

DRAFT
City of Whittlesea
Community
Local Law 2024

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City of
Whittlesea

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Introducing the Community Local Law 2024

All Councils in Victoria are required to have a Local Law to keep people safe, protect the natural environment, improve access and enjoyment of public places and respond to poor behaviour.

The City of Whittlesea Community Local Law 2024 is designed to complement State and Federal Laws and aims to strike the right balance between personal freedom and community responsibility, to help people live harmoniously in their local community.

The Community Local Law aims to keep pace with our fast-growing community and their changing expectations. This Law addresses issues which have emerged in recent years including the use of recreational fire pits, nature strip maintenance, managing long-term parking of trailers, caravans and boats on Council land, dumping

of rubbish, managing derelict and dilapidated buildings, dumped or abandoned shopping trolleys, managing dogs on sports fields and strengthening dog attack laws.

It was developed following extensive community consultation which included face-to-face, online, surveys, mail and at local events.

The Community Local Law been written in a way that will encourage community connectedness and belonging while protecting and enhancing the health and well-being of our community and that will ensure the City of Whittlesea is 'A Place For All'.

Our municipality

The City of Whittlesea is one of Melbourne's largest municipalities and is the proud home to a fast-growing and diverse community.

Located in the north of Melbourne, our municipality spans approximately 490 square kilometres with a mix of established suburbs, growth areas and rural communities.

By 2040, the City of Whittlesea's population is expected to increase by more than **60%** as we welcome around **8000** new residents each year.

To accommodate our new residents, the City of Whittlesea will see around 56,000 new homes built across the municipality. These will be made up of a mix of new housing types to meet our community's growing and diverse needs.

Our community is proud of its diversity. We have the second largest Aboriginal and Torres Strait Islander population in metropolitan Melbourne.

Adding to the rich culture of our municipality is a multicultural community so diverse that almost half of our residents speak a language other than English at home.

More and more families are calling the City of Whittlesea home with more than half of our households comprising of families with children. Every week, 62 babies are born into families living in the City of Whittlesea.

Our community's largest age group is aged 35-59 followed by 18-34-year-olds. People aged over 60 years make up 16 per cent of our population.

Our community

Council has captured the priorities and values of people living in the City of Whittlesea's established, growth and rural areas based on extensive feedback from people across the municipality.

Council also considered relevant demographic data about our community and other feedback received through broader engagement. Priorities differ across areas and precincts and reflect the wide-ranging community aspirations addressed in this Local Law.

At the City of Whittlesea, we are proud of our diversity and the many cultures, faiths and beliefs that make up our community. We strive to be an inclusive welcoming City that fosters active participation, wellbeing and connection to each other and this land. We commit as a Council to making informed decisions to benefit the people of the City of Whittlesea now and into the future, to support our community's vision of *A Place For All*.



Population

236,569¹

2020



270,998²

2025



382,439²

2040



34,000

additional residents in the next five years

Dwellings

71,013¹

2016



93,924²

2025



134,496²

2040



2500

additional dwellings per year (average)

Part 1

Preliminary

1.1 Title

This Local Law is called the *City of Whittlesea Community Local Law 2024*.

1.2 What are the objectives of this Local Law?

The objectives of this Local Law are to:

- (a) encourage and promote community connectedness and belonging
- (b) promote a physical and social environment that is safe, healthy and accessible in which the residents of, and visitors to, the City of Whittlesea can enjoy a quality of life that meets the general expectations of the community
- (c) improve the quality of the municipality's buildings and streetscapes
- (d) control, protect, and enhance the natural environment and heritage and maintain the amenity of the municipality
- (e) encourage participation and involvement in recreation, recognising the benefits this brings to the community and individual wellbeing
- (f) encourage and support community, sporting and other recreation-based community groups in the municipality
- (g) ensure the protection of **Council assets**, public places, **Council land** and the sustainable use of resources
- (h) foster vibrant and prosperous business
- (i) regulate the number and manner of keeping of animals on land and protect the environment and cultural heritage of the City of Whittlesea and provide for the peace, order and good governance of the municipality.

1.3 What authorises this Local Law?

This Local Law is made under the provisions of section 71 of the *Local Government Act 2020* and section 42 of the *Domestic Animals Act 1994*.

1.4 When does this Local Law commence?

This Local Law commences on 1 June 2024. Unless sooner revoked, this Local Law will cease to operate 10 years after the date on which it commenced. Upon this Local Law becoming operative, the *General Municipal Law 2014* is revoked.

