

Community Local Law – Frequently Asked Questions

What is a 'Local Law' and why do we need one?

Local laws are designed to secure community safety, protect public assets and enhance neighbourhood amenities, to make visiting, working or living in the City of Whittlesea 'A Place For All'. Local laws cover a range of diverse topics - from unsightly land, fire safety, animals, roadside reserves and footpath trading to planting on nature strips and building sites. The Local Law also helps you understand your rights and responsibilities and empowers Council to respond to local issues to protect public and private space as well as the community's health and safety.

All Councils have a Local Law that is designed to:

- protect community safety and neighbourhood property
- protect our natural environment
- improve access and enjoyment of public places for the community's benefit
- provide accountability and enforcement of incorrect community behaviour to benefit all residents in our community.

Where is it set out that the Council can make Local Laws?

Council has a legislative obligation under the [Local Government Act 2020](#) to review our Local Law every 10 years to ensure it continues to meet the needs of the community and address any new or emerging issues.

The current Local Law is set to expire on **31 December 2024**. This means that it will no longer be valid or enforceable. As such, a new Local Law must be made and will be known as the Community Local Law.

What is the process for making a Local Law?

The process for making a local law is that the Council must first give public notice of its intent to make a local law. Council should then consider any written submissions received before its final decision. Submitters must be given an opportunity to speak in favour of their submissions.

It should also be noted that a local law cannot be inconsistent with any Act or regulation of state or federal government, or the City of Whittlesea Planning Scheme.

Council has made the decision to develop a new Community Local Law through extensive review and consultation with staff and the community. This will allow us to make significant improvements to make it a more readable streamlined document and ensure that it does not duplicate other legislation.

What consultation took place in 2022?

To inform the preparation of a draft for the final Community Local Law Council the process included

- Internal Review and Consultation Oct 2022- January 2023
- Community Engagement and input (round 1) 20 January to 20 March 2023
- Draft new Community Local Law March – June 2023
- Community Engagement and input (round 2) 29 June to 13 August 2023
- Endorsement and transition of the new Community Local Law from August 2023 to July 2024

The purpose of this engagement was to gain an understanding of what matters to the community regarding safety and amenity, and how important it is for Council to monitor those activities. The engagement activities undertaken included face-to-face pop-up listening posts, meetings with Council's Advisory Committees and other external partnership committees (Liquor Accord) and an online survey through Council's engage page webpage.

The findings of the community engagement for Local Laws are found [Engage City of Whittlesea](#)

What are the main objectives of the Local Law?

The objectives of the new *Community Local Law* are:

- protect community safety and neighbourhood amenity
- protect public assets and infrastructure, and the built and natural environment
- enhance the use, access and enjoyment of public places for the community's benefit
- provide for the fair administration of Council's powers and functions and
- revoke the *General Municipal Law 2014*

What are the main areas covered in the new Local Law?

The new community Local Law will cover the following areas.

<ul style="list-style-type: none"> • Your property • Fire safety • Your animals • Vehicles and roads • Your business 		<ul style="list-style-type: none"> • Building and asset protection • Alcohol, smoking and vaping • Municipal places and reserves • Council buildings • Permits, administration and enforcement
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What can happen to those who break the Local Law?

Council's authorised officers are able to warn, or to issue notices to comply or infringement notices, or to prosecute in the Magistrates Court. The Local Law sets out applicable fines.

Notices issued by authorised officers will set out the processes to be followed by each party, including rights of appeal. It is very important that any enforcement action and appeals received are managed strictly in accordance with the Law.

Local Law - help in your language

If you speak a language other than English and need help understanding a Council matter, letter, report, or other correspondence, you can contact Telephone Interpreting Service on **13 14 50**. The Telephone Interpreting Service will coordinate a three-way telephone conversation, where Council Customer Service Officers will be able to provide assistance through an interpreter.

Why are you updating and changing the Local Law?

There is a review of the Local Law every ten years to ensure it meets the community's needs. The Community Local Law 2024-2034 takes effect from 1 July 2024. A comprehensive Local Law aimed at addressing a wide range of critical community issues that our community told Council about during consultation. These updates include fire safety, animal welfare, property regulations, vehicle management, and public behaviour. The new Community Local Law will help Council respond to issues and community needs within a local context. The new law has been simplified to make it easier for residents to read and understand. Council will be helping the community to understand what has changed and how it impacts them.

How long will the new Community Local Law remain in place?

The Community Local Law will have a 10-year life span unless it is revoked sooner or reviewed and renewed to remain valid.

For further information

To help you understand the Community Local Law changes 2024-2034, visit engage.whittlesea.vic.gov.au/LocalLawReview or www.whittlesea.vic.gov.au/LocalLaw

How can I find out more information or ask any questions?

For further information or to ask a question, contact the Local Laws – Compliance Officer, on (03) 92172170 email LocalLawReview@whittlesea.vic.gov.au or visit engage.whittlesea.vic.gov.au/LocalLawReview

State Government Local Law information

[Local laws \(localgovernment.vic.gov.au\)](https://localgovernment.vic.gov.au)

Legislation relating to local laws

- Local Laws – Local Government Act 2020, Division 3 of Part 3 (sections 71 to 87).
- Meeting procedure local laws under 1989 Act continue to apply until Governance Rules made – Local Government Act 2020 (section 60(8)).
- Community engagement policy and principles – Local Government Act 2020 (sections 55 and 56).
- Local law penalty units under the 1989 Act – Sentencing Act 1991 (section 110(2)).
- (Note although this section (which set a local law penalty unit at \$100) has been repealed, it continues to apply to local laws made under the 1989 Act and still in effect – Local Government Act 2020 (section 71(7)).
- Local law penalty units under the 2020 Act – Sentencing Act 1991 (section 110(1)) and Monetary Units Act 2004 (section 5(3)).
- Common seal and local laws – *Local Government Act 2020* (section 14(2)(b)).

