, industry or commercial undertaking onto a *road*, *footway* or into a drain.
- 31.4 An individual who is an owner of residential land, other than an individual who is carrying out *building work* to develop residential land for sale, who contravenes or fails to comply with clause 31.1 is liable to an infringement penalty half that specified in schedule 1.

PART 11 – MOTOR VEHICLES

32. Repair and Display of Vehicles

- 32.1 A person must not:
- 32.1.1 paint;
 - 32.1.2 service;
 - 32.1.3 carry out maintenance on or perform any work on; or
 - 32.1.4 display for sale in the course of a business for the sale of *vehicles-*
a vehicle on a road, footway or Council land.
- 32.2 Clause 32.1 does not apply if maintenance or work is carried out to enable a *vehicle*, which has broken down, to be removed from the *road, footway or Council land.*
- 32.3 Notwithstanding the exception in clause 32.2, a person commits an offence if the *vehicle* is within 100 metres of premises occupied by that person or that person's employer for the purposes of motor repairs or panel beating.

33. Noisy Vehicles

- 33.1 A person must not:
- 33.1.1 leave the engine of a *heavy motor vehicle* running while the *heavy motor vehicle* is stationary, except for a period of five (5) minutes:
 - 33.1.1.1 immediately after the *heavy motor vehicle* has stopped moving; or
 - 33.1.1.2 immediately before the *heavy motor vehicle* is to start moving; or
 - 33.1.2 allow a refrigeration unit mounted on a *motor vehicle* to run between the hours of 7pm and 7am while the motor vehicle is parked or standing on any *road* located in or abutting an area zoned as residential or predominantly residential under the *Planning Scheme.*
- 33.2 Clause 33.1 does not apply to a person employed by:
- 33.2.1 a *service authority*;
 - 33.2.2 an *emergency service*; or
 - 33.2.3 the *Council-*
- while acting in the course of his or her duties.

PART 12 – SAFETY

34. Failure to maintain a safe environment

34.1 The *owner*, or a person in charge, of any:

34.1.1 land on which works are being undertaken on or adjacent to any *road*, *footway* or *Council land*; or

34.1.2 *vehicle* parked on or adjacent to any *road*, *footway* or *Council land*, must ensure that the land is maintained, and the *vehicle* is parked and loaded, in such a way so as not to cause or potentially cause any:

- (i) injury to a person or animal;
- (ii) damage to a *Council* owned or controlled asset or any other asset not owned or controlled by the owner or person in charge;
or
- (iii) detriment to the amenity of adjacent land or the neighbourhood.

PART 13 – USE OF PARKING PERMITS

35. Application of this Part

- 35.1 This Part applies to *Vehicle Parking Permits* issued by the *Council* in accordance with a Resident Parking Scheme established pursuant to Schedule 11 to the *Act* and any *Council* policies regarding the operation of Resident Parking Schemes in the *municipal district*.
- 35.2 This Part is intended to operate in conjunction with any policy of the *Council* relating to the operation of Resident Parking Schemes and any conditions imposed on *Vehicle Parking Permits*.
- 35.3 Nothing in this Part is intended to derogate from any rights which the *Council* or an *authorised officer* may have under any *Council* policies regulating the operation of Resident Parking Schemes and the use of *Vehicle Parking Permits* or any conditions imposed on *Vehicle Parking Permits*.
- 35.4 A decision by the *Council* or an *authorised officer* not to enforce this Part does not affect the power of the *Council* or an *authorised officer* to enforce any relevant *Council* policy or conditions imposed on *Vehicle Parking Permits*.

36. Offence to sell, give away or rent a Vehicle Parking Permit

- 36.1 A *Vehicle Parking Permit Holder* must not:
- 36.1.1 sell or offer to sell a *Vehicle Parking Permit*;
- 36.1.2 give away for no charge, or offer to give away for no charge, a *Vehicle Parking Permit* (other than a *Visitor Permit* to be used by a legitimate *visitor*);
- 36.1.3 lend or license, or offer to lend or license a *Vehicle Parking Permit* (other than a temporary *Visitor Permit* to be used by a legitimate *visitor*); or
- 36.1.4 otherwise allow a *Vehicle Parking Permit* (other than a temporary *Visitor Permit* being used by a legitimate *visitor*) to be used by any person other than a *Vehicle Parking Permit Holder*.

37. Offence to accept or to use a Vehicle Parking Permit where not the Vehicle Parking Permit Holder

- 37.1 A person (other than a legitimate *visitor* using a *Visitor Permit* in accordance with any applicable policies or conditions) must not:
- 37.1.1 purchase or induce to purchase a *Vehicle Parking Permit* from any *Vehicle Parking Permit Holder* or other person not authorised to issue a *Vehicle Parking Permit*;
- 37.1.2 otherwise receive (whether for a charge or not), or induce to receive (whether for a charge or not), a *Vehicle Parking Permit* from any

Vehicle Parking Permit Holder or other person not authorised to issue a *Vehicle Parking Permit*;

- 37.1.3 accept a lent or licensed *Vehicle Parking Permit*, or induce to receive a lent or licensed *Vehicle Parking Permit* from any *Vehicle Parking Permit Holder* or other person not authorised to issue a *Vehicle Parking Permit*; or
- 37.1.4 otherwise use or attempt to use a *Vehicle Parking Permit* in instances where he or she is not the relevant *Vehicle Parking Permit Holder*.

38. Offences relating to falsification of Vehicle Parking Permits

- 38.1 A person must not:
 - 38.1.1 forge or counterfeit a *Vehicle Parking Permit*; or
 - 38.1.2 knowingly use, deal with or tender a false *Vehicle Parking Permit*.

PART 14 – TREE PROTECTION

39. Significant Trees

- 39.1 A person must not, without a permit, remove, damage, destroy or lop a *significant tree*.
- 39.2 In deciding whether to grant a permit under sub-clause 39.1, the Council must have regard to the *procedure and protocols manual*.
- 39.3 The requirement to obtain a *permit* under sub-clause 39.1 does not apply:
- 39.3.1 where a person cuts, trims or prunes a tree to ensure compliance with any other provision of this or any other statutory authority; or
 - 39.3.2 where Council is lopping, destroying, damaging or removing a significant tree that is a Council tree.
- 39.4 If a significant tree is removed, damaged, destroyed or lopped, the owner of the land on which the significant tree is located is guilty of an offence, whether or not the person who actually interfered with the tree is identified or prosecuted.

PART 15 – USE OF LAND

40. Machinery, Materials, Goods or Vehicles on Land and Camping

- 40.1 Unless permitted under the *Planning Scheme*, a person must not, without a *permit*, use any land:
- 40.1.1 for the storage of old, used or second hand machinery, *vehicles*, materials or goods; or
 - 40.1.2 for the assembly, or dismantling, of old, used or second hand machinery, *vehicles*, materials or goods-
which detrimentally affects the amenity of the neighborhood.
- 40.2 A person must not repair a *motor vehicle* on any land, other than a *motor vehicle* registered in the name of or owned by a person who is a resident of the land.
- 40.3 The *owner* and occupier of any *private land* must not, without a permit or unless authorised under the *Planning Scheme*, occupy or place or cause to be placed for the purposes of occupation any caravan, tent, or like structure.
- 40.4 A person must not, without a permit or unless authorised under the Planning Scheme, occupy or cause to be occupied any caravan, tent or like structure.

