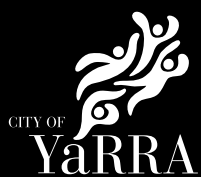


Community Local Law

2026



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Part 1

Preliminary

1.1. Title

This Yarra City Council Local Law is called ‘**Community Local Law**’.

1.2. Principles

Principle of Order and Good Governance

The Local Law shall establish clear, consistent, and accountable provisions to secure the peace, order, and good governance of the **municipal district**. This is to enable **Council** operations to be conducted fairly with high standards of transparency and efficiency in the service of the public interest.

Principle of Accessible Places

The Local Law shall promote a physical and social environment that is **accessible**. This means best practice in access for people with disabilities as required by Universal Design Principles and specifically including the objective of maintaining a clear path of travel. This is to enable all residents and visitors to participate through universal access in public spaces. Permits will not be granted where required accessibility standards are not met.

Principle of Well-being and Inclusion

The Local Law shall promote a physical and social environment that is safe, inclusive, and free from hazards to health. This is to enable all residents of the **municipal district** to enjoy a quality of life that aligns with the general expectations of the community, while also safeguarding public health.

Principle of Community Amenity

The Local Law shall implement measures for preventing and enforcing amenity concerns which may reasonably and adversely affect the enjoyment of life within the **municipal district** or the health, safety, and welfare of persons. Furthermore, it shall provide reasonable support for the community and its activities, ensuring that the overall amenity of the **municipal district** is not unreasonably and adversely affected by regulated activities, actions, or omissions.

Principle of Safety

The Local Law shall provide for the prohibiting, regulating, and controlling of activities which are, or have the potential to be, dangerous or unsafe or otherwise detrimental to the quality of life and the environment of the **municipal district**, thereby ensuring the long-term sustainability and protection of the municipality.

Principle of Economic Support

The Local Law shall, where applicable, be framed to support and facilitate the development of a dynamic and vibrant economic **municipal district**, balancing commercial activity with the need to protect accessibility, residential amenity, and public safety.

1.3. Objectives

The objectives of this Local Law are to:

- provide for the peace, order and good governance of the **municipal district** of Yarra City Council.
- promote universal access in our public places and spaces, including pursuing best practice in access for people with disabilities when administering and enforcing the Local Law.
- promote a physical and social environment that is accessible, safe, 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.
- prevent and suppress 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.
- prohibit, regulate and control activities which may be dangerous or unsafe or detrimental to the quality of life and the environment of the **municipal district**.
- promote a dynamic and vibrant economic **municipal district**.
- provide support for the community to ensure that the amenity is not adversely affected.

1.4. Authorisation

This Local Law is made under the provisions of section 71 of the *Local Government Act 2020*.

1.5. Application

This Local Law applies and has operation throughout the whole of the **municipal district** but does not apply where any act or thing is authorised or exclusively regulated by or under any Act, Rule or Regulation, or by the **Planning Scheme**.

Information boxes included within this Local Law are to assist in understanding this Local Law. They are provided for guidance only and do not form part of the operative provisions of the Local Law.

1.6. Commencement

The Local Law commences on 1 September 2026. This Local Law will cease to operate 10 years after the date on which it commenced, unless it is revoked.

Upon commencement of this Local Law, the *General Local Law consolidated and Procedure and Protocol Manual – Yarra City Council General Local Law 2016* is revoked.

1.7. Penalty units

Penalty units determine the amount a **person** is fined when they commit an offence.

The value of a Penalty unit is set in accordance with *Monetary Units Act 2004* and is indexed on 1 July every year.

1.8. Definitions

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

Act	means the <i>Local Government Act 2020</i> .
Accessible	means best practice in access for people with disabilities having regard to the Universal Design Principles for the purposes of this Local Law.
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 advertises or promotes premises, merchandise, a business or industry, or other commercial activity or enterprise.
AFL Grand Final Day	means any day on which the Australian Football League stages the Grand Final.
Animal	includes every living thing except for plants and human beings and so extends, but is not limited, to all species of mammal, marsupial, bird, fish and reptile.
Appointed agent	means a person authorised by an owner of land to make an application on the owner's behalf.
Asset protection permit	means a permit issued under this Local Law for the protection of assets or infrastructure during building work .
Asset protection permit bonds	means a bond, bank guarantee or like security required to be paid under an asset protection permit .
Authorised officer	means any person appointed by Council to be an Authorised officer under section 224 of the <i>Local Government Act 1989</i> .
Builder	means a person who has applied to Council (or any other person to whom an application may be made) for a building permit and the person in charge of any building work being carried out.
Building	has the same meaning as in the <i>Building Act 1993</i> .
Building work	has the same meaning as in the <i>Building Act 1993</i> .
Busk (Busking)	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, or without reward.
Caravan	includes a mobile home or moveable dwelling, but not a registered campervan under 4.5 metres in length.
Charity or Clothing bin	means a bin designed for the collection of clothing and other items, and identified as such, for charitable or other purposes.
Chief Executive Officer	means the Chief Executive Officer of Council or any person acting in that position.

Commercial dog walking activity	means the act of a person walking or exercising four or more dogs or other animals at a time. This definition applies regardless of whether the person is a registered business or a volunteer. An exception is made if all the dogs are registered in the person's name and they have an excess animal permit under this Local Law.
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): • gym sessions (with or without weights, fit balls, skipping ropes or other personal fitness equipment); • boxing and pad training; • organised aerobic activity; • yoga, tai chi and pilates classes and like activities; • circuit training; • jogging; • soccer and other sports; and • a combination of any of the above.
Commercial fitness trainer	means a person who receives payment or reward for conducting commercial fitness activities .
Commercial premises	means any land, building or structure used as the primary place of business for any business or body corporate except premises which are used as a dwelling .
Commercial Trade Waste Bin	means a purpose-built receptacle for the deposit of trade waste that is ordinarily emptied by mechanical means.
Commercial waste collection service	means a waste collection service provided by both private contractors and Council , and includes all waste types such as general waste, recycling, glass and organic material.
Council	means Yarra City Council.
Council asset	means any physical asset owned by, vested in, or under the care, control or management of Council including but not limited to any road , drain, tree, vegetation, pavement, kerb, street furniture, sign, pole, light or retaining wall.
Council land	means any land owned by, vested in or under the management or control of the Council , including reserves , parks, footpaths , watercourses , reservations and the like, but excludes a road .
Domestic waste bin	means a bin or mobile bin of any type and size approved by Council or an Authorised officer and receives a waste collection service .
Drainage	means the system of structures, networks, and facilities designed to manage and remove water, both surface runoff and subsurface water, from a specific area. This includes various components like drains, pipes, channels, kerbs, laneways, and related structures that work together to convey water away from developed areas, preventing flooding and waterlogging.

Dwelling	has the same meaning as in the Planning Scheme .
Emergency services	means the Australian Federal Police, Victoria Police, Ambulance Victoria, Fire Rescue Victoria, the Victorian State Emergency Service or any other body, corporation or person deemed to be an “Emergency service” by Council or an Authorised officer from time to time and any member thereof.
Event	means a festival or other event prescribed by Council .
Exclusion zone	means any of the following areas within a recreational reserve : • 10 metres from any memorial; • 10 metres from any playground or play equipment; • 10 metres from any public change room, toilet or kiosk area; • 15 metres from any residential dwelling; • any sports field or facility without a specific booking; • stairways and pathways; and • picnic sheds and benches.
Footpath	includes every footway, footpath, lane or other place within the municipal district used by pedestrians but excludes the carriageway of a road .
Footpath trading permit	means any agreement (by way of a lease, permit , licence or otherwise) between 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.
Heavy motor vehicle	has the same meaning as in the Road Safety Act 1986.
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 otherwise licensed.
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.
Liquor	has the same meaning as in the <i>Liquor Control Reform Act 1998</i> .
Minor building work	means building work valued at less than \$5,000.00 but excludes demolition and removal of buildings and structures.
Minor residential works	means any building work undertaken for home maintenance, but excludes home renovations, developments, and the construction of new fences.
Motor vehicle	has the same meaning as in the Road Safety Act 1986.
Municipal district	means the municipal district of Council .

Noxious weeds	means any noxious weeds as defined under the <i>Catchment and Land Protections Act 1994</i> which includes invasive weeds.
Occasional event	means a gathering of 50 or more persons, including where a sound producing device will be used or where dancing or the playing or performing of amplified music is the predominant activity (such as a rave or dance party).
Occupier	means a person or persons in occupation of any land, motor vehicle or building . In respect of any vacant land, motor vehicle or building , the owner will be deemed the occupier of that land.
Owner	means a person who owns, or the persons who own, any land, motor vehicle , building or animal .
Penalty unit	has the same meaning as in the <i>Sentencing Act 1991</i> .
Permit	means a permit issued by an Authorised officer or Council.
Person	means a natural person or body corporate.
Planning Scheme	means the Yarra Planning Scheme as amended from time to time.
Plant and equipment	means any machinery, tools, or apparatus used for construction, building, or other works.
Poultry	includes ducks, chickens, geese, peacocks, pheasants, turkeys and guinea fowl of any age.
Prescribe	means determined by Council or a delegate of Council .
Prescribed area	means a public place (or part of a public place) prescribed by Council under this Local Law.
Private land	means any land that is not Council land or non-residential land occupied, managed or controlled by a public authority.
Public body	means any government department, municipal council or body established for a public purpose under legislation.
Public place	has the same meaning in the <i>Summary Offences Act 1966</i> but does not include land owned or managed by Parks Victoria.
Public waste bin	means a bin placed by Council on a road , footpath or Council land .
Recreational reserve	means any land within the municipal district that is owned, occupied or controlled by Council and is dedicated or used for cultural, recreational or entertainment purposes and includes Council's parks and gardens.
Reserve	means any area of open space owned by, vested in or under the management or control of Council , and includes parks and gardens.
Resident parking scheme	means the Residential Parking Scheme adopted by Council .
Residential area	means any part of the municipal district which is zoned Residential under the Planning Scheme .
Road	has the same meaning as in the <i>Local Government Act 1989</i>