1.5 To what part of the municipality does this Local Law apply?

This Local Law applies to the whole of the municipality, except where it is apparent from its wording that a clause or provision applies to a specific area.

1.6 Are there any exemptions from this Local Law?

The **Council** may prescribe specified persons, premises or areas within the municipality to be exempt from a provision of this Local Law for a specified time and on specified conditions.

1.7 Penalty Units

Penalty units determine the amount a person is fined when they commit an infringement offence. Penalties for contravention of this Local Law will amount to the value of a penalty unit as per the *Monetary Units Act 2004* which is indexed on 1 July every year. The maximum penalty for any Local Law infringement is 20 penalty units.



i Council may prepare operational guidelines for the purposes of assisting Council officers in the administration and enforcement of this Local Law.

Reference is also made throughout this Local Law to the following **Acts**, Regulations, Rules and other documents, as amended from time to time, but these documents are not incorporated by reference into this Local Law:

1. *Building Act 1993*
2. *Country Fire Authority Act 1958*
3. *Crown Land (Reserves) Act 1978*
4. *Domestic Animals Act 1994*
5. *Environment Protection Act 2017*
6. *Fire Rescue Victoria Act 1958*
7. *Infringements Act 2006*
8. *Liquor Control Reform Act 1998*
9. *Local Government Act 1989*
Local Government Act 2020
10. *Monetary Units Act 2004*
11. *Planning and Environment Act 1987*
12. *Public Health and Wellbeing Act 2008*
13. *Road Management Act 2004*
14. *Road Safety Act 1986*
15. *Road Safety Rules 2017*; and
16. *Sentencing Act 1991*.

If a provision of any document incorporated by reference, or referred to, in this Local Law is inconsistent with any provision in this Local Law the provision in this Local Law prevails.

DISCLAIMER: Where the **i** appears throughout this document, please note that these are explanatory notes or examples and do not form part of the Local Law.




1.8 Definitions

In this Local Law, unless the context or subject matter indicates otherwise, definitions are as in the *Local Government Act 2020* indicated by the words ‘as in the Act’.

The words identified in **bold** throughout this Local Law are intended to have the following meaning:

Words and phrases	Meaning or extended meaning
Abandoned vehicle	has the same meaning as described in Schedule 11 of the <i>Local Government Act 1989</i> .
Act	means the <i>Local Government Act 2020</i> .
Appeals officer	means an officer of the Council appointed to the role of Appeals Officer by the Chief Executive Officer.
Asset	includes any road, drain, infrastructure, vehicle crossing, vegetation (including street trees) or other property owned, vested in or under the management of Council.
Authorised officer	means an officer authorised by Council under section 224 and 224A (members of Victoria Police) of the <i>Local Government Act 1989</i> .
Barbecue	includes a structure, device or contraption capable of being used for the cooking of food outdoors.
Builder	means a person who has been nominated as the builder on a building permit and, if no building permit has been issued, the person in charge of building work being carried out.
Building site	means any land on which building or excavation works are being, or are proposed to be, carried out.
Building work	has the same meaning as in the <i>Building Act 1993</i> .
Built up area	has the same meaning as in the <i>Road Safety Road Rules 2017</i> .
Busk (busking)	includes to perform to the public, whether by acting, juggling, dancing, singing, mime, statue, drawing, playing a musical instrument or otherwise entertaining passers-by, with or without reward.
Camp (camping)	includes the occupation or use of a tent, makeshift structure, caravan, campervan, moveable dwelling or any other vehicle (including under the vehicle) for sleeping all or part of a night or as temporary accommodation but excludes brief ‘power napping’ in a vehicle beside a highway for one hour or less.
Camping area	means any land within the municipal district that has been declared by the Council or other public authority to be a ‘camping area’ for the purposes of this Local Law.
Caravan	includes a mobile home or moveable dwelling.
Chief Executive Officer	means the person appointed by the Council to be its Chief Executive Officer or any person acting in that position (as in the Act).
Council	means City of Whittlesea.
Council land	means all land: a. owned, leased, managed or occupied by Council; or b. vested in or under the control of Council or which it has a duty to maintain
Domestic bird	means a small bird such as a canary, finch, budgerigar or the like that is kept in a cage or aviary but excludes a large and/or noisy bird capable of causing disturbance and discomfort to neighbours, and, for the purposes of the table of numbers and types of animals.
Drive livestock	means a single driving of livestock in or through the municipal district, or from one location to another for the purpose of changing the grazing area, or for the purposes of sale or relocation after sale but excludes the grazing of livestock.