Read the new Community Local Law at engage.whittlesea.vic.gov.au/LocalLawReview.

Vehicles and Roads

Questions	Detail
Can I drive or park my vehicle anywhere on Council land without a permit?	No, unless a specific area has been designated for that purpose, driving, riding, parking, or using any vehicle, including motorbikes and motorized recreational vehicles, without a permit is not allowed. This helps ensure safety and proper use of public spaces.
Are there restrictions on using motorbikes or other recreational vehicles in built-up areas?	Yes, unless you're directly accessing or leaving a property, using motorbikes or other recreational vehicles in built-up areas on land other than Council land or a road without a permit is prohibited.
Can I leave my vehicle on Council land temporarily or permanently?	No, leaving any derelict, abandoned, or unregistered vehicle on any road or Council land, whether temporarily or permanently, is not allowed. This helps maintain the cleanliness and safety of our community spaces.
What should I do if I need to repair my vehicle or display it for sale?	leaving any derelict, abandoned, or unregistered vehicle on any road or Council land is not allowed. This helps maintain the cleanliness and safety of our community spaces.
Are there restrictions on storing heavy or long vehicles?	Yes, there are regulations in place to ensure responsible vehicle storage. Owners or occupiers of land should not keep more than one heavy or long vehicle, except in a shed. Also, trailers, caravans, or machinery should not be stored on nature strips or roads for extended periods without a permit. These rules help maintain the aesthetics and safety of our neighbourhoods.

Fire Safety

Questions	Detail
What constitutes a fire hazard according to the updated local law?	Fire hazards include undergrowth, scrub, bracken, fern, weeds, stubble, grass (whether alive or dead), litter, or any other materials deemed hazardous by an Authorized Officer.
When do I need to maintain grass, stubble, weeds, and other materials on my land?	Between November and March of any year, it's required to keep grass, stubble, weeds, etc., on vacant land to a height not exceeding 10 centimetres.
What happens if I don't comply with fire prevention measures?	Failure to comply with fire prevention measures may result in a penalty of 20 penalty units. Additionally, the Council may enter your land and remove hazardous materials at your expense.
Can I light a fire on a Total Fire Ban Day?	No, it's prohibited to light or allow a fire to remain alight on Total Fire Ban Days or during smog alerts.
Do I need a permit for open-air burning on land less than 20,000m ² ?	Yes, except for cooking food outdoors, you need a permit to light or burn fires on land less than 20,000m ² .
Are there any exceptions to the open-air burning restrictions?	Yes, exceptions include properly constructed cooking appliances, heating devices, authorized burning for reserve maintenance, fire agency activities, and exemptions granted by an Authorized Officer in emergencies.
Can I use an incinerator on my land?	No, the use of incinerators on any land within the municipality is prohibited.
What materials am I prohibited from burning?	You must not burn green or wet materials, rubber, plastic, furnishings, household waste, industrial waste, electronics, or any offensive, noxious, or toxic matter.

Rubbish and Littering

Questions	Detail
What is considered contaminated material?	Contaminated material includes any items that could compromise recycling efforts. Please avoid placing such items in your domestic waste bin to support effective waste management.
When should I put my bins out for collection?	Bins should be placed out for collection on the nature strip or road closest to your premises on the designated collection day. Do not leave bins out for more than one day before or after the collection day
Where can I place my hard waste for collection?	Follow Council guidelines for placing hard waste out for collection. Do not put hard waste on nature strips or Council land without approval from a Council officer or as part of an authorized waste program.
Can I interfere with or remove hard waste left out by others?	No, unless you are employed, authorized, or contracted by the Council, please do not interfere with or remove hard waste left out by others.
How should I handle commercial or trade waste?	Ensure that commercial or trade waste is contained properly in watertight, fly and pest-proof vessels. Display a notice indicating the type of waste, empty it regularly, and do not store it on Council land or road without a permit.
Can I deposit commercial waste in public waste or domestic waste bins?	No, it is not permitted to deposit commercial waste in public waste or domestic waste bins. Use appropriate channels for commercial waste disposal.

Animals

Questions	Detail
Can I keep any large animals on my property without a permit?	No, you must obtain a permit to keep large animals like deer or elk. Exotic, wild, or dangerous animals need special permission or must adhere to state or federal legislation.
What happens if I exceed the permitted number of animals on my property?	Council may impound animals exceeding the permitted number stated in the local law. Owners have 14 days to claim impounded animals, but if a breach continues, Council may retain the animal.
What are the requirements for animal housing on my property?	Animal housing must be kept clean, safe, and free from materials that attract pests. This ensures the welfare of animals and prevents nuisances in the community.
Can animal noise or smells cause issues for neighbours?	Animal owners must prevent offensive noise, smell, or discharge that disturbs neighbours' comfort. This helps maintain peace and harmony in the neighbourhood.
How should I handle animal excrement in public areas?	Owners must promptly clean up and dispose of animal excrement on roads, footpaths, or parks. Carrying suitable litter devices and burying deceased animals are also required to maintain cleanliness and prevent hazards.
Do I need to ensure my property is adequately fenced for animals?	Yes, property owners must prevent animals from escaping by maintaining adequate fencing. This ensures safety for both the animals and the community.
What is an Animal Management Plan?	An Animal Management Plan outlines responsibilities for dog owners, ensuring compliance with regulations to promote safety and responsible pet ownership.
How can I prevent dog attacks on my property?	Property owners must secure their land to prevent dog attacks. This helps protect people and other animals from harm.