Security bond	means a payment or guarantee made to Council for the purposes of covering costs to repair damage to Council assets or as required under the Local Law.
Service authority	means a body or corporation deemed to be a “service authority” by Council or an Authorised officer from time to time.
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.
Significant tree	means a tree which meets one or more of the following criteria: • the tree is individually listed on the Significant tree register; • the tree is part of a group of trees listed on the Significant tree register; • the tree is single trunked with a trunk diameter of 40cm (equivalent to a circumference 1257mm) or greater measured at 1.4m above the ground; • the tree is single-trunked with a trunk diameter of 40cm (equivalent to a circumference 1257mm) or greater measured at ground level; • the tree is multi-trunked with a combined trunk diameter of 40cm (equivalent to a circumference 1257mm) or greater at 1.4m above the ground; • the tree is multi-trunked with a combined trunk diameter of 40cm (equivalent to a combined circumference 1257mm) or greater measured at ground level.
Significant tree register	means a register of trees of cultural, environmental, historical, or scientific importance to Council , which is kept and maintained by Council .
Skip bin	means a bin, skip, or bulk rubbish container or other similar container used for the deposit of waste but excludes domestic waste bins and commercial trade waste bins .
Stormwater system	means a 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.
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. This includes roller skates, roller blades, a skateboard or similar wheeled device, but does not include a pram, stroller or trolley, or bicycle or wheelchair.
Trade waste	means any waste, refuse, slops or other matter arising from or generated by any trade, industry or commercial undertaking.
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 .

Traffic control signal	means a device, however, operated, which uses words, symbols, lights or other means to control or regulate traffic.
Trailer	has the same meaning as in the Road Safety Act 1986.
Vehicle	has the same meaning as in the Road Safety Act 1986.
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 Local Government Act 1989.
Vehicle parking permit	means a vehicle parking permit issued by Council in accordance with a resident parking scheme established by Council pursuant to Schedule 11 to the Local Government Act 1989 to regulate motor vehicle parking and includes a visitor parking permit .
Visitor	means a person visiting a property for which a visitor parking permit has been issued.
Visitor parking permit	means a 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 .
Watercourse	means a river, creek, stream, or natural/artificial channel, in which water flows permanently or intermittently.
Waste	has the same meaning as in the <i>Environmental Protection Act 2017</i> .
Kerbside waste collection service	means a waste collection service provided by Council , and includes all waste types such as general waste, recycling, glass and organic material.
Waste management plan	means a plan prepared in accordance with the waste management guidelines, or similar document, adopted by Council from time to time, that deals with waste minimisation for building work and means, a plan that denotes waste management strategies for commercial premises to the satisfaction of Council or an Authorised officer when directed to be provided or conditioned on a permit .
Wheeled recreational vehicle	means any minibike, trailbike, motorbike, 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, electric bicycle or e-scooter.

Part 2

Looking After Your Property

This part aims to maintain the safety, accessibility, appearance, and environmental quality of our entire neighbourhood by setting clear provisions for how private property is managed. It includes things such as controlling vegetation, unsightly properties, managing all forms of domestic and commercial waste, and regulating activities such as tree removals and open-air burning to protect the amenity of the community.





2.1. Displaying property numbers

- (1) **Council** or an **Authorised officer** can assign or change property numbers for any allotment.
- (2) If your allotment has been assigned a property number, you, as the **owner**, must clearly display this number. The number needs to be:
 - (a) free from obstruction by vegetation or anything else;
 - (b) at least 80mm in size;
 - (c) made of durable materials; and
 - (d) kept in good repair and renewed as needed.
- (3) You cannot display any property number on an allotment unless it has been officially assigned by **Council** or an **Authorised officer**.



2.2. Overhanging vegetation

- (1) Each **owner** and **occupier** of **private land** must ensure that no vegetation on their land obstructs the clear view of drivers or pedestrians to other pedestrians, **vehicles**, or **traffic control items**.
- (2) Each **owner** and **occupier** of **private land** must ensure that no vegetation from their land encroaches on a **road**, **footpath** or **Council land** at a height less than 2.4 metres from the surface of the **road**, **footpath** or **Council land**.



You must trim any trees or plants on your property, so they do not block the view of drivers or pedestrians. Also, make sure vegetation does not hang lower than 2.4 metres over any road, footpath, or Council land. This ensures everyone can pass safely.



2.3. Significant trees

- (1) A **person** must not, without a **permit**, prune, remove, damage, destroy or lop a **significant tree**.



Under the Planning Scheme, you may require a planning permit to remove, lop, or destroy a tree. Ensure you check Council's website to determine whether a planning permit is required. In instances where a planning permit is not required and it meets the definition of a significant tree you will need a Local Law permit.

- (2) In assessing an application for a **permit** in relation to **significant tree** removal, an **Authorised officer** must take into consideration the following:
 - (a) the tree is damaged, diseased, dead or in decline and further remedial action is unlikely to be effective in saving the tree;
 - (b) the tree has a significant structural fault, identified by a qualified arborist, that cannot be remedied by appropriate techniques;
 - (c) the tree is an immediate threat to the health or safety of any **person**, or poses a serious, documented health risk that cannot be rectified by pruning or other methods;
 - (d) the tree has caused, is causing, or is likely to cause, substantial damage to property (including that of public utilities) and the estimated cost of ongoing repairs outweighs the value of the tree, and there is no reasonable alternative to solve the problem;
 - (e) the works must be carried out in order to comply with any obligation imposed at law (e.g. any Act, Court order, etc.);

- (f) the tree has been identified under a planning permit plan approved and endorsed by **Council** as requiring removal in order to implement that plan;
- (g) construction of one or more new buildings on a site where the applicant can demonstrate to **Council's** satisfaction that:
 - (i) the proposed works cannot be redesigned, or the use of particular building techniques are not feasible in order to protect the **buildings**; and
 - (ii) that appropriate arboriculture techniques, in order to retain the tree, cannot be employed detailed in a submission of an arborist report; and
- (h) any other matter the **Authorised officer** deems relevant to the application.



To help us assess your significant tree application, we may ask you to provide an arborist report or other supporting document on a case-by-case basis. This helps our Arborist make the appropriate assessment.

- (3) If a **significant tree** is pruned, removed, damaged, destroyed or lopped without a **permit**, the **owner** of the land on which the **significant tree** is located is guilty of an offence against clause 2.3(1), whether or not the **person** who interfered with the tree is identified.
- (4) The requirement to obtain a **permit** under clause 2.3(1) does not apply:
 - (a) where a **person** cuts, trims or prunes a tree to ensure compliance with any other provision of this Local Law or any other law; or
 - (b) where **Council** is lopping, destroying, damaging or removing a **significant tree** that is a **Council** tree.



2.4. Unsightly property

- (1) Each **owner** and **occupier** of **private land** must ensure that the **private land**, and any **building** or structure on the **private land**, is not dilapidated, unsightly or a danger to any **person** or property.
- (2) **Private land** or a **building** may be considered unsightly if its condition, when seen from a **public place**, harms the appearance or amenity of the neighbourhood, including (without limiting generality):
 - (a) the presence of grass or weeds over 150mm in height;
 - (b) the accumulation of waste or rubbish;
 - (c) provide harbourage for vermin;
 - (d) the accumulation of building waste or materials; and/or
 - (e) the presence of **noxious weeds** or invasive weeds; and/or
 - (f) the presence of a **building** or structure with a defaced exterior.
- (3) The **owner** of **private land** must ensure that any **building** or structure on the **private land** that is unoccupied or unfit for occupation is not graffitied or so defaced as to be detrimental to the amenity of the neighbourhood in which the **private land** is located.



2.5. Fencing and securing of land

- (1) If **Council** or an **Authorised officer** determines that a vacant land is unsightly, has waste dumped on it, or is dangerous, or that a dilapidated **building** exists on any land, they may, by written notice, direct the **owner** or **occupier** of that land to:
 - (a) erect, repair, replace, or modify fencing to enclose the land; or
 - (b) secure or better secure the **building**.



A notice issued under this clause may specify the material, height, and other dimensions for any fencing that needs to be erected. The owner or occupier must comply with the notice and perform any specified work within the required time on the notice.



2.6. Storage and repairs

- (1) Unless permitted by the **Planning Scheme**, a **person** must not, without a **permit**, use any land to store, assemble, or dismantle old, used, or second-hand machinery, **vehicles**, materials, or goods in a manner that detrimentally affects the amenity of the neighbourhood.
- (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.
- (3) Clause 2.6(2) does not apply to any repairs carried out on a **motor vehicle** which is broken down to enable it to be removed from the land.



2.7. Camping

- (1) Unless permitted by the **Planning Scheme**, each **owner** or **occupier** of **private land** must not, without a **permit**, place or occupy, or allow the placement or occupation, of any **caravan**, tent, or similar structure.
- (2) No **person** shall camp, or allow any other **person** to camp, on **private land** without a **permit** or unless authorised under the **Planning Scheme**.
- (3) A **person** must not, without a **permit**, camp in or on any **road** or **Council land** in a vehicle, tent, **caravan** or any type of temporary or provisional form of accommodation.

- (4) The registered owner of a **vehicle** used for the purpose of camping in contravention of clause 2.7(1) is guilty of the same offence as the **person** who contravenes clause 2.7(1).
- (5) The following persons or groups of persons are exempt from the requirement to obtain a **permit** for camping under this Local Law:
 - (a) a **person** who is vulnerable, homeless, or experiencing mental illness; and
 - (b) a **person** or group of persons as determined by **Council** or an **Authorised officer** at its/their discretion from time to time.