Words and phrases	Meaning or extended meaning
Dwelling	includes a building used as a self-contained residence which a kitchen sink, food preparation facilities, a bath or shower and a closet pan and wash basin and includes out-buildings and works normal to a dwelling.
E-cigarette	has the same meaning as in the <i>Tobacco Act 1987</i> .
Event	means an extraordinary and temporary organised activity where people gather.
Fire Danger Period	has the same meaning as in the <i>Country Fire Authority Act 1958</i> .
Heavy vehicle	has the same meaning as in the <i>Road Safety Act 1986</i> .
Hoon event	includes one or more vehicles being driven in a manner involving either: the loss of traction, racing, time trials or by which undue noise or smoke is caused.
Incinerator	has the same meaning as in the <i>Country Fire Authority Act 1958</i> .
Large and/or Noisy bird (including a rooster)	means, in relation to the keeping of an animal, any large and/or noisy bird capable of causing a disturbance or discomfort to neighbours particularly by noise, such as a cockatoo, macaw, peacock, large parrot, pheasant, rooster, turkey, goose or other similar-sized bird or any other noisy bird regardless of size, but excludes poultry, a domestic bird, a pigeon or other small non-noisy bird.
Licensed premises	has the meaning as in the <i>Liquor Control Reform Act 1998</i> .
Livestock	includes horses, cattle, sheep, domestic bird, a large and/or noisy bird and poultry of any species.
Motor bikes and Motorised recreational vehicle	includes a motor vehicle, whether registered or unregistered, used for recreational purposes on any land (excluding a road) and includes, but is not limited to, the following motor vehicles: (a) motor vehicle with two (2) wheels, with or without a sidecar attached that is supported by a third wheel (b) a motor vehicle with three (3) wheels that is ridden in the same way as a motor vehicle with two (2) wheels; and (c) any other motorised, recreational vehicle including, but not limited to, mini-bikes, trail bikes, monkey bike, motorised scooters, motorised go-carts and quad bikes, but excludes: (a) a motorised wheelchair, or other aid used by a person with a disability or limited mobility; and (b) a motorised farm vehicle that is being used for farming purposes.
Municipal building	includes any building (and its grounds) owned, occupied, controlled or managed by the Council.
Municipal district	means the district under the local government of the Council (as in the Act).
Municipal place	includes any place within the municipal district that is owned, occupied or vested by the Council.
Nature strip	has the same meaning as in the <i>Road Safety Rules 2017</i> .
Nuisance	means a state, condition or activity which is or is liable to be dangerous to health or offensive.
Planning Scheme	means the City of Whittlesea Planning Scheme
Poultry	includes any fowl, bantam or duck (see ' <i>Large and/or Noisy bird (including a rooster)</i> ').
Procession	includes an organised group of people progressing along a road or gathering for a ceremony or function and includes a fun run and/or bicycle event.



Words and phrases	Meaning or extended meaning
Refuse facility	means, in relation to building works or a building site, a receptacle capable of retaining builder's refuse within a building site and preventing removal of the builder's refuse by unauthorised persons or by wind or rain.
Road	has the meaning ascribed to it in section 3 of the Act, as amended from time to time and includes a public highway (as in the Act): (a) a street; and (b) a right of way; and (c) any land reserved or proclaimed as a street or road under the <i>Crown Land (Reserves) Act 1978</i> or the <i>Land Act 1958</i> ; and (d) a public road under the <i>Road Management Act 2004</i> ; and (e) a passage; and (f) a cul de sac; and (g) a by-pass; and (h) a bridge or ford; and (i) a footpath, bicycle path or nature strip; and (j) any culvert or kerbing or other land or works forming part of the road.
Sell (selling)	means to offer, negotiate, accept or undertake an exchange of goods or services for consideration and includes to barter or exchange, to agree to sell, to offer or display for sale, to have or keep goods in possession for the immediate purpose of sale rather than storage, to use any machine or mechanical device for the purpose, and to direct, cause or attempt any of these things.
Service authority	means an entity (whether publicly or privately owned) which provides or intends to provide emergency services, water, sewerage, drainage, gas, electricity, telephone, telecommunications or like services under the authority of an Act of Victoria or the Commonwealth.
Smoke	means to: (a) smoke, hold or otherwise have control over an ignited tobacco product (b) light a tobacco product; or (c) use an e-cigarette to generate or release an aerosol or vapour.
Smoke free area	means any area prescribed by Council as 'smoke free' or 'non-smoking'.
Total Fire Ban	has the same meaning as in Section 40 of the <i>Country Fire Authority Act 1958</i> .
Trade waste	means any waste, refuse, slops or other matter arising from or generated by any trade, industry or commercial undertaking.
Trailer	has the same meaning as in the <i>Road Safety Rules 2017</i> .
Urban zone	means land zoned 'urban' under the Planning Scheme.
Vehicle crossing	includes the crossover or the constructed surface between the road pavement to the property boundary for vehicle access, including any footpath section, crossing culverts, kerb and channel or layback.
Waffle pods	includes polystyrene or foam slabs, used in the construction of concrete slabs on building sites.
Waste	has the meaning ascribed to it in section 3 of the <i>Environment Protection Act 2017</i> .