41. Unsightly land

- 41.1 The owner or occupier of any land must not cause or allow the land to be kept in a condition which is unsightly or detrimental to the amenity of the neighborhood.
- 41.2 The owner or occupier of any land must ensure that:
- 41.2.1 the land is not a danger, or likely to be a danger, to the health or property of any person;
 - 41.2.2 weeds or grass on the land does not exceed 150mm in height;
 - 41.2.3 there is no unconstrained waste on the land;
 - 41.2.4 the land is not a harborage for vermin;
 - 41.2.5 there is not an accumulation of building waste and materials;
 - 41.2.6 the land is not used for the storage of unregistered motor vehicles;
and
 - 41.2.7 noxious weeds not allowed to exist on the land.

42. Dilapidated Buildings

- 42.1 The owner or occupier of any land must not allow any building or other structure on the land to:
- 42.1.1 become dilapidated; or

42.1.2 be in a state of disrepair.

43. Circuses, Carnivals and Festivals

- 43.1 Unless permitted under a Planning Scheme a person must not in the municipal district, without a permit, hold or permit to be held:
- 43.1.1 a circus;
 - 43.1.2 a carnival; or
 - 43.1.3 a festival-
on any land.
- 43.2 Clause 43.1 does not apply to the Council in respect of any festival it conducts on land in the municipal district.

44. Disturbing Noise in Council's Parks and Gardens

- 44.1 In this clause “Council land” means any land being a reservation, garden or park owned by, vested in or under the management or control of Council.
- 44.2 A person who is in or on any Council land must not, without a permit use any:
- 44.2.1 internal combustion generator or like object together with an amplifier or speakers for the purpose of amplifying music or voices;
 - 44.2.2 drum or other form of percussion instrument;
 - 44.2.3 megaphone, loudhailer or other like device;
 - 44.2.4 car radio audible to any person outside the motor car;
 - 44.2.5 device that plays music or videos at a volume that can be heard in a habitable room of a dwelling in the area of the Council land.
- 44.3 A person who is in or on any Council land must not, without a permit, play or operate any device that produces a sound so that the sound is heard within a habitable room of any dwelling.
- 44.4 This clause does not apply to any indoor or outdoor venues within the meaning of the State Environment Protection Policy (Control of Music Noise from Public Premises) No N-2.

45. Occasional Events in Council's Parks and Gardens

- 45.1 In this clause “*Council land*” means any land being a reservation, garden or park owned by, vested in or under the management or control of *Council*
- 45.2 In this clause “*occasional event*” means a gathering of 50 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).
- 45.3 A person must not, without a *permit*, conduct an occasional event in Council land.

- 45.4 A person to whom a *permit* has been granted under this clause must comply with any conditions contained in the *permit*.

46. Activities on Council Land

- 46.1 A person must not, without a *permit*, use any *Council land, road* or *footway* to launch or land a hot air balloon.
- 46.2 Clause 46.1 does not apply to a person who lands on *Council land, road* or *footway* in a hot air balloon because of an emergency landing.
- 46.3 A person who is on *Council land* must not:
- 46.3.1 fail to comply with any direction or requirement specified on a sign erected by the *Council* or an *authorised officer*;
 - 46.3.2 behave or carry on an activity which unreasonably interferes with any other person using the *Council land*; or
 - 46.3.3 do any of the following things without a *permit*:
 - 46.3.3.1 fly or permit to be flown any aircraft (including a powered model plane or drone);
 - 46.3.3.2 ride or drive a vehicle or animal in a manner or in a place which is likely to damage or ruin any grassed area or turf surface or otherwise interfere with the use of the *Council land* by another person;
 - 46.3.3.3 light a fire or permit any fire to remain alight except in a barbecue provided by the *Council* or a barbecue using a portable gas bottle;
 - 46.3.3.4 play, organise, practice or engage in any organised competitive sport or game;
 - 46.3.3.5 play or practice golf;
 - 46.3.3.6 construct any line, string, rope or other similar thing to any tree or other object;
 - 46.3.3.7 camp, pitch, erect or occupy any camp, tent, caravan or temporary structure;
 - 46.3.3.8 conduct or celebrate a wedding;
 - 46.3.3.9 make a collection of money;
 - 46.3.3.10 destroy, damage or interfere with any flora or kill, injure or interfere with any fauna; or
 - 46.3.3.11 stand, walk or run on any plot, bed, border or any other area set aside for vegetation.

47. Heavy Motor Vehicles

47.1 Unless permitted under the *Planning Scheme* applicable to the land, the *owner* or occupier of any land must not, without a *permit*:

47.1.1 keep; or

47.1.2 allow to be kept-

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

48. Use of Awnings and Verandahs for Advertising

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

48.1.1 *advertising sign*; or

48.1.2 *banner, flag, bunting or like decoration*;

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

PART 16 – BUILDING WORKS AND ASSET PROTECTION

49. Building works

- 49.1 A person must not, without a *permit*, carry out or allow to be carried out, *building work* between the following hours:
- 49.1.1 Before 7am or after 6pm on a Monday to Friday (inclusive);
 - 49.1.2 Before 9am or after 3pm on a Saturday;
 - 49.1.3 on a Sunday; or
 - 49.1.4 on Anzac Day, Good Friday, Christmas Day or the Monday after Christmas Day when Christmas Day is a Saturday or the Tuesday after Christmas Day when Christmas Day is a Sunday.
- 49.2 Clause 49.1 does not apply to:
- 49.2.1 any employee or agent of a permit holder;
 - 49.2.2 any building work required because of an emergency;
 - 49.2.3 any building work which is subject to a permit issued under the Planning and Environment Act 1987 if that permit contains a condition which:
 - 49.2.3.1 restricts the times during which *building work* may be performed; and
 - 49.2.3.2 the condition is more restrictive than clause 49.1; or
 - 49.2.4 any person to whom section 48A(5) of the *Environment Protection Act 1970* applies; or
 - 49.2.5 *building work* which is carried out by an occupier or owner of land being home maintenance.
- 49.3 Where building work is being carried out on any land the owner, the builder, a contractor or appointed agent to carry out the building work must ensure that contaminated water including, run off of chemicals, sediments, concrete, soil, wash down, animal waste or other pollutants does not enter the storm water system from the land or the washing or cleaning of tools or in any other way.
- 49.4 The owner of land on which building work is being carried out (other than minor building work) must ensure that:
- 49.4.1 a facility is provided for refuse and is of a size and construction that adequately contains all refuse;
 - 49.4.2 the refuse facility remains on the land during the period of the building work (other than when required to be emptied);
 - 49.4.3 the facility is not placed on Council land, road or footway without a permit; and
 - 49.4.4 the facility is emptied whenever full, and, if necessary, provide a replacement facility.