No permit is required for small ad-hoc activities such as families having backyard sleepovers. We apply exemptions for informal events such as these, and further information can be found on our website.



2.8. Domestic waste bins



The following clauses apply to the owner or occupier of all private land and other land which Council provides a kerbside/waste collection service. They outline the requirements on how to use and look after your bins.

- (1) Each **owner** and **occupier** of **private land** or other land to which the **Council** provides a **kerbside waste collection service** must:
 - (a) maintain all **domestic waste bins** in a clean and sanitary condition suitable for collection and in a tidy manner so as not to cause any health risk or be offensive to any **person** or detrimentally affect the surrounding area;

- (b) not place a **domestic waste bin** so that it creates an obstruction or other safety related issue;
- (c) ensure that each **domestic waste bin** is not overfilled thereby preventing the lid from being completely closed;
- (d) remove any waste which has spilled from a **domestic waste bin** onto any **road, footpath** or **Council land**;
- (e) not place out more than the number and type of **Council** allocated **domestic waste bins** for that **private land**;
- (f) not use a **domestic waste bin** for any other purpose other than the deposit of the relevant waste;
- (g) not cause damage or destroy any **domestic waste bins**; and
- (h) not place any items in a **domestic waste bin** that may contaminate or are not the intended waste for that domestic waste bin.



2.9. Collection of domestic waste bins



The following clauses apply to the owner or occupier of every dwelling or any other land which Council provides a kerbside/waste collection service. They outline the requirements on placing your bins out and bringing them in, keeping them on private land.

- (1) Each **owner** and **occupier** of **private land** or other land to which **Council** provides a **kerbside waste collection service** must, unless authorised otherwise by a **permit**:
 - (a) ensure that all **domestic waste bins** are:
 - (i) placed out for collection no earlier than the day before the scheduled collection day; and

- (ii) returned to the **private land** no later than midnight on the day of the scheduled collection.

- (b) ensure all **domestic waste bins** are kept on the **private land** other than when placed out for collection;
- (c) ensure the **domestic waste bins** are placed on the adjacent **footpath** or nature strip, unless **Council** or an **Authorised officer** directs that the **domestic waste bins** are to be placed in another position; and
- (d) not place out for collection any **domestic waste bins** in a manner that unreasonably impedes a pedestrian, **vehicle** or **kerbside waste collection service**.



2.10. Hard waste

- (1) Each **owner** and **occupier** of **private land** to which **Council** provides a hard waste collection service must:
 - (a) place out for collection any hard waste in a manner set by **Council** or an **Authorised officer**; and
 - (b) not place out for collection any hard waste on a **road, footpath**, nature strip or **Council land**, except where approved to do so by an **Authorised officer** or part of an authorised hard waste collection of **Council**.



When a hard waste collection is booked, you can only place the hard waste outside on Council land for collection 24 hours before the booking date.

- (2) A **person** must not, unless authorised by an **Authorised officer** or **Council**, remove or interfere with any hard waste placed out for collection.

- (3) For the purposes of clause 2.10(2), a **person** is deemed to be authorised to remove an item of hard waste if the removal is for the purpose of reuse or repurposing, provided that the **person** leaves the remaining hard waste neat and undisturbed.
- (4) A **person** must not place a disused refrigerator, an ice chest, an ice box, a trunk, a chest or any other similar item with a compartment having a capacity of 0.04 cubic metres or more on any **road, footpath** or **Council land**, 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, and otherwise in accordance with clause 2.10(1).
- (3) Each **owner** and **occupier** of any land that uses a **commercial trade waste bin** must ensure the lid of the **commercial trade waste bin** is closed at all times, except when depositing waste into it.
- (4) An **occupier** of land that uses a **commercial trade waste bin** must repair any damage, caused by the placing or emptying of the **commercial trade waste bin**, to any **Council asset**.
- (5) All **commercial trade waste bins** must comply with the following requirements:
 - (a) be kept in a clean and sanitary condition at all times;
 - (b) not allow any discharge of waste, including liquid;
 - (c) be kept free of graffiti;
 - (d) be maintained in a condition fit for its purpose;
 - (e) be replaced if damaged;
 - (f) be kept in a manner to ensure easy movement and not to damage **Council assets**; and
 - (g) clearly identify the **owner** of the **commercial trade waste bin**.



2.11. Commercial trade waste bins



The following clauses apply to all businesses that use commercial trade waste bins, detailing the requirements for safe storage, maintenance, and the short window allowed for placing them on public land for collection to ensure accessibility standards are being met.

- (1) A **person** must not, without a **permit**, place a **commercial trade waste bin** on a **road, footpath**, or **Council land** for longer than three (3) hours before the scheduled collection time and must return it to the **private land** no later than three (3) hours after it has been emptied.
- (2) A **person** must not place any commercial trade waste in a public waste or **domestic waste bin**.
- (6) Each **owner** and **occupier** of any land must ensure that any **commercial trade waste bins** kept on the land are constructed and maintained in accordance with any requirements specified by an **Authorised officer**.
- (7) **Council** or an **Authorised officer** may direct an **owner** or **occupier** of land that receives a **commercial trade waste collection** to provide a **waste management plan**, to the satisfaction of an **Authorised officer**, that:
 - (a) describes how and where waste will be stored;
 - (b) outlines how and when waste will be collected;
 - (c) includes steps to reduce waste generation from the site;

- (d) confirms compliance with relevant laws and policies;
- (e) details how trade waste will be managed;
- (f) provides for staff training on waste handling;
- (g) explain how the plan will be reviewed and updated; and
- (h) addresses such other matters as are specified by **Council** or an **Authorised officer**.



If asked by Council or an Authorised Officer, you must provide a detailed Waste Management Plan to show exactly how and where your business will store, collect and manage its waste.



2.12. Collection of commercial trade waste bins

- (1) A **person** must not collect any trade waste from any **commercial trade waste bin**:
 - (a) before 7am or after 8pm Monday to Saturday; or
 - (b) before 9am or after 8pm on any Sunday and public holidays.
- (2) A **person** must not place a **commercial trade waste bin** in a manner that may cause obstruction or danger to any pedestrian or **vehicle** on a **road, footpath** or **Council land**.



Commercial trade waste bins can only be collected between the above permitted hours and must never be placed where they can obstruct or pose a danger to pedestrians or traffic.

- (3) Clause 2.12(1) does not apply to **Council** providing a **commercial trade waste collection** throughout the **municipal district**.



2.13. Storage and screening for bins

- (1) **Council** or an **Authorised officer** may direct an **owner** or **occupier** of any land to carry out work to the area in which a **commercial trade waste bin** is kept to:
 - (a) have a floor of an impermeable surface;
 - (b) ensure it is drained to an outlet approved by **Council** or an **Authorised officer**;
 - (c) ensure it is supplied with water from a tap and hose; and/or
 - (d) ensure it is maintained in a clean and sanitary condition.
- (2) **Council** or an **Authorised officer** may, by notice to comply, direct the **owner** or **occupier** of any land to install, repair, replace or modify a fence or other means of screening a **domestic waste bin** or **commercial trade waste bin** from public view if it is unsightly, dangerous or detrimental to the amenity of the neighbourhood.



2.14. Deliveries to commercial premises

- (1) A **person** must not without a **permit**, deliver or collect goods or provide a service to a commercial business or allow a refrigeration unit mounted on a **vehicle** to run:
 - (a) after 10pm on any day;
 - (b) before 7am on a Monday to Saturday (inclusive); and
 - (c) before 9am on a Sunday or public holiday.

- (2) A **person** who delivers goods such as bread, milk, papers or similar goods to a **commercial premises** and the goods are required by the proprietor of the **commercial premises** as part of preparation prior to the opening of the premises are exempt from clause 2.14(1).



2.15. Awnings and verandahs for advertising

- (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 **advertising sign**, flag, bunting or like decoration, to an awning or verandah on a **building** which is not a **dwelling**.



2.16. Open air burning

- (1) A **person** must not, without a **permit**, light a fire, or allow a fire to be lit or remain alight in the open air.
- (2) The restriction in clause 2.16(1) does not apply to:
- (a) a permanent or portable gas barbecue, solid fuel barbecue, pizza oven or other properly constructed appliance for the purpose of cooking food;
 - (b) a fire in a chiminea, properly constructed fireplace or firepit for the purpose of outdoor heating; or
 - (c) a **person** using a tool of trade whilst using that tool for the purpose for which it is to be used.
- (3) A **person** must not burn or allow to be burned any substance on any land within the **municipal district** if it is likely to cause a nuisance, be offensive to any **person**, a risk of fire or endanger any **person** or **animal**.
- (4) A **person** must not use an incinerator or allow an incinerator to be used on **private land**.
- (5) A **person** must not use a permanent or portable gas barbecue, solid fuel barbecue, pizza oven or other properly constructed appliance for the purpose of cooking food, in a manner which endangers or causes a nuisance to a **person** or damage to property.
- (6) A **person** who has lit a fire or allowed a fire to remain alight contrary to this clause, or any condition contained in a **permit**, must extinguish the fire immediately on being directed to do so by:
- (a) an **Authorised officer**, if the officer reasonably suspects that a contravention has occurred;
 - (b) a member of the Victoria Police acting in the course of their duties; or
 - (c) an employee of Fire Service Victoria or other relevant authority, acting in the course of their duties.



Burning certain materials is prohibited because they pose significant risks to public health, safety, and the environment. Materials such as rubber, plastic, waste petroleum or oil, paint and paint containers, manufactured chemicals, pressurised cans, textile fabrics, and food waste must not be burned in the open air, as they can release toxic fumes, hazardous chemicals, and noxious smoke when ignited.



2.17. Bees and wasps

- (1) Each **owner** and **occupier** of any land on which has a European wasp nest, or a bee hive that does not comply with the relevant Code of Practice, must remove that wasp nest or bee hive.