Part 2

Your property

This part sets requirements which aim to ensure that the appearance of buildings in the municipality are consistent with an image of the municipality that is safe, attractive and well maintained. This part also covers activities that may affect the environment of the neighbourhood including waste collection.

2.1 Displaying address numbers

The owner or occupier of land that has been allocated an address number must ensure that:

- (a) the address is marked with the allocated number
- (b) the numbers are of a sufficient size and free from obstructions so that they can be clearly read under normal lighting conditions from the **road**
- (c) in the case of land on which flats or units are situated, the allocated address number for a flat or unit is displayed on or near the front door or clearly visible and readable under normal lighting conditions from the **road** or driveway on which the land has its frontage; and
- (d) in the case of an address in a rural zone, the numbers are reflective.

Penalty: 5 penalty units

i Council or an **authorised officer** may allocate an address number to any land in the **municipal district** and, from time to time, may make changes to any address number.

2.2 Dilapidated building and land

- (1) The owner or occupier of any land must not allow a building located on the land to become dilapidated so that the features of the building are not reasonably maintained.

Penalty: 20 penalty units

- (2) For the purposes of subclause (1), circumstances in which a building on land becomes dilapidated include any of the following:
 - (a) the exterior of the building, including any fencing on the land, being in a state of disrepair and having been damaged or defaced so as to:
 - i. affect the visual amenity of the property; or
 - ii. cause the building to be out of conformity with the general standard of appearance of other buildings in the vicinity of the land
 - (b) architectural features, including painting, cladding, roofing of the building not being properly maintained; or
 - (c) a building or other structure with or without a building permit that remains incomplete; or
 - (d) the building to become unfit for occupation or normal use; or
 - (e) the building having been damaged by fire or storm or other natural **event**.

- (3) The owner or occupier of land that is considered dilapidated in accordance with this clause must not allow:
- (a) the building or other structure or land to become unsightly or detrimental to the amenity of the area in which it is located; or
 - (b) a noxious weed to grow on the land; or
 - (c) vegetation growth of more than 20 centimetres in height on the land if the land is located in an urban or commercial zone; or
 - (d) unconstrained refuse, rubbish, rubble, demolished or discarded materials from **building work** or other matter to accumulate on the land so as to constitute a hazard to the health or safety of any person, or environment; or
 - (e) must not allow any graffiti to remain on any building, wall, fence, post or other structure or object erected on that land.

Penalty: 20 penalty units

- (4) The owner or occupier of any land will commit a new offence under subclause 2.2(1) for every month that the breach continues, unless effective works have been undertaken to remedy any breach.

Penalty: 20 penalty units

2.3 Unsightly land

An owner or occupier of any land must ensure that any structure on the land:

- (a) is not unsightly or detrimental to the general amenity of the neighbourhood; or
- (b) does not give the appearance of neglect through accumulation or hoarding of rubbish, **waste** or other materials; or
- (c) does not constitute a danger to health or property; or
- (d) does not constitute a fire hazard; or
- (e) is not used or kept in any manner that may cause a **nuisance** or become detrimental to the amenity of the neighbourhood; or
- (f) is not a haven for vermin or any noxious weed.

Penalty: 20 penalty units

2.4 Dangerous land

- (1) An owner or occupier of any land must take all reasonable steps to secure the building and land from unauthorised access, including, if required, filling in excavation, shoring works, erecting secure fencing, boarding up, use of more adequate locks and any other security option.

Penalty: 15 penalty units

- (2) An owner or occupier of any land must take reasonable steps to prevent or remedy the land from being a haven for regular anti-social or unlawful behaviour by unauthorised persons.

Penalty: 15 penalty units

- (3) An owner or occupier of any land must maintain any building on that land or part of that land in a state of good repair and appearance not to the detriment of the amenity, including undertaking temporary repairs as required to ensure on-site safety and security and to avoid the appearance of neglect.

Penalty: 15 penalty units

- (4) An owner or occupier of any land will commit a new offence under this clause for every month that the breach continues unless effective works have been undertaken to remedy any breach.