- 49.5 During building work, the:
- 49.5.1 *owner* of land on which the *building work* is being carried out; or
 - 49.5.2 *builder* engaged to carry out the *building work*; or
 - 49.5.3 *appointed agent*-
- must ensure that:
- 49.5.4 all refuse which requires containment is placed in the refuse facility referred to in clause 49.4;
 - 49.5.5 the refuse is not deposited in or on any land other than in accordance with clause 49.4, and
 - 49.5.6 the *builder's* refuse is not deposited in or over any part of the storm water system.
- 49.6 On any land where building work is being, or has been, carried out, the:
- 49.6.1 *owner* of the land on which the building work is being or has been carried out;
 - 49.6.2 *builder* engaged to carry out the building work or
 - 49.6.3 *appointed agent*-
- must remove and lawfully dispose of all refuse, including refuse in the refuse facility referred to in clause 49.4, within seven (7) days of the completion of the building work or issue of an occupancy permit, whichever occurs last.
- 49.7 The driver of any vehicle involved in placing or removing a facility required by clause 49.4 on or from land must access the land by way of a temporary vehicle crossing.
- 49.8 The:
- 49.8.1 *owner* of the land on which the building work is being or is to be carried out; or
 - 49.8.2 *builder* engaged to carry out the building work; or
 - 49.8.3 *appointed agent*-
 - 49.8.4 must not undertake or carry on any building, engineering or other work necessitating the employment or engagement of persons on the land unless:
 - 49.8.5 a sewered toilet or a fresh water flush with water seal type portable toilet (closed) system is provided; and
 - 49.8.6 is serviced as required or at least monthly to the satisfaction of Council or an authorised officer.
- 49.9 Clause 49.8 does not apply if:
- 49.9.1 buildings are being constructed on adjacent land simultaneously by the same person; and

- 49.9.2 there is provided one (1) sewered toilet system or a fresh water flush with water seal type portable toilet (closed) system serviced as required for three (3) building sites.
- 49.10 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 and submit to the Council a waste management plan.
- 49.11 The *Council* or an *authorised* officer may approve a *waste management plan*.
- 49.12 A person must not carry out any *building work* on any land unless the *waste management plan* prepared under clause 49.10 has been approved under clause 49.11.
- 49.13 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 in respect of that *building work*:
- 49.13.1 comply with the *waste management plan* approved under clause 49.11; and
- 49.13.2 ensure that all work is carried out on the land in accordance with the Waste Management Guidelines.
- 49.14 The:
- 49.14.1 owner of the land on which the building work is being or is to be carried out;
- 49.14.2 builder engaged to carry out the building work; or
- 49.14.3 appointed agent-
- must ensure:
- 49.14.4 that a crane does not exceed the noise limits specified in the *procedure and protocols manual*; or
- 49.14.5 building work carried out on the land does not adversely affect the amenity of the neighborhood through the emission of noise, dust, odour or other way.
- 49.15 Any building work carried out by an individual who is an owner of residential land, other than an individual who is carrying out building work to develop residential land for sale, who contravenes or fails to comply with a requirement in this Part is liable to an infringement penalty half that specified in Schedule 1.

PART 17 – WASTE AND COMMERCIAL ACTIVITIES

50. Disposal of Disused Refrigerators and other Compartments

- 50.1 A person must not place:
- a disused refrigerator, an ice chest, an ice box, a trunk, a chest or any other similar article-
 - with a compartment having a capacity of 0.04 cubic metres or more upon any:
 - rubbish tip, Council land; road, footway, or other public place; or unfenced vacant land-
 - without having first removed from it every door, lid, lock, catch and hinge attached to a door or lid or rendered every door and lid incapable of being fastened.
- 50.2 A person must not place a disused refrigerator, an ice chest, an ice box, a trunk, a chest or any other similar article on Council land, a road, footway or other public place unless it is a placed during a period designated by Council for the collection of hard rubbish.

51. Household Waste Collection and Storage

- 51.1 The *Owner* and occupier of *private land* to which *Council* provides a domestic waste collection service must:
- 51.1.1 use an *approved waste receptacle*;
 - 51.1.2 ensure the lid of the *approved waste receptacle* is closed after refuse is placed in or removed from the receptacle;
 - 51.1.3 keep the *approved waste receptacle* in a clean, and sanitary condition;
 - 51.1.4 ensure the *approved waste receptacle* is kept on the *private land* other than when placed out for collection;
 - 51.1.5 ensure that the *approved waste receptacle* is placed out for collection not more than 24 hours prior the scheduled waste collection and is returned to the *private land* not more than 24 hours after collection;
 - 51.1.6 ensure the approved waste receptacle is placed on the adjacent footpath or nature-strip in accordance with *Council* guidelines unless *Council* or an *authorised officer* directs that the *approved waste receptacle* be placed in another position; and
 - 51.1.7 remove any refuse which has spilled from an *approved waste receptacle* onto any *Council land, road or footway*.
- 51.2 The *Owner* and occupier of private land to which *Council* provides a domestic recycling collection service must:
- 51.2.1 use an *approved recycling receptacle*;

- 51.2.2 ensure the lid of the *approved recycling receptacle* is closed after refuse is placed in or removed from the receptacle;
- 51.2.3 keep the *approved recycling receptacle* in a clean, and sanitary condition;
- 51.2.4 ensure the *approved recycling receptacle* is kept on the *private land* other than when placed out for collection;
- 51.2.5 ensure that the *approved recycling receptacle* is placed out for collection not more than 24 hours prior the scheduled waste collection and is returned to the *private land* not more than 24 hours after collection;
- 51.2.6 ensure the *approved recycling receptacle* is placed on the adjacent footpath or nature-strip in accordance with *Council* guidelines unless *Council* or an *authorised officer* directs that the *approved recycling receptacle* be placed in another position; and
- 51.2.7 remove any material which has spilled from an *approved recycling receptacle* onto any *Council land, road or footway*.
- 51.3 The *owner* or occupier of any land must not, without a permit, place out for collection more than one (1) waste receptacle or recycling receptacle.
- 51.4 A person must not place an *approved waste receptacle* or *approved recycling receptacle* out for collection which has a gross weight of more than 72 kilograms.
- 51.5 A person must not place any waste or other material in an *approved waste receptacle* or *approved recycling receptacle* that prevents the lid of the receptacle being closed.
- 51.6 A person must not place out for collection any *approved waste receptacle* or *approved recycling receptacle* or hard rubbish so as to cause a hazard to a pedestrian, vehicle or person.
- 51.7 An occupier of any land must ensure that any area where an *approved waste receptacle* or an *approved recycling receptacle* is kept is maintained in a clean and sanitary condition.
- 51.8 An occupier of any land must not:
 - 51.8.1 use; or
 - 51.8.2 permit to be used-
an *approved waste receptacle* or an *approved recycling receptacle* for any purpose other than the deposit of relevant waste in accordance with this Local Law.
- 51.9 A person must not damage or destroy an *approved waste receptacle* or an *approved recycling receptacle*.