This clause is not intended to apply to apiarists (also known as a beekeeper) that are permitted to keep bees to produce honey, beeswax, and other bee products. Apiarists will require a permit under the Local Law, see clause 5.2(2) for more information.



2.18. Minor residential works

- (1) Each **owner** and **occupier** of any land must notify **Council** prior to undertaking **minor residential works** that will involve any occupation or obstruction of a **footpath, road** or **Council land**.



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. Minor Residential Works still require strict adherence to this principle.



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Part 3

Activities on Council land

This part aims to enhance safety, accessibility and shared enjoyment of public places by regulating commercial and organised activities such as outdoor dining, roadside trading, occupying Council land and events. It also covers provisions that assist with certain types of noise and protecting Council assets from interference or damage.





3.1. Outdoor dining, goods displays and advertising signs

- (1) A **person** must not, without a **permit**, display or place, or allow to be displayed or placed, any goods, **advertising signs** or outdoor dining furniture on a **road, footpath** or **Council land**.
- (2) A **person** must not, without a **permit**, construct, occupy, use or allow to be used any semi-permanent or permanent structure, including a parklet, on a **road, footpath** or **Council land**.



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. Footpath trading applications will be evaluated based on their strict adherence to this principle. Proposals that fail to accommodate the minimum required accessibility standard will not be issued a permit.

- (3) Nothing in clause 3.1(1) prevents a **person** from placing a seat, umbrella, table, chair, or other furniture in a **recreational reserve** if the area is designed for such placement and the use is for temporary recreation while the **person** is present.
- (4) A **person** who has placed or displayed, or permitted to be placed or displayed, goods, an **advertising sign**, outdoor dining furniture, or any semi-permanent or permanent structure on a **road, footpath**, or **Council land**, even with a **permit**, must remove them immediately if directed by an **Authorised officer**, or a member of an **emergency service**.
- (5) A **person** must not allow the display of an **advertising 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.



3.2. Roadside trading

- (1) A **person** must not, without a **permit**, erect or place, or allow to be erected or placed, on any **road, footpath** or **Council land** any **vehicle, caravan, animal**, trailer, table, stall, tent or other similar item or structure for the purposes of selling or offering for sale any goods or services.



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. Roadside Trading applications will be evaluated based on their strict adherence to this principle. Proposals that fail to accommodate the minimum required accessibility standard will not be issued a permit.



3.3. Street collections, spruiking and distribution

- (1) A **person** must not, without a **permit**, do, or cause, allow or authorise another **person** to do, the following, from a **road, footpath, Council land** or from door to door:
 - (a) solicit or collect any gifts of money, or subscriptions;
 - (b) spruik, sell, tout or solicit the sale of any goods or services; and/or
 - (c) distribute any handbills, information brochures, books, pamphlets, place cards, notices, advertisements, goods, gifts or samples.



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. Street collection, spruiking or distribution applications will be evaluated based on their strict adherence to this principle. Proposals that fail to accommodate the minimum required accessibility standard will not be issued a permit.

- (2) Clause 3.3(1) does not apply to a **person** participating in highway collections approved under Road Safety Act 1986.



3.4. Busking

- (1) A **person** must not, without a **permit**, **busk** or use any sound amplification equipment for the purpose of public entertainment or performance on any **road, footpath** or **Council land**.



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. Busking applications will be evaluated based on their strict adherence to this principle. Proposals that fail to accommodate the minimum required accessibility standard will not be issued a permit.



3.5. Commercial fitness activities

- (1) A **commercial fitness trainer**, and each **person** participating in **commercial fitness activities**, must not:
- (a) conduct or participate in the **commercial fitness activities** in contravention of any **Council** conditions as determined from time to time;
 - (b) conduct or participate in the **commercial fitness activities** in an **exclusion zone**;
 - (c) conduct or participate in the **commercial fitness activities** before 7am or after 9pm; or
 - (d) use amplified music or audio when conducting a **commercial fitness activity**.
- (2) A **commercial fitness trainer** conducting **commercial fitness activities** and each **person** participating in **commercial fitness activities** in a recreational reserve must not engage in aggressive or intimidating behaviour or otherwise cause a nuisance.



3.6. Commercial dog walkers

- (1) A **person** must, when conducting a **commercial dog walking activity**, on any **Council land** or in any **public place**:
- (a) maintain effective control of dogs at all times; and
 - (b) not exercise more than four (4) dogs at any one time.
- (2) A **person** walking four (4) or more dogs, will, for the purpose of this clause, be deemed undertaking a **commercial dog walking activity**, regardless of whether they are a registered business or volunteer, unless all the dogs are registered in their name and they have an excess animal permit.



Commercial dog walkers can only walk a maximum of four (4) dogs per person, unless every dog belongs to you and you have an excess animal permit. Both commercial dog walkers and owners must always maintain full control.



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. Electoral and political advertising or campaigning applications will be evaluated based on their strict adherence to this principle. Proposals that fail to accommodate the minimum required accessibility standard will not be issued a permit.



3.7. Charity or clothing bins

- (1) A **person** must not place, or cause or allow to be placed, a **charity or clothing bin** on any **road, footpath, or Council land**.
- (2) A **charity or clothing bin** placed on **private land** must be maintained by each **owner** and **occupier** in a clean and sanitary condition and must not affect the amenity of the area.



Charity or clothing bins are not allowed on any road, footpath or Council land. They must be kept on private land. If a bin is on private land, the owner must keep it clean and tidy.



3.8. Electoral and political advertising or campaigning

- (1) A **person** must not, without a **permit**, display signage including **advertising signs**, or place stalls, tables, information displays or similar installations on a **road, footpath or Council land**, or authorise another **person** to do so, for the purposes of electoral or political campaigning.
- (2) Any signage authorised by or under the **Planning Scheme** is exempt from this clause.



3.9. Other activities on Council land

- (1) A **person** must not, without a **permit**, do any of the following activities on **Council land**:
 - (a) launch or land a hot air balloon;
 - (b) do anything in a manner or in a place which is likely to damage any grassed area, vegetation, flora, fauna or turf surface or otherwise interfere with the use of the **Council land** by another **person**;
 - (c) light a fire or permit any fire to remain alight, except in a barbecue provided by **Council** or a barbecue using a portable gas bottle;
 - (d) play, organise, practice or engage in any organised competitive sport or game;
 - (e) play or practice golf;
 - (f) construct any line, string, rope or other similar thing to any tree or other object; or
 - (g) pitch a temporary structure of any kind.
- (2) Clause 3.9(1)(a) does not apply to a **person** who lands on **Council land** in a hot air balloon because of an emergency landing.
- (3) A **person** who is on **Council land** must comply with any direction, requirement or condition specified on a sign erected by **Council** or an **Authorised officer**.

- (4) A **person** who is on **Council land** must not behave in a manner or carry on an activity which unreasonably interferes with another person's use or enjoyment of the **Council land**.



Always look for a sign or seek information before doing any organised or potentially disruptive activity or attaching anything to assets or trees on public or Council land.



3.10. Noise in parks and gardens

- (1) A **person** who is in or on any **Council land** must not, without a **permit**, use any:
- (a) amplifier or speakers, where the sole or primary purpose is to generate sound audible over a wide area;
 - (b) drum or other form of percussion instrument;
 - (c) megaphone, loudhailer or other similar device;
 - (d) vehicle radio audible to any **person** outside the vehicle; or
 - (e) device that otherwise interferes with another person's use and enjoyment of **Council land**.



3.11. Events, festivals and filming

- (1) A **person** must not, without a **permit**, conduct an **occasional event** on **Council land**.
- (2) A **person** must not, without a **permit**, conduct or celebrate a wedding on **Council land**.
- (3) Unless permitted under the **Planning Scheme** a **person** must not, without a **permit**, hold or permit to be held, a circus, a carnival, or a festival on any land.
- (4) Clause 3.11(3) does not apply to the **Council** in respect of any festival it conducts on land in the **municipal district**.
- (5) A **person** must not, without a **permit**, occupy or allow the occupation of any **road**, **footpath**, or **Council land** for the purposes of filming, public exhibition, street parties, or any similar event, including the placement of any equipment associated with those activities.



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. Occupation for events applications will be evaluated based on their strict adherence to this principle. Proposals that fail to accommodate the minimum required accessibility standard will not be issued a permit.



Part 4

Vehicles, roads and footpaths

This part aims to enhance public safety, accessibility, and quality of life in our community by setting clear rules for vehicles, roads, and footpaths. This includes controlling issues like obstructions, vehicle noise, heavy vehicle storage, and the correct use of parking permits, while also protecting our roads and drainage systems from damage.





The operator onus provisions under Part 6AA of the Road Safety Act 1986 applies to this part of the Local Law which involves parking.



4.1. Heavy motor vehicle

- (1) Unless permitted under the **Planning Scheme** applicable to the land, the **owner** or **occupier** of any land must not, without a **permit**, keep or allow to be kept a **heavy motor vehicle** on any land in a **residential area**.



4.2. Repair and display of vehicles

- (1) A **person** must not, on a **road**, **footpath** or **Council land**:
 - (a) paint, service, store, carry out maintenance, or otherwise perform any work on a **vehicle**; or
 - (b) display for sale a **vehicle** in the course of a business.
- (2) Clause 4.2(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**, **footpath** or **Council land**.
- (3) Notwithstanding the exception in clause 4.2(2), a **person** commits an offence if the **vehicle** is within 100 metres of a premises occupied by that **person** or that person's employer for the purposes of motor repairs or panel beating.



4.3. Parking permits



Councils current Parking Permit Policy outlines eligibility and permit conditions. Council parking permits are only for the permit holder and legitimate visitors. They must not be sold, lent, given away, or forged – this is an offence.