Penalty: 20 penalty units

- (5) For the purposes of subclause (1), circumstances in which a building or land is dangerous, or likely to cause danger to health or property, include when the land has upon it any of the following:
- (a) any substance, materials or equipment that is dangerous, or is likely to cause danger to health or property; or
 - (b) an unsecured hole or excavation; or
 - (c) an unsecured building that is in a state of disrepair, causing it to be dangerous to health or property; or
 - (d) a haven for vermin or any noxious weed; or
 - (e) any unsecured dangerous thing likely to be an attraction to children.

2.5 Roadsides and nature strips

- (1) The owner or occupier of any land abutting the **nature strip** must maintain the **nature strip** by regularly mowing, weeding and picking up any litter.

Penalty: 10 penalty units

- (2) The owner or occupier of any land abutting the **nature strip** must not cause or allow the **nature strip** to be kept in a manner which:

- (a) is unsightly or detrimental to the general amenity of the neighbourhood
- (b) has on it rubbish, **waste** or other materials giving the appearance of neglect
- (c) has on it hard **waste** and second hand goods, for sale, for free or for collection by another person
- (d) is unsafe or hazardous to pedestrians and other **road** users including the placement of rocks, pickets and other solid objects.

Penalty: 10 penalty units

- (3) In accordance with **Council's Nature Strip** Garden Guidelines, the owner or occupier of any land must not without a permit:

- (a) cause or allow the modification by landscaping, cultivation, excavation or planting of vegetation, except for grass, to a **nature strip**; or
- (b) in a rural area, cause or allow the modification by landscaping, cultivation, excavation to the natural land form of a roadside or remove any native vegetation.

Penalty: 10 penalty units

- (4) The owner or occupier of any land must not cause or allow the modification of a **nature strip** unless in accordance with the conditions of a permit.

Penalty: 10 penalty units

- (5) Mowing or slashing a **nature strip** is excluded from subclause (1).



- i** For the purposes of assessing whether the condition of the land abutting the **nature strip** is deemed to be unsightly or detrimental to the general amenity of the neighbourhood in subclause 2.4(2), if the land has upon it any of the following:

- a. grass or weeds present on the land which exceed 20 centimetres in height
- b. uncontained rubbish, construction, excavation or demolition material
- c. excessive **waste** or other materials
- d. disused or parts of machinery or vehicles
- e. more than one unregistered vehicle outside of shedding
- f. graffiti that remains on the premises, unless any **Act** or Regulation relating to graffiti permits such graffiti to remain on the land for a longer period
- g. shipping containers, unless they have a permit or other authority given by the **Council**
- h. any other item or thing as determined by an **authorised officer**.

2.6 Occupation of Council land or roads

- (1) A person must not, without a permit given by the **Council**, occupy or allow to be occupied any **Council land** or any **road** for any use including excavation, landscaping, cultivation, planting, building, erection of structures, installation of recreation facilities, fencing, storage of vehicles or goods of any kind.

Penalty: 15 penalty units

- (2) A person must not without a permit or other written authority given by the **Council**, cause or allow the interference or damage to a roadside or **nature strip**, including but not limited to:
- (a) removal of vegetation or soil, except to replace soil or planting of grass to a **nature strip**
 - (b) driving on or parking a vehicle or machinery
 - (c) hoarding or storage of building or other materials.

Penalty: 15 penalty units

- (3) A person who commits an offence under subclause (1) must remove and rectify any change made to **Council land** or any **road** as a result of the unauthorised occupation within the time stipulated by an **authorised officer**.

Penalty: 20 penalty units

- (4) If a person fails to remove and rectify any change to **Council land** or any **road** under subclause (2) the **Council** may remove and rectify the change and recover the cost of the removal and rectification from the offender.
- (5) A person employed, contracted or authorised by the **Council** for the purpose is exempted from subclauses (1), (2) and (4).
- (6) Mowing, weeding or slashing a roadside or **nature strip** is excluded from subclause (1).

2.7 Use of domestic waste bins

i The following clauses apply to the owner or occupier of every **dwelling** or other land to which the **Council** provides a **waste** collection service.

- (1) All domestic **waste** and recyclables must be placed in an appropriate bin in connection with the **waste** collection service.

Penalty: 20 penalty units

i **Council** may alter the shape, volume, quantity and colour of the bin bodies at any time.

- (2) The owner or occupier of every **dwelling** or other land to which the **Council** provides a **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
 - (b) ensure that each domestic **waste** bin is not overfilled thereby preventing the lid from being completely closed down
 - (c) not cause damage or destroy any domestic **waste** bins; and
 - (d) not place any contaminated material in a domestic **waste** bin.