- 51.10 An occupier of *private land* must comply with any requirements for the placement of an *approved waste receptacle* or an *approved recycling receptacle* specified in the *procedure and protocols manual*.

52. Hard Rubbish and Green Waste Collection

- 52.1 If *Council* or an *authorised officer* has given public notice that a hard rubbish or green waste collection will be made or *Council* or an *authorised officer* has arranged to collect any hard rubbish left out for collection by a person, any hard rubbish or green waste to be collected must be left for collection in a neat, tidy, safe and orderly manner, and in accordance with the *Council's* or the *authorised officer's* directions.

53. Interference with waste

- 53.1 A person must not, unless authorised:
remove or interfere with any waste placed out for collection in an *approved waste receptacle* or *approved recycling receptacle* or hard rubbish.

54. Storage of Trade Waste

- 54.1 The owner or occupier of any land must ensure that any *trade waste hopper* kept on the land is constructed and maintained in accordance with any requirements specified in the *procedure and protocols manual*.
- 54.2 A person must not collect any *trade waste* from any *trade waste hopper* before 7am or after 8pm Monday to Saturday and before 9 am or after 8pm on any Sunday and public holidays.

55. Storage Site for Trade Waste

- 55.1 The *owner* of any land must, if directed by *Council* or an *authorised officer*, comply with any direction.
- 55.2 *Council* or an *authorised officer* may direct an *owner* of land to carry out work where a *trade waste hopper* is kept:
- 55.2.1 to have a floor of an impermeable surface;
 - 55.2.2 is drained to an outlet approved by the *Council* or an *authorised officer*;
 - 55.2.3 is supplied with water from a tap and hose; and
 - 55.2.4 is maintained in a clean and sanitary condition.

56. Trade Waste Hoppers and Noise

- 56.1 A person must not place a *trade waste hopper* on a *road* or Council land for longer than is practicably required for the emptying of the *trade waste hopper*.
- 56.2 A person must not place a trade waste hopper which may cause an:

56.2.1 obstruction; or

56.2.2 danger –

to any person on a *road* or *Council land*.

56.3 An occupier of land that uses a trade waste hopper must ensure the lid of the trade waste hopper is closed at all times.

56.4 An occupier of land that uses a trade waste hopper must repair any damage, caused by the placing or emptying of the trade waste hopper, to any vehicle crossing, road, footway, kerb or drain

57. Screening of Bins and Hopper

57.1 The *Council* or an *authorised officer* may, by notice in writing, direct the *owner* or occupier of any land to install, repair, replace or modify a fence or other means of screening an *approved waste receptacle*, *approved recycling receptacle*, other receptacle or *trade waste hopper* from public view if the *approved waste receptacle*, *approved recycling receptacle*, other receptacle or *trade waste hopper* is unsightly, dangerous or detrimental the amenity of the neighbourhood.

57.2 A person must comply with a notice issued to him or her under clause 57.1 within any time specified in the notice.

58. Deliveries to Commercial Premises

58.1 A person must not without a permit, deliver or collect goods or provide a service to a commercial enterprise or allow a refrigeration unit mounted on a vehicle to run:

58.1.1 After 10 pm on any day;

58.1.2 Before 7 am on a Monday to Saturday (inclusive); and

58.1.3 Before 9 am on a Sunday or Public Holiday.

PART 18 – ANIMALS AND BIRDS

59. Application of Part 18

- 59.1 This Part does not apply to any land:
- 59.1.1 on which a registered domestic *animal* business is located; or
 - 59.1.2 on which an animal hospital or veterinary practice is located; or
 - 59.1.3 on which an animal educational facility is located; or
 - 59.1.4 if the use of the land for this purpose is permitted under the Planning Scheme applicable to the land.

60. Keeping of Domestic Animals

- 60.1 Unless permitted under the *Planning Scheme* applicable to the land, a person must not, without a *permit*, keep or allow to be kept on any land, other than a flat or unit, any more of each species or group of *animals* and birds specified in the following table.

Permitted Animals and Birds on Properties other than Flats and Units

| Type of Animal | Maximum Allowed |
|---|-----------------|
| dogs (over three (3) months old) | 2 |
| cats (over three (3) months old) | 2 |
| poultry other than those specified below | 0 |
| roosters | 0 |
| peafowl or guinea fowl, pheasants, turkeys, ducks and geese | 0 |
| chickens | 5 |
| domestic birds – caged non-poultry | 15 |
| farm animals | 0 |
| ferrets | 2 |
| guinea pigs, rabbits, rats or mice | 4 (in total) |

- 60.2 Unless permitted under the *Planning Scheme* applicable to the land, a person must not, without a *permit*, keep an *animal*, bird, reptile or bees of a species not listed in the table in clause 60.1 on any land, other than a flat or unit.
- 60.3 Unless permitted under the *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* or birds than is stated in the following table.

Permitted Animals and Birds in Flats and Units

| Type of Animal | Maximum Allowed |
|---|-----------------|
| dogs (over three (3) months old) | 1 |
| cats (over three (3) months old) | 1 |
| All poultry including those specified below | 0 |
| chickens, roosters, pheasants, peafowl or guinea fowl, turkeys, ducks and geese | 0 |
| domestic birds – caged non-poultry | 2 |
| farm animals | 0 |
| Ferrets, guinea pigs, rabbits, rats or mice | 2 (in total) |

- 60.4 Unless permitted under the Planning Scheme applicable to the land on which the flat or unit is located, a person must not, without a permit, keep any animal, bird, reptile or bees of a species not listed in the table in clause 60.3 in a flat or unit.

61. Keeping of Animals and Birds

- 61.1 An occupier of land must ensure that any structure, cage or run used for housing an animal or bird is maintained in a clean and sanitary condition.
- 61.2 An occupier of land must ensure that any land on which an animal or bird is kept is kept free from refuse, rubbish and other material which harbours or may harbour vermin.
- 61.3 An occupier of land must ensure that all food for consumption by an animal or bird is kept or stored in a vermin and fly-proof receptacle.
- 61.4 An occupier of land must ensure that all manure, excrement, refuse or rubbish associated with the keeping of an animal or bird is removed and placed in a container suitable for the containment of the manure, excrement refuse or rubbish so that it does not detrimentally affect the amenity of the area.
- 61.5 A person must not keep or allow to be kept on any land a structure for the housing of poultry or pigeons (including any pen, compound or yard attached to a poultry yard or pigeon loft):
- 61.5.1 within the front setback to the street or the side setback to a side street (excluding a lane);
 - 61.5.2 within a distance of two (2) meters from the boundary of any adjoining land in separate ownership or occupation; and
 - 61.5.3 within three (3) meters from any dwelling on any adjoining land in separate ownership or occupation.

62. Feeding of Animals and Birds

- 62.1 A person must not feed or leave food for an animal or bird in a public place.