- (1) This clause applies to **Vehicle Parking Permits** issued by the **Council** under a **Resident Parking Scheme** established pursuant to the *Local Government Act 1989*. It operates in conjunction with and does not derogate from any **Council** policies or conditions related to the operation of Resident Parking Schemes. A decision not to enforce this clause does not affect **Council's** power to enforce its policies or **permit** conditions.
- (2) A **vehicle parking permit holder** must not, allow a **vehicle parking permit** to be used by another **person**, except a **visitor parking permit**, including by selling, giving, lending, licensing, or otherwise transferring the **permit**.
- (3) A **person** must not, use or attempt to use, a **vehicle parking permit** unless they are the **vehicle parking permit holder**, or a legitimate visitor using a **visitor parking permit**, including by purchasing, receiving, borrowing, or otherwise obtaining the **vehicle parking permit** from another **person**.
- (4) A **person** must not, photocopy, amend, forge or counterfeit a **vehicle parking permit** or knowingly use, deal with or tender a photocopied, amended, forged or counterfeit **vehicle parking permit**.



4.4. Vehicles in reserves

- (1) A **person** must not, without a **permit**, on any **recreational reserve** other than in a designated parking area:
 - (a) drive a **vehicle** into or onto a **recreational reserve**; or
 - (b) allow a **vehicle** which they are the owner, or otherwise in charge of, to be or remain in or on a **recreational reserve**.
- (2) Clause 4.4(1) does not apply to:
 - (a) bicycles or e-bicycles, e-scooters, wheelchairs, mobility scooters, child's **toy vehicles**, prams or similar devices;
 - (b) a **Council** staff member, a member of an **emergency service** acting in the course of their duties; or
 - (c) a **person** acting in accordance with any applicable Act or regulation.
- (3) Where damage is caused to a **recreational reserve** in breach of clause 4.4(1), **Council** may institute proceedings to recover the costs incurred by or on behalf of the **Council** in rectifying the damage caused.



4.5. Toy vehicles

- (1) A **person** must not use a **toy vehicle** or allow another **person** to use a **toy vehicle** in a manner that interferes with, obstructs, hinders, or endangers any **person, animal, or vehicle** on **Council land**.
- (2) 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**.
- (3) Each **owner** and **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**.
- (4) A **person** must not, without a **permit**, use, or permit a **person** to use, a **wheeled recreational vehicle** on any **Council land**.



4.6. Vehicle crossings

- (1) A **person** must not, without a **permit**, construct, repair, reconstruct or remove a vehicle crossing or adjacent **footpath**.



Council may issue a written notice to the owner or occupier of a property requiring certain works to be completed by a specified date. These works may include constructing or repairing a vehicle crossing or adjacent footpath, removing a redundant or unauthorised vehicle crossing, repairing damage caused by vehicles, or reinstating Council land.

A person who receives a notice must comply with its requirements and, where a permit is required, apply for and obtain that permit.

- (2) A **person** must not:
 - (a) drive a **vehicle** over a kerb, nature strip, or **footpath** to access a **private land** where **building works** is being or is to be carried out; or
 - (b) allow **building work** to commence on **private land** until any required temporary vehicle crossing is constructed in accordance with the applicable **permit**.



You must get a Council permit before you construct, repair, or remove a vehicle crossing or footpath section. If you are doing building work, you must use a temporary vehicle crossing to avoid damaging the kerb or nature strip, and Council can issue a notice requiring you to repair any damage you cause. See Part 6 of the Local Law.



4.7. Skip bins

- (1) A **person** must not, without a **permit**, place, allow or cause to be placed, a **skip bin**, bulk rubbish container or similar object on any **road, footpath** or **Council land**.



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. Skip bin applications will be evaluated based on their strict adherence to this principle. Proposals that fail to accommodate the minimum required accessibility standard will not be issued a permit

- (2) A **person** must not place or collect a **skip bin**, bulk rubbish container or similar object on any **road, footpath, Council land**, or **private land** except between the following hours:
- (c) from 7am to 8pm on a Monday to Saturday
 - (d) from 9am to 8pm on a Sunday or public holiday.
- (3) This clause does not apply to works or activities by **Council** or a **service authority**.



4.8. Obstructions and hazards

- (1) Each **owner** and **occupier** of **private land** must not allow an **advertising sign** or any other similar object to:
- (a) encroach onto any **road, footpath** or **Council land** at a height less than 2.4 metres; or
 - (b) remain on **private land** or be placed on **private land** in a manner which obstructs the clear view of a **traffic control item** by a **person** in a vehicle or a **person** on a **footpath**.
- (2) A **person** must not, without a **permit**, place, allow to be placed or cause to be placed on any **road, footpath** or **Council land** any other thing which interferes with the use of the **road, footpath** or **Council land**.



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. All applications will be evaluated based on their strict adherence to this principle. Proposals that fail to accommodate the minimum required accessibility standard will not be issued a permit.

- (3) This clause does not apply to works or activities by **Council** or a **service authority**.



4.9. Shopping trolleys

- (1) A **person** must not use or leave a **shopping trolley** on any **road, footpath** or **Council land**, unless it is in a designated collection area.
- (2) The **owner** or proprietor of any business that provides **shopping trolleys** for use must comply with the following requirements:
 - (a) ensure that each **shopping trolley** displays clear business signage to identify ownership;
 - (b) install a wheel lock mechanism or other **Council** approved device to prevent **shopping trolley** removal and/or demonstrate to **Council's** satisfaction that a responsive collection system is in place; and
 - (c) collect any **shopping trolley** within 24 hours of being notified by an **Authorised officer**, whether the trolley is on a **road, footpath** or **Council land** or has been impounded by **Council**.
- (3) Clause 4.9(2)(b) does not apply to a business which has less than twenty (20) **shopping trolleys** available for the use of customers.
- (4) An **Authorised officer, Council** employee or **Council** contractor, may immediately impound any **shopping trolley** that appears abandoned or not attended to if the trolley is on a **road, footpath** or **Council land**.



4.10. Spoil on roads

- (1) A **person** must not allow any produce, soil, earth, mud, clay, liquid waste or like substance to fall or escape onto a **road, footpath** or **Council land** from any **vehicle** which they are driving or any equipment which they are operating during any trade, industry or commercial undertaking.
- (2) A **person** must not allow any grease, oil, mud, clay or like substance to run off a **motor vehicle** they are cleaning during any trade, industry or commercial undertaking onto a **road, footpath** or into a **storm water system**.

- (3) The **Builder** of a building site must ensure that no mud, dirt, sand, soil, stones, concrete or other matter is deposited on the road or is washed into the **storm water system**.



4.11. Occupation of roads, footpath or Council land

- (1) A **person** must not, without a **permit**, do any of the following on any **road** or **footpath** or part of a **road** or **footpath**, or on any **Council land**:
 - (a) occupy or fence off;
 - (b) leave or store building or construction material;
 - (c) erect a hoarding or scaffolding;
 - (d) use any **plant and equipment**; or
 - (e) remove, damage or interfere with a temporary traffic signal, sign, barrier or other structure erected to protect pedestrians or regulate traffic.
- (2) A **person** must not, without a **permit**, occupy a **road, footpath** or **Council land** by placing on or leaving any **trailer, caravan**, equipment or other thing for longer than one hour unless it is attached to a registered **vehicle**.
- (3) A **person** must not, without a **permit**, occupy a **road, footpath** or **Council land** by placing on or leaving any other thing on **road, footpath** or **Council land**.



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. Occupation of Council land applications will be evaluated based on their strict adherence to this principle. Proposals that fail to accommodate the minimum required accessibility standard will not be issued a permit.

- (4) Clause 4.11(2) does not create an exemption for specific activities related to vehicles that meet the definition of a long vehicle under the Road Safety Road Rules 2017.



4.12. Damage to Council assets

- (1) A **person** must not, without a **permit**, add, place on, destroy, damage, remove, interfere with, attach to, or change in any way, anything in, on or under a **road, footpath, or Council land**, except where the asset is designed for that use.
- (2) An **owner** of **private land** must not allow any tree or plant on land owned or occupied by them to cause damage or interfere with the use of any **road, footpath or Council land**, or any **Council asset** or other asset.



4.13. Loading or unloading

- (1) Where material is being loaded or unloaded from a **vehicle** on or near any land, each **owner** and **person** in charge of any land, and each **person** in charge of a **vehicle**, must ensure the land is maintained and the **vehicle** is parked, and loaded or unloaded in a way that does not, or is not likely to, cause a danger to any **person** or **animal** or damage to any **Council assets** or **Council land**.



4.14. Maintenance of drains

- (1) Each **owner** and **occupier** of **private land** must ensure that any private **drainage** servicing the **private land** is maintained and not in disrepair.
- (2) Each **owner** and **occupier** of **private land** must ensure that any **Council drainage** located within the **private land** is not destroyed, damaged, impeded and not in disrepair.
- (3) An **owner** or **occupier** of **private land** must not obstruct, impede or interfere with the overland flow path of any **watercourse** unless given written agreement of the **Council**.



4.15. Connecting to Council drainage

- (1) A **person** must not, without a **permit**, destroy, damage, or connect into any **drainage** vested in **Council**.
- (2) An **owner** or **occupier** of **private land** must obtain permission from **Council** prior to connecting privately owned **drainage** into any drainage vested in **Council**.
- (3) An **owner** of **private land** is responsible for capturing stormwater on the **private land** and directing it to the **Council** allocated legal point of discharge.
- (4) Each **owner** and **occupier** must not, without a **permit** or the written consent of **Council**, discharge **stormwater** from **private land** over the surface into **Council land** or into **drainage** vested in **Council**.