Penalty: 15 penalty units

- (3) The owner or occupier of every **dwelling** or other land to which the **Council** provides a **waste** collection service must not after receiving one initial written warning place any contaminated material in a domestic **waste** bin or other **Council**-approved bin.

Penalty: 15 penalty units

2.8 Collection and storage of domestic waste bins

The owner or occupier of every **dwelling** or other land to which the **Council** provides a **waste** collection service must:

- (a) place the domestic **waste** bins out for collection on the **nature strip** or **road** closest to the premises
- (b) not leave any domestic **waste** bin out for collection more than one (1) day before or one (1) day after a designated collection day

- (c) ensure that the domestic **waste** bin does not interfere with the free movement of pedestrian or vehicular traffic or impede the collection of **waste**
- (d) not remove, add or interfere with any domestic **waste** bin or its contents left out by any other person on a **road** or on **Council land** for collection, unless employed, authorised or contracted by the **Council** for the purpose.

Penalty: 10 penalty units

2.9 Hard waste

The owner or occupier of every **dwelling** or other land to which the **Council** provides a hard **waste** collection service must:

- (a) place out for collection any hard **waste** in a manner set by the **Council**
- (b) not place out for collection any hard **waste** on a **nature strip** or **Council land**, except where approved to do so by an officer of **Council** or part of an authorised **waste** program of **Council**
- (c) not remove, add or interfere with any hard **waste** left out by any other person, unless employed, authorised or contracted by the **Council** for the purpose.

Penalty: 15 penalty units

2.10 Commercial waste

- (1) The owner or occupier of any land must ensure that any commercial or **trade waste** is:
- (a) kept contained in a vessel/container constructed of water-resistant materials, that is watertight and fly and pest proof
 - (b) emptied before it overflows but at least every seven (7) days
 - (c) maintained and kept in a clean condition and free from offensive odours
 - (d) identified by displaying a notice indicating the type of **waste** material which may be deposited and states that it is an offence to deposit material not listed in the notice
 - (e) not stored or placed on **Council land** or **road** without a permit.

Penalty: 15 penalty units

- (2) A person must not deposit commercial **waste** in a public **waste** or domestic **waste** bin.

Penalty: 15 penalty units

2.11 Public waste bins

- (1) A person must not deposit any domestic **waste** or recyclables or any other **waste** material of any kind which has been generated in or from any **dwelling** in a public **waste** bin.

Penalty: 15 penalty units

- (2) A person may only place animal excrement in a public **waste** bin if it is wrapped in water-resistant material.

Penalty: 15 penalty units

2.12 Recreational camping on private and public property

- (1) Unless permitted under a **Planning Scheme** applicable to the land, the owner or occupier of any land must not, without a permit, allow any person to place or cause to be placed for the purpose of recreational **camping** or occupation, any tent, **caravan**, campervan or other moveable **dwelling** on that land, except:

- (a) on private property for a period of up to 28 days in any year, provided that sanitation and laundry facilities of a **dwelling** on the private property are available to the occupier of that tent, **caravan**, or other moveable **dwelling**
- (b) on unoccupied land in a rural zone for a period of up to 28 days in any year, and
 - i. all recreational **camping** equipment is removed when not being used or occupied
 - ii. not be unsightly and not constitute a **nuisance**
 - iii. not be for commercial purposes

Penalty: 15 penalty units

- (2) A person must not, without a permit, **camp** on any municipal **road**, municipal reserve or municipal place unless prescribed by **Council** as being a suitable for **camping**.

Penalty: 15 penalty units



2.13 Shipping containers

- (1) A person must not, without a permit, store, keep, repair or in any other manner use a shipping container on any land within the **municipal district**.

- (2) Unless permitted under the **Planning Scheme**, a person must not, without a permit place a shipping container on any land for a period longer than six months.

Penalty: 15 penalty units

- (3) Shipping containers placed on any land must not adversely impact the visual amenity of a neighbourhood.

Penalty: 15 penalty units

- (4) Subclause (1) does not apply to the **Council** or any person employed, contracted or authorised by the **Council** for the purpose.

2.14 Bee keeping and wasps

i In addition to the requirements of a permit issued under this Local Law, there are further requirements for the keeping of bees including the *Livestock Disease Control Act 1994* and Regulations, and all Victorian beekeepers are required to comply with the Apiary Code of Practice. The keeping of bees must also be in accordance with the **Planning Scheme**.