62.2 Nothing in clause 62.1 applies to any person feeding or leaving food for an animal that is:

62.2.1 registered under the Domestic Animals Act 1994; and

62.2.2 under the effective control of that person.

PART 19 – MANAGEMENT OF DRAINS

63. Maintenance of Drains

- 63.1 An *owner* or occupier of *private land* must ensure that a drain which is located on the *private land* is maintained and not in disrepair.

64. Tapping into Drains

- 64.1 A person must not, without a permit, destroy, damage or tap into any drain vested in Council.

65. Building over Drains

- 65.1 An owner or occupier of any land must not without a permit or the written agreement of the Council:

65.1.1 build anything; or

65.1.2 cause or allow anything to be built-

over a drain, sewer, watercourse or associated infrastructure that is vested in the *Council* or another *public authority* or over any easement existing for the benefit of the *Council*.

- 65.2 Nothing in clause 65.1 applies to any person who:

65.2.1 builds anything; or

65.2.2 causes or allows anything to be built-

65.2.3 over a drain, or sewer, watercourse or associated infrastructure easement in accordance with any building approval given under the Building Act 1993.

PART 20 – OPEN AIR BURNING AND INCINERATORS

66. Fires

- 66.1 A person must not, without a *permit*, in the open air light or allow to be lit a fire unless the fire is in a purpose-built or constructed barbeque for the purpose of cooking food, a purpose built or constructed pizza oven or other oven for the purpose of cooking food or in a chiminea.
- 66.2 Clause 66.1 does not apply to a person using a tool of trade whilst using that tool for the purpose for which it is to be used.
- 66.3 A person must not use an incinerator or allow an incinerator to be used on private land.

67. Extinguishing Fires

- 67.1 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:
- 67.1.1 an *authorised officer*;
 - 67.1.2 a member of the Victoria Police acting in the course of his or her duties; or
 - 67.1.3 an employee of the Metropolitan Fire Brigade acting in the course of his or her duties.
- 67.2 If an authorised officer reasonably suspects that a person has contravened any clause in this Part may direct a person to immediately extinguish any fire.

68. Nuisances

- 68.1 A person must not burn or cause or permit to be burned:
- 68.1.1 any substance in the open air, if the burning of the substance will, or is likely to, cause a nuisance, be dangerous to health or any person or be offensive to any person; or
 - 68.1.2 any rubber, plastic, waste petroleum, oil, or waste petroleum oil, paint or receptacle which contains or did contain paint, manufactured chemical, pressurized can, textile fabric or food waste.

PART 20A – CONSUMPTION OF LIQUOR IN PUBLIC PLACES

68A. Introduction to this Part

This Part is not intended to criminalise social or economic disadvantage or chronic health issues, nor to create barriers to seeking or receiving support from appropriate health and social services. People may be in vulnerable circumstances if they are:

- (i) experiencing homelessness
- (ii) socially, culturally or economically marginalised
- (iii) experiencing chronic physical or mental health issues

For these reasons, in situations in which provisions in this Part would usually apply, Authorised Officers must address the reason for the apparent breach of the provision and first offer the option of support through local health and outreach services and/or considering the non-punitive options set out in the Procedure and Protocols Manual.

68B. Prescription by the Council

- 68B.1 A prescription is only to be made under this clause 68B where it is evident to the Council that there is an extraordinary and imminent risk to public safety related to the possession, control or consumption of liquor in a public place (or part of a public place).
- 68B.2 The Council may prescribe a public place (or part of a public place) to be a Prescribed Area for the purposes of this Part.
- 68B.3 If the Council prescribes a public place (or part of a public place) to be a Prescribed Area, the prescription may also specify:
 - 68B.3.1 days on; or
 - 68B.3.2 times between which
a person must not:
 - 68B.3.3 consume any liquor; or
 - 68B.3.4 possess or control any liquor other than in a sealed container
in the Prescribed Area.
- 68B.4 The Council must not make a prescription without first complying with the Procedure and Protocols Manual.
- 68B.5 Any prescription by the Council under this Part will not be effective, and no person can be prejudicially affected or made subject to any liability under this Part, until notice of the prescription is published on the Council's website.
- 68B.6 A prescription by the Council under this Part may:
 - 68B.6.1 expire, if it is specified to remain in operation only for a limited period and that period passes; and
 - 68B.6.2 be revoked by resolution of the Council.

68C. General Prohibition

- 68C.1 A person must not:
- 68C.1.1 consume any liquor; or
 - 68C.1.2 possess or control any liquor other than in a sealed container at any time:
 - 68C.1.3 between 9pm and 9am on the following day while present in a municipal reserve;
 - 68C.1.4 in a Prescribed Area, contrary to the terms of any prescription made in respect of that Prescribed Area;
 - 68C.1.5 on a footway adjoining any area which is licensed under the *Liquor Control Reform Act 1998*, if the premises in respect of which the area is licensed:
 - 68C.1.5.1 is open for business or otherwise trading; and
 - 68C.1.5.2 does not have as its predominant purpose the sale of packaged liquor;
 - 68C.1.6 within 10 metres of a pedestrian entrance or exit to an aquatic or leisure centre, a public library, a Maternal and Child Health Centre, a play centre, a child care centre, a pre-school, a school or any other building or structure used predominantly for the purpose of providing services to families or children, whether the person is on a footway or not; and
 - 68C.1.7 while on any road (excluding a footway), whether in a vehicle or not.

68D. Clarification

If a person is present in a municipal reserve between 9am and 9pm and the person's location is one of the places in or on which a person is prohibited from:

- 68D.1 consuming any liquor; or
- 68D.2 possessing or controlling any liquor other than in a sealed container under sub-clause 68C.1.4, 68C.1.5, 68C.1.6 or 68C.1.7, that person will, if they:
 - 68D.3 consume any liquor; or
 - 68D.4 possess or control any liquor other than in a sealed container, breach sub-clause 68C.1.4, 68C.1.5, 68C.1.6 or 68C.1.7 (as the case may be).

68E. Additional Prohibitions

- 68E.1 Notwithstanding clause 68C, a person must not:
- 68E.1.1 consume any liquor; or
 - 68E.1.2 possess or control any liquor other than in a sealed container

in:

- 68E.1.3 the area around Swan Street, Cremorne and Richmond, which is bounded by Tanner and Gipps Streets to the north, Church Street to the east, the railway line to the south and Punt Road to the west (being the area shaded red in the map attached to this Local Law), from 9pm on the day immediately preceding the AFL Grand Final until 9am on the day immediately following the AFL Grand Final; or
- 68E.1.4 any public place from 9pm on 30 December to 9am on 1 January.

68F. Directions by Authorised Officer

- 68F.1 If an Authorised Officer observes a person contravening clause 68C or 68E, and it is clear to the Authorised Officer that the person is not vulnerable within the meaning of the Procedure and Protocols Manual, the Authorised Officer may direct the person to:
 - 68F.1.1 cease the consumption of liquor;
 - 68F.1.2 seal the container of liquor; or
 - 68F.1.3 dispose of the liquor into a receptacle approved by the Authorised Officer.
- 68F.2 A person to whom a direction is given under sub-clause 68F.1 must comply with that direction.