4.16. Building over drains

- (1) Each **owner** and **occupier** of any land must not without a **permit** or the written agreement of **Council** build anything, or cause or allow anything to be built, over a drain, sewer, **watercourse** or associated infrastructure that is vested in **Council** or over any easement existing for the benefit of **Council**.
- (2) Nothing in clause 4.16(1) applies to any **person** who builds anything, or causes or allows anything to be built, over a **drain, sewer, watercourse** or associated infrastructure easement in accordance with any building approval given under the **Building Act 1993**.

Part 5

Animals

This part aims to protect and maintain community amenity by setting clear provisions for responsible pet ownership. This includes regulating the maximum number of animals that can be kept on a property, ensuring the cleanliness of animal housing and waste, and requiring owners to clean up after their pets when using public land.





5.1. Animal waste



When your dog is in a public place, you must always carry a device (like a bag) to collect their waste. If your animal excretes on a road, footpath, Council land, or other public place, you must immediately collect and dispose of it, ensuring no excrement remains in the public area.

- (1) A **person** in charge of an **animal** on any **road, footpath, Council land** or other public place must always carry a litter device and must produce the litter device on the request of an **Authorised officer**.
- (2) A **person** in charge of an **animal** that excretes faecal matter on a **road, footpath, Council land** or other public place must immediately collect and dispose of the excrement.
- (3) A **person** in charge of an **animal** must not allow any part of the animal's excrement to remain on any **road, footpath, Council land** or other public place.



5.2. Keeping of animals

- (1) Unless permitted under the **Planning Scheme** applicable to the land, a **person** must not keep, or allow to be kept, more than the permitted number of **animals** on any land, without a **permit**. The maximum number allowed for each type of **animal** is listed below:

Type of Animal	Flat or Unit (Maximum Allowed)	Land Other Than Flat or Unit (Maximum Allowed)
Dogs (Over 3 months old)	2	2
Cats (Over 3 months old)	2	2
Chickens	0	5
Domestic Birds (Caged & non-poultry)	2	5
Ferrets	2	5
Reptiles	2	5
Rabbits	2	5
Guinea Pigs	2	5
Rats or Mice (Combined)	2	5
Poultry (Other than chickens)	0	0
Roosters	0	0
Farm Animals	0	0

- (2) Unless permitted under the **Planning Scheme** applicable to the land, a **person** must not keep, or allow to be kept, any **animal**, bird, bees or a species not listed in the table in clause 5.2(1), on any land, including flats and units, without a **permit**.

(3) Clause 5.2(1) does not apply to any land:

- (a) on which a registered domestic animal business is located;
- (b) on which an animal hospital or veterinary practice is located;
- (c) on which an animal educational facility is located; or
- (d) if the use of the land for the purpose is permitted under the **Planning Scheme** applicable to the land.



5.3. Housing of animals

- (1) An **owner** or **occupier** of land must ensure that any structure, cage, or run used for housing an **animal** is maintained in a clean and sanitary condition and is kept free from refuse, rubbish, and any other material that may harbour vermin.
- (2) An **owner** or **occupier** of land must ensure that all manure, excrement, refuse and, rubbish associated with keeping an **animal** is removed and placed in a suitable container or disposed of appropriately, so it does not detrimentally affect the amenity of the area.



Noise from dogs and cats is regulated by section 32 of the Domestic Animals Act 1994.

(3) An **occupier** of land must ensure that all food for **animal** consumption is stored in a vermin and fly-proof container.

(4) A **person** must not, build or maintain any structure for housing poultry or pigeons within:

- (a) the front or side setback to the street;
- (b) two (2) metres from the boundary of any adjoining land; or
- (c) three (3) metres from any dwelling on adjoining land.



5.4. Feeding of animals

- (1) A **person** must not feed or leave food for an **animal** or bird on a **road, footpath** or **Council land**, or public place.
- (2) Clause 5.4(1) does not apply to any **person** feeding or leaving food for an **animal** that is:
 - (a) registered under the *Domestic Animals Act 1994*;
 - (b) under the effective control of that **person**; or
 - (c) employed or acting under the direction of **Council** or another public authority.



Part 6

Building Works

This part aims to protect Council assets such as roads and footpaths by requiring an Asset Protection Permit and Bond for most works. It also sets clear provisions to control construction noise, permitted building times, manage all site waste and pollution, and ensure appropriate amenity and safety for the surrounding neighbourhood during the entire building process.





6.1. Asset protection permit



If your building work requires a building permit, you must obtain an asset protection permit first. Council may also require you to pay a bond before work starts. This bond is held to cover the cost of repairing any damage caused by the work to Council assets like footpaths, roads, or street trees.

- (1) If a building permit is required for **building work**, a **person** must not carry out or allow to be carried out, any **building work** unless an **asset protection permit** has been obtained and any conditions of that permit are met prior to the commencement of **building work**.
- (2) An **asset protection permit** under this Local Law may be applied for by:
 - (a) the **owner** of the land;
 - (b) the **builder** or demolition contractor; or
 - (c) any **appointed agent**.
- (3) **Building works** with a value of less than \$10,000 still require a permit, but no application fee will be charged.
- (4) An **Authorised officer** may, at their discretion, waive the requirement for an **asset protection permit** based on the scope of **building works**.
- (5) Discretion under clause 6.1(4) may be exercised for works that have a low risk of damaging **Council assets**, including but not limited to:
 - (a) essential safety measures such as fire service upgrade, fire hose reels and smoke alarms;
 - (b) public housing covered by Department of Health & Human Services;
 - (c) internal fit outs within established hospitals, shopping centres and universities;
 - (d) unit or flat fit outs within multi storey buildings;
 - (e) internal stairways, awnings or balustrades;
 - (f) fit outs within established business parks with no impact to **Council assets**; and
 - (g) access, where all associated **vehicles** and equipment is located on **private land** using an existing vehicle crossing and no occupation of **Council land**.
- (6) Clause 6.1(5)(g) does not apply to structures built on a boundary or in close proximity to **Council assets**.
- (7) The holder of an **asset protection permit** must:
 - (a) notify **Council** in writing of the proposed building work at least seven (7) days before the **building work** commences; and
 - (b) provide to **Council** written notice of any prior damage to any part of the adjoining road or any other adjacent **Council asset** or infrastructure at least seven (7) days before **building work** commences or the delivery of any equipment or materials to the land which relate to that **building work**.
- (8) If the holder of an **asset protection permit** fails to comply with clause 6.1(7), or any part of it, it will be presumed that there was no prior damage to any part of the adjoining **road, footpath** or any other adjacent **Council asset** or infrastructure prior to the commencement of the **building work**.
- (9) Upon completion of the **building work**, the holder of an **asset protection permit** must:
 - (a) notify **Council** of the completion of the **building work** to permit an inspection of the adjoining road and any other adjacent **Council asset** or infrastructure; and
 - (b) repair to the satisfaction of **Council** or an **Authorised officer** any damage to the adjoining **road, footpath** and any other adjacent **Council asset** or infrastructure which **Council** or an **Authorised officer** determines is attributable to the building work.

- (10) **Council** may require the holder of an **asset protection permit** to pay an **asset protection permit bond** were an **Authorised officer** or **Council** determines that **Council assets**, including but not limited to a vehicle crossing, **footpath**, **road**, street tree or kerb, may be damaged as a result of the **building work**.
- (11) The **asset protection permit bond** must be paid to **Council** before a **permit** is issued and will be proportional to the likely cost of repairing any potential damage.
- (12) Upon completion of the **building work** and the inspection, the amount of the **asset protection permit bond**:
- may be retained by **Council** to offset the costs of carrying out any works to repair any damage to the adjoining **road**, **footpath** or any other adjacent **Council asset** or infrastructure;
 - may be refunded to the **person** who paid it if **Council** or an **Authorised officer** determines that there has been no damage to the adjoining **road**, **footpath** or any other adjacent **Council asset** or infrastructure, or that any damage has been repaired by or on behalf of that **person** to Council's satisfaction; and
 - must be supplemented by a further payment equal to the difference between the cost of carrying out any works under this clause 6.1, and the amount of the **asset protection permit bond**, if **Council** or an **Authorised officer** determines that the amount of the **asset protection permit bond** is insufficient to meet such cost and, it makes a demand for such payment in writing.
- (13) **Council** or an **Authorised officer** may agree to accept an alternative form of security other than an **asset protection permit bond**.



6.2. Building works



These clauses outline the requirements for building works and include requirements relating to spoil or pollution, building work times and maintaining a refuse facility on-site. The work must not negatively affect the neighbourhood amenity.