- (1) An owner or occupier of any land (except rural or agricultural land) must not, without a permit, keep or allow bees to be kept on that land.

Penalty: 10 penalty units

- (2) The owner or occupier of land must take reasonable steps to remove any swarm of bees on that land.

Penalty: 10 penalty units

- (3) An owner or occupier of any land on which has been detected a wasp nest or a bee swarm must not allow that wasp nest or bee swarm to remain on the land.

Penalty: 10 penalty units

2.15 Pest plants

An owner or occupier of land must eradicate from those premises any plant prescribed by **Council** to be a pest plant unless to removing it is prohibited by the **Planning Scheme**.

Penalty: 15 penalty units

Part 3

Fire safety

This part sets requirements for fire prevention and other activities that may affect the environment of the neighbourhood in which the activities are conducted and includes burning of material in the open, firepits and solid fuel fires; and the generation of offensive odours, smoke and fumes.

3.1 Fire hazards

- (1) The owner or occupier of any land must not allow the land to contain anything which constitutes or is likely to constitute a fire hazard (including undergrowth, scrub, bracken, fern, weed, stubble, grass (whether alive or dead and whether standing or not standing) and litter) or any other thing where an **authorised officer** is of the opinion that the thing on the land assists the spread of fire or constitutes a fire hazard or is likely to do so.

Penalty: 20 penalty units

- (2) Between the months of November and March of any year maintain on any vacant land any grass, stubble, weeds, scrub, undergrowth or other like material on the land to a height that generally does not exceed 20 centimetres and maintain a minimum fire break of 35 metres from every boundary is required.

i This is the minimum requirement set for fire prevention works on vacant land. If further fuel reduction and fire mitigation works are required on any land the owner and/or occupier of that land will be issued with a Fire Prevention Notice in accordance with the provisions of the *Country Fire Authority Act 1958* or the *Fire Rescue Victoria Act 1958*.

- (3) **Council** may enter land and remove any material that constitutes a fire hazard or is likely to do so and recoup any costs incurred in carrying out such removal from the owner or occupier of the land.

3.2 Open air burning

- (1) A person must not light or allow to remain alight any fire in the open air on a day that has been declared as a **Total Fire Ban Day** or smog alert day or otherwise contravenes the provisions of the *Country Fire Authority Act 1958* or the *Fire Rescue Victoria Act 1958*.

Penalty: 20 penalty units

- (2) A person must not without a permit, light, burn or cause or allow to be burnt a fire in the open air on any land less than 20,000m² in area in the **municipal district**, except for the purposes of cooking food outdoors.

Penalty: 10 penalty units

The restriction in subclause (2) 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
- (c) **Council** staff members and any person contracted or authorised by the **Council** undertaking controlled burning off as a part of normal reserve maintenance on any **Council land** or **road**
- (d) fire agencies carrying out training or fire hazard reduction activities; and
- (e) if an **authorised officer** has granted exemptions to any part of this clause in special or unusual circumstances, such as in emergencies, urgent circumstances or natural disasters.



3.3 Open air burning – Nuisance, injury and damage

A person who lights a fire in the open air must ensure that:

- (a) the fire is not a **nuisance** to another person in the vicinity or beyond the property boundary
- (b) the fire does not cause an injury to a person's health
- (c) the fire does not have an adverse impact on visibility on any **road** beyond the property boundary
- (d) any solid fuel fire is not within more than three (3) meters from the boundary of the land
- (e) the fire is supervised at all times by an adult
- (f) there is sufficient fire protection equipment readily available for extinguishing the fire if required
- (g) any solid fuel fire is not lit under any structure or vegetation and within three (3) metres of any flammable material except for growing vegetation not exceeding one (1) metre in height
- (h) a gas **barbecue** or pizza oven or similar device placed near the boundary of the land must not be capable of causing any heat damage to a fence or any other structure or vegetation.

Penalty: 20 penalty units

3.4 Incinerators

A person must not use an **incinerator** any land in the **municipal district**.

Penalty: 20 penalty units

3.5 Burning of offensive materials and waste

A person must not light a fire on any land within the **municipal district** to burn, cause or allow to be burnt any:

- (a) green or wet material, including wood
- (b) rubber or plastic, including plastic mulch, plant pots and packaging materials
- (c) furnishings and carpet
- (d) materials that may cause offensive emissions of **smoke** and odour entering any neighbouring property
- (e) petroleum, oil or oil-based products
- (f) paint, including any container in which paint is kept
- (g) household **waste**, food **waste**, including fish
- (h) business or industrial **waste**, including but not limited to cardboard, fabric, silage wrap, bale twine or netting and chemical containers
- (i) electronic equipment and recyclable materials (excluding timber); or
- (j) other offensive, noxious or toxic matter.