68G. Exceptions

- 68G.1 Nothing in clause 68C or 68E applies to any person who is:
 - 68G.1.1 on premises which are or in an area which is licensed under the *Liquor Control Reform Act 1998*; or
 - 68G.1.2 attending an Event prescribed by Council.
- 68G.2 Council may, for the purposes of this Part, prescribe a festival or other event as an Event to which clause 68C or 68E does not apply.
- 68G.3 Any prescription which is made by Council under sub-clause 68G.2 must be published on Council's website, and must specify:
 - 68G.3.1 the period during which the Event is being conducted;
 - 68G.3.2 the area of the municipal district in which the Event is being conducted, which may be described by words, a plan or a map or a combination of words, a plan and a map;
 - 68G.3.3 areas within the Event that are designated as allowing responsible service of liquor and the specified times during which liquor may be served there; and
 - 68G.3.4 the name of the person or persons conducting the Event.

PART 21 – ADMINISTRATION AND ENFORCEMENT

69. Impounding

- 69.1 An *authorised officer* may seize and impound anything which is, has been or is being used or possessed in contravention of this Local Law.
- 69.2 Where anything has been impounded under this Local Law, the Council or an authorised officer must, if it is practicable to do so, serve notice of impounding personally or by mail on the person who appears to be the owner of the impounded thing.
- 69.3 An impounded thing must be surrendered to its owner or 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)-
if:
- 69.3.1 evidence to the satisfaction of the *authorised officer* being provided of the owner's right to the thing; and
- 69.3.2 payment of any fee determined by the Council or an authorised officer from time to time.
- 69.4 If an impounded thing has not been surrendered to its owner or a person acting on the owner's behalf within 14 days of the notice of impounding being served or, if no notice impounding has been served, of the act of impounding, Council may:
- 69.4.1 sell;
- 69.4.2 give away;
- 69.4.3 destroy-
- the impounded thing.

70. Permits and Public Space Licence Agreements

- 70.1 A person who makes an application for a permit must:
- 70.1.1 lodge with *Council* or an *authorised officer* an application in a form prescribed by *Council* or an *authorised officer*; and
- 70.1.2 pay the appropriate application fee.
- 70.2 Council or an authorised officer may require an applicant to provide additional information before further considering an application for a permit.
- 70.3 Council may require a person applying for a permit to give public notice of the application and entitle any person to make a submission.
- 70.4 Subject to clause 70.5 the Council or an authorised officer in its, his or her absolute discretion may issue a permit with or without conditions or refuse to issue a permit.

- 70.5 An authorised officer may not issue or enter into a Public Space Licence Agreement for any semi-permanent or permanent structure located or to be located on land classified in the Planning Scheme as a Public Park and Recreational Zone or a Public Conservation and Resource Zone unless the Council has authorised the issue of Public Space Licences for such structures on that land by resolution passed at an ordinary meeting of Council.
- 70.6 The Council must keep a register of permits.
- 70.7 A permit expires on the date specified in the permit or if no such date is specified one (1) year after the date of issue.
- 70.8 In deciding to grant a permit, Council may require the applicant to lodge with Council a security bond in an amount and in a manner as Council or an authorised officer considers reasonable in the circumstances.
- 70.9 Council may;
- 70.9.1 use any security bond to remedy a breach of a condition of a permit or contravention or failure to comply with the Local Law;
 - 70.9.2 release any security bond upon the satisfactory completion of any activity authorised by the permit.
- 70.10 If after 12 months, from the date on which the release of the security bond may be released, Council cannot locate the person entitled to the security bond or remaining security bond, Council may retain the security bond or remaining security bond and pay the money into its general revenue.
- 70.11 Council may by resolution, from time to time, determine fees for the purposes of this Local Law, and:
- 70.11.1 in determining any fees and charges, may establish a system or structure of fees and charges, including a minimum or maximum fee or charge if it considers it is appropriate to do so; and
 - 70.11.2 may waive, reduce or alter a fee with or without conditions.

71. Considering Applications

- 71.1 In considering an application for a permit the Council or an authorised officer may consider:
- 71.1.1 any policy or guideline adopted by the Council or anything contained in the *procedure and protocols manual* relating to the subject matter of the application for the permit;
 - 71.1.2 any submission that may be received in respect of the application;
 - 71.1.3 any comments that may be made in respect of the application by any public authority, Government department, community organisation or other body or person; and
 - 71.1.4 any other relevant matter.

72. Correction of Permit

- 72.1 The Council or an authorised officer may correct a permit issued if the permit contains:
- 72.1.1 a clerical mistake or an error arising from any accident, slip or omission; or
 - 72.1.2 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*.
- 72.2 The Council or the authorised officer must note the correction in the register of permits.

73. Grounds for Cancellation of or Amendment of Permits

- 73.1 The Council or an authorised officer may cancel or amend any permit if it, he or she considers that there has been:
- 73.1.1 a material misstatement or concealment of facts in relation to the application for a *permit*;
 - 73.1.2 any material mistake in relation to the issue of the permit;
 - 73.1.3 any material change of circumstances which has occurred since the issue of the permit;
 - 73.1.4 a failure to comply with the conditions of the permit was issued; or
 - 73.1.5 a failure to comply with a Notice to Comply within the time specified in the Notice to Comply.
- 73.2 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.
- 73.3 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.

74. Exemptions

- 74.1 Council or an authorised officer may, by written notice, exempt any person or class of persons from the requirement to obtain a permit, either generally or at specified times.
- 74.2 Any person or class of persons, specified in the *Procedure and Protocols manual* may be exempt from the requirement to obtain a permit.
- 74.3 Council or an authorised officer may, require an applicant to provide additional information before dealing with an application for an exemption.

- 74.4 An exemption from the requirement to obtain a permit may be granted subject to conditions.
- 74.5 A person must comply with the conditions of an exemption from the requirement to obtain a permit.

75. Notices to Comply

- 75.1 If an authorised officer reasonably believes that a person has contravened or failed to comply with the Local Law, the authorised officer may issue to the person a written notice to comply, requiring that person to stop contravening or to comply with the Local Law or to remedy any contravention or failure.
- 75.2 A notice to comply must include:
- 75.2.1 the name of the person or if not know the statement “the owner” or “the occupier”;
 - 75.2.2 the clause of the Local Law contravened or failed to comply with;
 - 75.2.3 the action required;
 - 75.2.4 the time for compliance;
 - 75.2.5 the date on which it is issued; and
 - 75.2.6 the authorised officer’s name or Council identification number.
- 75.3 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:
- 75.3.1 the amount of work involved;
 - 75.3.2 the degree of difficulty;
 - 75.3.3 the availability of necessary materials or other necessary items;
 - 75.3.4 climatic conditions;
 - 75.3.5 the degree of risk or potential risk; and
 - 75.3.6 any other relevant factor.
- 75.4 A person must comply with a notice to comply.
- 75.5 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 or an authorised officer, may enter upon any private land or public land on which there is any such failure to comply and do all acts, matters or things that are required to comply with the notice to comply.
- 75.6 All costs and expenses including any administration fee incurred by council in carrying out any acts, matters or things are a debt due to Council from the person on whom the notice to comply was issued.