- A **person** must not, without a **permit**, carry out or allow **building work** to be carried out:
 - before 7am or after 6pm on a Monday to Friday;
 - before 9am or after 3pm on a Saturday;
 - on a Sunday;
 - on Anzac Day, Good Friday, Christmas Day;
 - on the Monday after Christmas Day if Christmas Day is a Saturday; or
 - on the Tuesday after Christmas Day if Christmas Day is a Sunday.
- Clause 6.2(1) does not apply to:
 - any employee or agent of a permit holder;
 - any **building work** required because of an emergency;
 - any **building work** which is subject to a **permit** issued under the *Planning and Environment Act 1987*, if that **permit** contains a condition which:
 - restricts the times during which **building work** may be performed and the condition is more restrictive than Clause 6.2(1);
 - any **person** to whom section of the *Environment Protection Act 2017* applies; or

- (e) **building work** which is carried out by an **occupier** or **owner** of land that is in the nature of home maintenance.
- (3) The **owner** of land on which **building work** is being carried out must ensure that a suitable refuse facility is provided and maintained on the land to contain all refuse. The facility must:
- (a) remain on the land during the period of the **building work**;
 - (b) be emptied and replaced whenever it is full; and
 - (c) not be placed on a **road, footpath**, or **Council land** without a **permit**.
- (4) Where **building work** is being carried out on any land, each of the **owner, builder, contractor, and appointed agent** must ensure that:
- (a) all refuse is placed in the designated refuse facility and not in or on any other land or **storm water system**; and
 - (b) all refuse is removed and lawfully disposed of from any land where **building work** has been carried out, within seven (7) days of the completion of the work or the issue of an occupancy **permit**, whichever occurs last.
- (5) The driver of any **vehicle** involved in placing or removing a refuse facility on or from land must access the land by way of a vehicle crossing, whether temporary or permanent.
- (6) Where **building work** is being carried out on any land, each of the **owner, builder, and appointed agent** must ensure that a sewerage or freshwater portable toilet (closed) system with a water seal is provided for workers and is serviced at least monthly, or as required, to the satisfaction of **Council** or an **Authorised officer**.
- (7) Clause 6.2(6) does not apply to:
- (a) buildings that are being constructed on adjacent land simultaneously by the same **person**; and
 - (b) there is provided one (1) sewerage or freshwater portable toilet (closed) system with a water seal serviced as required for every three (3) adjacent building sites.
- (8) Each **owner, builder, and appointed agent** for any **building work** must ensure that a building **waste management plan** is prepared, and submitted to and approved by **Council** or an **Authorised officer** before commencing the **building work**.
- (9) A **person** must not carry out any **building work** unless the **owner, builder, or appointed agent** has prepared and submitted a building **waste management plan** that has been approved by the **Council** or an **Authorised officer**.
- (10) Each **owner, builder, and appointed agent** for any **building work** that is being carried out on any land must ensure that the building **waste management plan** approved by **Council** or an **Authorised officer** under clause 6.2(8) is complied with.
- (11) Each **owner, builder, and appointed agent** for any **building work** that is to be or is being carried out on any land must ensure that:
- (a) it does not adversely affect the amenity of the neighbourhood through the emission of noise, dust, odour or any other way.



6.3. Spoil from building sites

- (1) The **builder** responsible for **building work** on any land must ensure that all mud, dirt, sand, soil, stones, concrete or other substance is reasonably contained within the boundary of that land, and no mud, dirt, sand, soil, stones, concrete, chemicals, sediments or other substance is washed into the **storm water system**.

Part 7

Alcohol

This part establishes clear, time based and location-based restrictions on the consumption or open possession of alcohol in public places to reduce public safety risks and manage community behaviour.





7.1. Introduction to this Part

- (1) 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:
 - (a) experiencing homelessness;
 - (b) socially, culturally or economically marginalised; and/or
 - (c) experiencing chronic physical or mental health issues.
- (2) 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.



7.2. Prescription by the Council

- (1) **Council** may prescribe a **public place** (or part of a **public place**) to be a **Prescribed Area** for the purposes of this Part.
- (2) A prescription is only to be made under this clause where it is evident to **Council** that there is an imminent risk to public safety or welfare to the community related to the possession, control or consumption of **liquor** in a **public place** (or part of a **public place**).
- (3) If **Council** prescribes a **public place** (or part of a **public place**) to be a **Prescribed Area**, the prescription may also specify:
 - (a) days on or times between which a **person** must not consume any **liquor**; or
 - (b) that a **person** must not possess or control any **liquor** other than in a sealed container in the **Prescribed Area**.

- (4) Every prescription must specify or otherwise prescribe the **public place** (or part of the **public place**) being prescribed as a **Prescribed Area**, whether by map, plan or other means.
- (5) Any prescription by **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 Council's website.
- (6) A prescription by **Council** under this Part may expire if it is specified to remain in operation only for a limited period and that period passes and may be revoked at any time by resolution of **Council**.



7.3. General Prohibition

- (1) A **person** must not consume any **liquor** or possess or control any **liquor** other than in a sealed container at any time:
 - (a) between 9pm and 9am on the following day while present in a **reserve**;
 - (b) in a **Prescribed Area**, contrary to the terms of any prescription made in respect of that **Prescribed Area**;
 - (c) on a **footpath** adjoining any area which is licensed under the *Liquor Control Reform Act 1998*, if the premises in respect of which the area is licensed, is open for business or otherwise trading and does not have as its predominant purpose the sale of packaged **liquor**;
 - (d) within 10 metres of a pedestrian entrance to or exit from 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 **footpath** or not; or
 - (e) while on any **road** (excluding a **footpath**), whether in a **vehicle** or not.



7.4. Clarification

- (1) If a **person** is present in a **reserve** between 9am and 9pm and the **person's** location is one of the places in or on which a **person** is prohibited from consuming any **liquor** or possessing or controlling any **liquor** other than in a sealed container under clause 7.3 (1)(b), 7.3 (1)(c), 7.3 (1)(d), or 7.3 (1)(e), that **person** will, if they consume any **liquor** or possess or control any **liquor** other than in a sealed container (as the case may be), be in breach.



7.5. Additional Prohibitions

- (1) In addition to any other prohibitions under this Part, a **person** must not, consume any **liquor**, or possess or control any **liquor** other than in a sealed container in:
- (a) 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 below) from 9pm on the day immediately preceding the **AFL Grand Final Day** until 9am on the day immediately following the **AFL Grand Final Day**; or
 - (b) any **public place** from 9pm on 30 December to 9am on 1 January.





7.6. Directions by Authorised officer

- (1) If an **Authorised officer** has a reasonable belief that a **person** is contravening clause 7.3 or 7.5, then subject to clause 7.1 the **Authorised officer** may direct the **person** to:
 - (a) cease the consumption of **liquor**;
 - (b) seal the container of **liquor**; and/or
 - (c) dispose of the **liquor** into a receptacle approved by the **Authorised officer**.
- (2) A **person** to whom a direction is given under clause 7.6(1) must comply with that direction.



7.7. Exceptions

- (1) Nothing in clause 7.3 or 7.5 applies to any **person** who is:
 - (a) on premises which are or in an area which is licensed under the *Liquor Control Reform Act 1998*; or
 - (b) attending an **event** prescribed by **Council**.
- (2) **Council** may, for the purposes of this Part, prescribe a festival or other similar activity as an **event** to which clauses 7.3 and/or 7.5 does not apply.
- (3) Any prescription which is made by **Council** under clause 7.7(2) must be published on **Council's** website, and must specify:
 - (a) the period during which the **event** is being conducted;
 - (b) the area of the **municipal district** in which the **event** is being conducted, described by words, a plan, a map, or any combination of these;
 - (c) 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
 - (d) the name of the **person** or persons conducting the **event**.

Part 8

Administration and enforcement

This part outlines the powers of the **Council** and **Authorised officers** to ensure compliance with all Local Law provisions. It covers the mechanisms for impounding items, issuing notices to comply, and taking action in urgent circumstances, while also defining what constitutes an offence and the penalties (fines, prosecution, and cost recovery) for non-compliance.





8.1. Impounding

- (1) An **Authorised officer** may seize and impound a thing which is being, has been, or is reasonably believed to be or have been used or possessed in contravention of this Local Law.
- (2) Where anything has been impounded under this Local Law, **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.
- (3) A notice of impounding must set out the fees and charges payable upon retrieval of the thing and any time by which the thing must be retrieved.
- (4) Where the identity of the **owner** of an impounded thing is unknown, the **Authorised officer** must take reasonable steps to attempt to identify the **owner**.
- (5) 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 their authority from the **owner** and upon payment of any fee and reasonable costs of impounding determined by **Council** or an **Authorised officer**.
- (6) An **Authorised officer** may sell, destroy or dispose of any thing impounded under this Local Law if:
 - (a) the **owner** or a **person** acting on the owner's behalf has not claimed the impounded thing within fourteen (14) days of service of the notice of impounding, or such longer period as an **Authorised officer** may determine;
 - (b) the **owner** of the thing or a **person** acting on the owner's behalf has not paid the fee and reasonable costs of impounding determined under clause 8.1(5) within fourteen (14) days of service of the notice of impounding, or such longer period as an **Authorised officer** may determine; or
 - (c) after reasonable and diligent efforts and enquiries, an **Authorised officer** has been unable to serve a notice of impounding on the **owner** of the impounded thing.
- (7) If the impounded thing is alcohol or is perishable and will not survive the period specified in clause 8.1(6), an **Authorised officer** may dispose of the thing sooner.
- (8) The proceeds of any sale of an impounded thing, less the reasonable costs incurred by **Council** in impounding and selling the thing and complying with the requirements of this Local Law, are to be held by **Council** pending any claim by the **owner**. If the **owner** at any time, within six (6) months of the sale provides reasonable proof of entitlement to the net proceeds of the sale of an impounded item, payment of such must be made to that **person**.
- (9) If no valid claim is made with the six (6) months period under clause 8.1(8) any surplus proceeds of the sale may be used for municipal purposes.



8.2. Notice to comply

- (1) If a **person** has contravened or failed to comply with this Local Law, the **Authorised officer** may issue to the **person** a written notice, requiring that **person** to stop the conduct contravening the Local Law, or to comply with the Local Law, or to remedy any contravention or failure. This is referred to as a notice to comply.
- (2) A notice to comply must include:
 - (a) the name of the **person** or if not known then, "the owner", "the occupier" or similar;
 - (b) the clause of the Local Law that has been contravened or which the **person** has failed to comply with;
 - (c) a description of the alleged contravention or failure to comply;
 - (d) the action required;
 - (e) the time for compliance;

- (f) the date on which it is issued; and
 - (g) the **Authorised officer's** name or **Council** identification number.
- (3) The time for compliance with 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:
- (a) the amount of work involved;
 - (b) the degree of difficulty;
 - (c) the availability of necessary materials or other necessary items;
 - (d) climatic conditions;
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant factor.
- (4) A **person** must comply with a notice to comply.

8.3. Fees

- (1) **Council** may by resolution, from time to time, determine fees for the purposes of this Local Law and:
- (a) 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
 - (b) may waive, reduce or alter a fee with or without conditions.



Council's fees and charges are determined annually through its budgeting process and are available from Council's website. The budgeting process is open to community consultation.



8.4. Delegation

- (1) Pursuant to section 78 of the **Act**, **Council** delegates to the **Chief Executive Officer**, all of its powers, functions and duties under this Local Law and authorises the **Chief Executive Officer** to delegate those powers, functions and duties to the holder of an office or position as a member of **Council** staff.
- (2) Nothing in clause 8.4(1) prevents **Council** from revoking any delegation to the **Chief Executive Officer**.



8.5. Authorised officers

- (1) Where in this Local Law the authority of **Council** is required, that authority may be granted by an **Authorised officer**.
- (2) Where in this Local Law something may be done by **Council**, it may be done by an **Authorised officer**.



8.6. Urgent circumstances

- (1) **Council** or an **Authorised officer** may act to address urgent circumstances without serving a notice to comply or official warning as a result of any failure to comply with this Local Law:
- (a) which threatens the health or safety of any **person** or **animal**; or
 - (b) which is necessary to prevent any danger to property or the environment.
- (2) Any action taken under clause 8.6(1) must be no more than the minimum reasonably necessary to remedy the urgent circumstance and should only be taken if the time required to serve a notice would place a **person**, **animal**, property, or the environment at risk or danger of substantial detriment.
- (3) The **person** who would have received a notice to comply must be notified of the urgent circumstance and the action taken as soon as practicable afterwards.



8.7. Offences



You commit an offence if you break any provisions, including permit conditions or failing to comply with a notice to comply or an authorised officer's direction. Penalties can include an Infringement notice, or prosecution resulting in conviction. The maximum penalty is twenty (20) penalty units.

- (1) A **person** is guilty of an offence if they:
 - (a) contravene or fail to comply with any provision under this Local Law;
 - (b) contravene or fail to comply with any condition contained in a **permit**;
 - (c) contravene or fail to comply with a notice to comply; or
 - (d) fail to comply with a direction of an **Authorised officer**.
- (2) A **person** who is found guilty of an offence under this Local Law is liable to:
 - (a) the applicable 'Maximum Court Penalty' stated in Schedule 1 to this Local Law, or if no penalty is stated, a penalty of not more than twenty (20) penalty units;
 - (b) for a continuing offence, a further penalty of two (2) penalty units for each day the contravention continues after being found guilty of a related offence (to a maximum penalty of twenty (20) penalty units); and
 - (c) for a second or subsequent offence, a penalty of twenty (20) penalty units
- (3) As an alternative to prosecution for an offence, a **person** may be served with an Infringement notice under clause 8.7.



8.8. Infringement notices

- (1) If 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.
- (2) An offence against this Local Law is an infringement offence within the meaning of the *Infringements Act 2006*.
- (3) Unless clause 8.8(4) applies, the penalties fixed for infringement notices are set out in Schedule 1 under 'Infringement Notice Penalty', or if no penalty is fixed, the penalty is one (1) penalty unit.
- (4) Any infringement notice issued in respect of **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 of this Local Law is liable to an infringement penalty half that specified in Schedule 1 under 'Infringement Notice Penalty'.

Part 9

Permits

This part establishes the clear, required process for applying for, receiving, and managing any permit issued under this Local Law. It ensures a fair and consistent approach by setting out application requirements, conditions for approval (including bonds), reasons for cancellation, and the process for granting exemptions.





9.1. Permit requirements

- (1) A **person** who makes an application for a permit must:
 - (a) lodge an application in a form prescribed by **Council** from time to time with **Council** or an **Authorised officer**; and
 - (b) pay the appropriate application fee.
- (2) **Council** or an **Authorised officer** may require an applicant to provide additional information before further considering an application for a **permit**.
- (3) **Council** or an **Authorised officer** in its, or their absolute discretion may issue a **permit** with or without conditions or refuse to issue a **permit**.
- (4) **Council** must keep a register of permits.
- (5) 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.
- (6) In deciding to grant a **permit**, **Council** or an **Authorised officer** 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.
- (7) Where a **security bond** is required under clause 9.1(6), the **security bond**:
 - (a) may be retained by **Council** to offset the costs of remedying any breach of a condition of a **permit** or contravention or failure to comply with this Local Law, or for repairing any damage caused by the permit holder in connection with the conduct of the activities under the **permit**;
 - (b) may be refunded to the **person** who paid it if **Council** or an **Authorised officer** determines, on completion of the activities under the **permit**, that remedy or repair under clause 9.1(7)(a) is not required; and
 - (c) must be supplemented by a further payment if **Council** or an **Authorised officer** determines that the amount of the **security bond** is insufficient to meet the anticipated cost of any remedy or repair that may be required under clause 9.1(7)(a) and makes a demand for such payment in writing.
- (8) If after twelve (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.



Council develops additional policies and guidelines to add clarity and detail to this Local Law. These documents explain how permits are assessed, approved, and enforced, ensuring the process consistently follows the principles and requirements set out in this Local Law.



9.2. Considering applications

- (1) In considering an application for a **permit**, **Council** or an **Authorised officer** may consider:
 - (a) any policy or guideline adopted by **Council** or anything contained in any procedure and protocols manual relating to the subject matter of the application for the **permit**;
 - (b) any submission that may be received in respect of the application;
 - (c) 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
 - (d) any other relevant matter.



9.3. Correction of permits

- (1) **Council** or an **Authorised officer** may correct a **permit** issued if the **permit** contains:
 - (a) a clerical mistake or an error arising from any accident, slip or omission;
 - (b) an evident and material miscalculation of figures; or
 - (c) an evident and material mistake in the description of any **person**, thing or property referred to in the **permit**.
- (2) **Council** or the **Authorised officer** must note the correction in the register of permits.



9.4. Cancellation or amendments of permits

- (1) **Council** or an **Authorised officer** may cancel or amend any **permit** if it contains, or there has been:
 - (a) a material misstatement or concealment of facts in relation to the application for the **permit**;
 - (b) any material mistake in relation to the issue of the **permit**;
 - (c) any material change of circumstance which has occurred since the issue of the **permit**;
 - (d) a failure to comply with the conditions of the **permit** that was issued; or
 - (e) a failure to comply with a Notice to Comply within the time specified in the Notice to Comply.
- (2) **Council** or the **Authorised officer** must notify the holder of a **permit** of the 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.

- (3) If **Council** or the **Authorised officer**, after considering any written submission made by the permit holder, determines to cancel or amend the **permit**, **Council** or the **Authorised officer** must note that cancellation or amendment in the register of permits.



9.5. Exemptions

- (1) In addition to any other exemptions provided elsewhere in this Local Law, **Council** or an **Authorised officer** may, by written notice, exempt any **person** or class of persons from the requirement to obtain a **permit** or otherwise comply with any part of this Local Law, either generally, at specified times or subject to specified conditions.
- (2) An exemption under clause 9.5(1) may be granted upon application by a **person** seeking an exemption or at the volition of **Council** or an **Authorised officer**.
- (3) **Council** or an **Authorised officer** may require an applicant for an exemption to provide additional information before dealing with an application for an exemption.
- (4) A **person** must comply with any conditions of an exemption from the requirement to obtain a **permit**.



9.6. Appeals

- (1) A **person** may request **Council** or an **Authorised officer** to review a decision to issue a **permit**, notice to comply or direction to that **person** under this Local Law.
- (2) A review will be conducted within 90 days of receipt of the request.
- (3) The **person** requesting the review will be notified of the outcome in writing.
- (4) 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.



Schedule 1

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

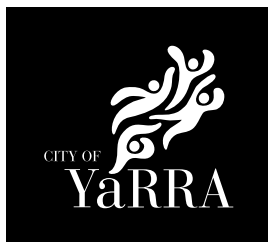
For offences with no fixed penalty unit, Part 8 – Administration and Enforcement, clause 8.8(3) takes effect.

Clause	Description of Offence	Infringement Notice Penalty	Maximum Court Penalty
Part 2 – Looking after your property			
2.2	Overhanging vegetation	2	20
2.3	Significant trees	7	20
2.4	Unsightly property	2	20
2.5	Fencing and securing of land	2	20
2.6	Storage and repairs	4	20
2.10	Hard waste	3	20
2.11	Commercial trade waste bins	2	20
2.12	Collection of commercial trade waste bins	2	20
2.13	Storage and screening for bins	2	20
2.14	Deliveries to commercial premises	2	20
2.15	Awnings and verandahs for advertising	2	20
2.16	Open air burning	2	20
2.17	Bees and wasps	2	20
Part 3 – Activities on Council land			
3.1	Outdoor dining, goods displays and advertising signs	2	20
3.2	Roadside trading	2	20
3.3	Street collections, spruiking and distribution	2	20
3.5	Commercial fitness activities	2	20
3.6	Commercial dog walkers	2	20
3.7	Charity or clothing bins	2	20
3.8	Electoral and political advertising or campaigning	2	20
3.9	Other activities on Council land	2	20
3.11	Events, festivals and filming	2	20

Clause	Description of Offence	Infringement Notice Penalty	Maximum Court Penalty
Part 4 – Vehicle, roads and footpaths			
4.6	Vehicle crossings	3	20
4.7	Skip bins	3	20
4.8	Obstructions and hazards	2	20
4.9	Shopping trolleys	5	20
4.10	Spoil on roads	5	20
4.11	Occupation of roads, footpath or Council land	5	20
4.12	Damage to Council assets	5	20
4.13	Loading or unloading	2	20
4.14	Maintenance of drains	2	20
4.15	Connecting to Council drainage	2	20
4.16	Building over drains	2	20
Part 6 – Building works			
6.1	Asset protection permit	5	20
6.2	Building works	5	20
6.3	Spoil from building sites	3	20
Part 8 – Administration and enforcement			
8.2	Notice to comply	2	20
8.7	Offences	2	20







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