76. Appeals

- 76.1 A person may request Council or an authorised officer to review an order, direction or notice issued in relation to him or her under this Local Law.
- 76.2 If a request for review has been made, the person requesting the review must do everything practicable to co-operate in the prompt and speedy review of the order, direction or notice.

77. Urgent Circumstances

- 77.1 Council or an authorised officer may act to remedy any circumstance which threatens a person's life, health or property, or an animal, or which Council or the authorised officer considers necessary to prevent any danger to the environment or any nuisance arising, without serving a notice to comply, provided that:
- 77.1.1 the circumstance arises out of a person's use of *Council land*, a recreational reserve, a municipal building, a *road* or *footway* or failure to comply or contravention of a clause of this Local Law;
 - 77.1.2 Council or the authorised officer considers the circumstance to be sufficiently urgent and 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 of substantial detriment;
 - 77.1.3 the action taken is no more than the minimal reasonably necessary to remedy the urgent circumstance; and
 - 77.1.4 the person on whom a notice to comply would have been issued is notified of the urgent circumstance and action taken to remedy it as soon as possible.

78. Offences

- 78.1 A person who:
- 78.1.1 contravenes or fails to comply with any provision under this Local Law; or
 - 78.1.2 contravenes or fails to comply with any condition contained in a permit; or
 - 78.1.3 contravenes or fails to comply with a notice to comply; or
 - 78.1.4 fails to comply with a direction of an authorised officer-
- is guilty of an offence and is liable to:
- 78.1.5 the penalty stated under a provision, or if no penalty is stated then twenty (20) penalty units;
 - 78.1.6 a further penalty of two (2) penalty units for each day after conviction during which the contravention continues; and

- 78.1.7 upon conviction for a second or subsequent offence, a penalty of twenty (20) penalty units will apply.
- 78.2 As an alternative to prosecution for an offence, a person may be served with an Infringement Notice under clause 79.
- 78.3 A person who is found guilty of an offence under this Local Law must pay Council all reasonable costs incurred by Council in remedying the contravention or failure.

79. Infringement Notices

- 79.1 If an authorised officer reasonably believes that a person has committed an offence against this Local Law, the *authorised officer* may issue and serve on that person an infringement notice as an alternative to a prosecution for that offence.
- 79.2 The penalties fixed for infringement notices are set out in Schedule 1, or if no penalty is fixed, the penalty is two (2) penalty units.

80. Delegation

- 80.1 In accordance with section 114 of the Act, Council delegates to:
- 80.1.1 the *Chief Executive Officer* and to each *authorised officer* the powers, discretions and authorities of *Council* under this Local Law including the powers and discretions to issue or refuse *permits*, fix conditions and durations relevant to such *permits*, cancel *permits*, require additional information, apply guidelines or policies of *Council*, waive the need for any *permit*, waive, fix or reduce fees or charges, issue any notice to comply, or to do any act matter or thing necessary or incidental to the exercise of any function or power of Council.
- 80.2 Nothing in clause 80.1 prevents Council from revoking any delegation to any member of Council staff or from delegating any or any other duty imposed or function or power conferred by this Local Law to any member of Council staff.

SCHEDULE 1

Infringement Notice value and Court penalty for contravention of this Local Law
(All values expressed in Penalty Units)

| Clause | Description of Offence | Infringement Notice | Court penalty |
|--------|---|---------------------|---------------|
| 10.1 | Obstructions and Hazards Advertising sign or other object obstructing Council land or views | 3 | 20 |
| 10.2 | Bulk rubbish container or other thing on road | 3 | 20 |
| 10.3 | Place or pick up bulk rubbish container after hours | 3 | 20 |
| 11.2 | Fencing vacant land Fail to comply with direction | 5 | 20 |
| 12.2 | Securing dilapidated land Fail to comply with direction | 5 | 20 |
| 13.1 | Vehicle crossings Construct vehicle crossing without permit | 5 | 20 |
| 13.4 | Fail to make application to Council | 3 | 20 |
| 13.7 | Carry out work without a permit | 5 | 20 |
| 13.8 | Fail to repair damage | 10 | 20 |
| 13.10 | Fail to comply with notice | 5 | 20 |
| 15.3 | Failure to collect a shopping trolley | 3 | 20 |
| 16.3 | Fail to collect and dispose animal excrement | 5 | 20 |
| 16.4 | Allow excrement to remain | 5 | 20 |
| 19.3 | Commercial fitness activities Conduct activity in recreational reserve without a permit | 5 | 20 |
| 19.4 | Conduct activity in contravention of a condition | 3 | 20 |
| 19.5 | Conduct activity in an exclusion zone | 5 | 20 |
| 20.1 | Commercial dog walkers Fail to have a permit | 5 | 20 |
| 20.2 | Fail to produce a permit, no effective control, more than 4 dogs | 5 | 20 |
| 21.1 | Damage Council assets Damage to Council asset | 10 | 20 |
| 22.1 | Occupation of Council land Occupy Council land without a permit | 10 | 20 |

| Clause | Description of Offence | Infringement Notice | Court penalty |
|--------|---|---------------------|---------------|
| 23.1 | Occupation of roads for filming No filming permit | 10 | 20 |
| 24.1 | Occupation of roads or Council land Fail to have a permit | 10 | 20 |
| 25.1.5 | Asset Protection Permit Fail to have a permit | 10 | 20 |
| 25.1.6 | Breach of condition | 10 | 20 |
| 25.1.7 | Fail to pay an asset protection permit bond | 10 | 20 |
| 26.1 | Street Signs, Goods and Furniture Display of sign. Goods or furniture on road / footway without a Public Space Licence Agreement. | 5 | 20 |
| 26.4 | Failure to remove sign, goods or furniture from road / footway when directed by Authorised Officer | 5 | 20 |
| 26.5 | Failure to remove semi-permanent or permanent structure from road / footway when directed by Authorised Officer | 5 | 20 |
| 26.6 | Failure to remove for lease sign | 5 | 20 |
| 27.1 | Persons selling goods Selling any goods from road / footway without a permit | 4 | 20 |
| 27.3 | Without a permit, selling goods carried about on person, animal or vehicle. (Selling on road / footway / door to door) | 5 | 20 |
| 28.1 | Street collectors Street collection without a permit | 5 | 20 |
| 31.1 | Spoils on Roads Driving a commercial / trade vehicle with muddy / soiled wheels and tyres | 10 | 20 |
| 31.2 | Driving a commercial / trade vehicle and allowing spoils to fall onto road | 10 | 20 |
| 31.3 | Whilst cleaning a commercial / trade vehicle, allowing grease, oil, clay etc. to run, onto the road or into a drain | 10 | 20 |

| Clause | Description of Offence | Infringement Notice | Court penalty |
|--------|--|---------------------|---------------|
| 32.1 | Repair and Display of Vehicles Repairing, or in the course of a business, displaying a vehicle for sale from road or footway etc. | 5 | 20 |
| 33.1 | Noisy Vehicles Leaving a stationary (heavy) vehicle's motor running for longer than 5 minutes (warm up and cool down) Permitting a refrigeration unit mounted on a vehicle to operate between 7:00pm and 7:00am, in designated planning zones | 5 | 20 |
| 34.1 | Safety Failure to maintain a safe work site (or vehicle) on or adjacent to a road or Council land | 5 | 20 |
| 36.1 | Parking Permits Offence to sell, give away or rent a Vehicle Parking Permit | 5 | 20 |
| 37.1 | Offence to accept or to use a permit where not the Vehicle Parking Permit Holder | 5 | 20 |
| 38.1 | Offences relating to falsification of Vehicle Parking Permits | 5 | 20 |
| 39.1 | Significant tree Remove, damage, destroy or lop significant tree | 10 | 20 |
| 39.4 | Owner of land on which significant tree removed, damaged, destroyed or lopped | 10 | 20 |
| 40.1 | Use of land Use land for materials, storage of vehicles, machinery | 10 | 20 |
| 40.2 | Use land to repair or service vehicle | 10 | 20 |
| 40.3 | Caravan, tent etc. on land | 5 | 20 |
| 40.4 | Occupy caravan, tent etc. on land | 5 | 20 |
| 41.1 | Unsightly land Cause or allow land to be kept in an unsightly condition | 10 | 20 |
| 41.2 | Must ensure land kept in certain condition | 10 | 20 |
| 42.1 | Dilapidated buildings Owner of dilapidated building | 5 | 20 |

| Clause | Description of Offence | Infringement Notice | Court penalty |
|--------|---|---------------------|---------------|
| 43.1 | Circuses, Carnivals and Festivals Fail to have a permit | 10 | 20 |
| 44.2 | Disturbing noise in council's parks and gardens Fail to have a permit | 5 | 20 |
| 44.3 | Produce sound heard in a habitable room without a permit | 3 | 20 |
| 45.3 | Occasional Events Occasional event without a permit | 5 | 20 |
| 45.4 | Fail to comply with a permit condition | 3 | 20 |
| 46.1 | Activities on Council land Launch or land hot air balloon without a permit | 5 | 20 |
| 46.3 | Activities on Council land contrary to local law | 5 | 20 |
| 47.1 | Heavy Motor vehicle Keep heavy motor vehicle on land without a permit | 5 | 20 |
| 48.1 | Use of awnings for advertising Use awning and veranda for advertising without a permit | 10 | 20 |
| 49.1 | Building works Building work carried out side of hours | 10 | 20 |
| 49.3 | Contamination of storm water system | 10 | 20 |
| 49.4 | No refuse facility and/or fail to comply with requirements | 10 | 20 |
| 49.5 | Control of refuse | 10 | 20 |
| 49.6 | Fail to remove refuse | 10 | 20 |
| 49.7 | Access to land other than authorised | 10 | 20 |
| 49.8 | No toilets | 10 | 20 |
| 49.10 | Fail to submit waste management plan | 10 | 20 |
| 49.12 | Carry out building work prior to approval of waste management plan | 10 | 20 |
| 49.13 | Fail to comply with waste management plan | 10 | 20 |
| 49.14 | Exceed noise limit or other nuisance | 10 | 20 |
| 50.1 | Disposal of refrigerators and compartments Disposal of refrigerator, ice chest etc. in a dangerous manner | 10 | 20 |

| Clause | Description of Offence | Infringement Notice | Court penalty |
|--------|---|---------------------|---------------|
| 50.2 | Disposal of refrigerator, ice chest etc. on Council land | 10 | 20 |
| 51.1 | Household waste collection Failure to comply with waste collection requirements | 5 | 20 |
| 51.2 | Failure to comply with recycling collection requirements | 5 | 20 |
| 51.3 | More than one waste or recycling receptacle | 5 | 20 |
| 51.4 | Over weight | 5 | 20 |
| 51.5 | Lid unable to be closed | 5 | 20 |
| 51.6 | Creating hazards | 5 | 20 |
| 51.7 | Fail to maintain a clean and sanitary condition | 5 | 20 |
| 51.8 | Use receptacle other than for waste | 5 | 20 |
| 51.9 | Damage or destroy receptacle | 5 | 20 |
| 51.10 | Fail to comply with requirements of procedure and protocols manual | 5 | 20 |
| 52.1 | Hard rubbish and green waste collection Fail to comply with requirement | 5 | 20 |
| 53.1 | Interference with waste Interfere with waste | 5 | 20 |
| 54.1 | Storage of trade waste Fail to comply with procedure and protocols manual | 10 | 20 |
| 54.2 | Collection outside of hours | 10 | 20 |
| 55.1 | Screening of bins and hoppers Fail to comply with direction | 10 | 20 |
| 56.1 | Trade waste hoppers and noise Leave out on road or Council land. | 10 | 20 |
| 56.2 | Cause an obstruction or danger | 10 | 20 |
| 56.3 | Lid not closed | 10 | 20 |
| 56.4 | Fail to repair damage | 10 | 20 |
| 57.2 | Screening of bins and hopper Fail to comply with a notice | 5 | 20 |
| 58.1 | Deliveries to Commercial Premises Deliveries outside of hours | 10 | 20 |

| Clause | Description of Offence | Infringement Notice | Court penalty |
|------------------|--|---------------------|---------------|
| 60.1/2 | Animals and birds in dwellings No permit | 5 | 20 |
| 60.3/4 | Animals and birds in flats and units No permit | 5 | 20 |
| 61.1/2/ 3/4/5 | Keeping of animals and birds Fail to comply with requirements for housing | 5 | 20 |
| 62.1 | Feeding animals and birds in a public place Feeding animals or birds in a public place | 5 | 20 |
| 63.1 | Maintain drains Fail to maintain a drain | 5 | 20 |
| 64.1 | Tapping into drains Tap into a drain without a permit | 5 | 20 |
| 65.1 | Building over drains Build over a drain without a permit | 5 | 20 |
| 66.1 | Open air fires No permit | 10 | 20 |
| 67.1 | Extinguish fire Fail to extinguish fire | 10 | 20 |
| 68.1 | Nuisances Cause nuisance due to burning | 10 | 20 |
| 68F.2 | Failure to comply with direction given by Authorised Officer | 1 | 20 |
| 75.4 | Notice to comply Fail to comply with a notice to comply | 5 | 20 |
| 78.1.2 | Offences Fail to comply with conditions of a permit | 5 | 20 |
| 78.1.4 | Offences Fail to comply with direction of authorised officer | 5 | 20 |

ATTACHMENT