Penalty: 20 penalty units

Example: A firepit, chiminea or a solid fuel **barbecue** reasonably emits **smoke** when initially lit but very little when burning dry fuel. Small amounts of wafting **smoke** would not constitute an offence. Burning wet solid fuel, however, emits thick **smoke** and this falling into neighbouring properties may constitute an offence.

3.6 Wood heaters, fireplaces and firepits

A person must not use a wood heater, fireplace or firepit in a manner which causes a **nuisance** to any person.

Penalty: 20 penalty units

3.7 Outdoor ovens

A person must not use an outdoor oven in a manner which endangers or causes a **nuisance** to a person or damage to property.

Penalty: 20 penalty units

3.8 Extinguishing fires

A person who lights, causes or allows a fire to remain alight or permits the burning of any materials contrary to this clause, must extinguish the fire or burning materials immediately on being directed to do so by an **authorised officer**.

Penalty: 20 penalty units

3.9 Offensive emissions

A person must not allow, cause or permit offensive emissions of noise, **smoke**, dust, ashes, odour, **waste** or any other thing to enter or continue to enter a neighbouring property.

Penalty: 1.5 penalty units

Examples: Normal farm activities such as ploughing, fertilising or moving dairy cattle to a milking shed are reasonably to be expected and would not constitute an offence under this law.

The noise of a truck delivering food or beverages in the early morning to businesses in a business district in close proximity to sleeping occupants is again reasonably to be expected and would not constitute an offence. However, the same truck leaving its reversing beeper operating while unloading, or the driver throwing (as opposed to placing) metal containers or products from or into the truck might constitute an offence.





Part 4



Your animals

This part aims to provide for the responsible care, ownership and management of animals within the municipality including regulating the number and types of animals a person may keep without a permit, and to prohibit owners of animals from allowing those animals to be a nuisance.

4.1 Keeping animals

i In relation to the keeping of an animal, any 'large animal' includes a deer, elk or similar size and type of animal but excludes horses, cattle and other **livestock**.

(1) The owner or occupier of any land must not, without a permit keep or allow to be kept on the land any more of each species or group of animals than is stated in the table on the next page.

Penalty: 20 penalty units

(2) For the purpose of calculating the numbers of any animal kept under subclause (1), the offspring of any animal lawfully kept is to be counted from 12 weeks after its birth.

(3) Any exotic, wild, dangerous or large animal listed in subclause (1) is exempt from the operation of that clause if it is kept in accordance with a scheme by State or Commonwealth legislation.

(4) Any animal kept that is more than the number of each species or group of animals than is stated in the table under subclause (1) may be removed and impounded by **Council**.

(5) Upon notification that an animal has been impounded, the animal may be claimed by the owner up to 14 days from the date of notification and after the impounding fees have been paid in full.

(6) Where an **authorised officer** reasonably believes that a breach of this Local Law will continue if an impounded animal is released to the owner, **Council** will not release the animal.

(7) Where an animal has not been recovered under this Local Law, the **Council** may rehome the animal.

i Rehoming for the purposes of subclause 4.1(7) includes sale, adoption, rehoming or destruction of the animal as determined by an **authorised officer**.

Type of animal	Maximum allowed			
	Flats, apartments, units or townhouses	Land less than 4,000 square metres	Land between 4,000 and 20,000 square metres	Land 20,000 square metres or greater
Dogs	2	2	4	5
Cats	2	2	4	5
Poultry	Not allowed	12	24	Not regulated by this Local Law*
Pigs	Not allowed	Not allowed	Not allowed	Not regulated by this Local Law*
Large and/or Noisy Birds (including Roosters)	Not allowed	Not allowed	5	Not regulated by this Local Law*
Pigeons	Not allowed	12 pairs	20 pairs	Not regulated by this Local Law*
Domestic Birds (caged, excluding Large and/or Noisy Birds)	6	30	Not regulated by this Local Law*	Not regulated by this Local Law*
Domestic Rabbits, Ferrets, Guinea Pigs and Mice	2	4	Not regulated by this Local Law*	Not regulated by this Local Law*
Horses, Donkeys, Camels	Not allowed	Not allowed	1	Not regulated by this Local Law*
Cattle	Not allowed	Not allowed	1	Not regulated by this Local Law*
Sheep, Goats and Alpacas	Not allowed	Not allowed	2	Not regulated by this Local Law*
Large Introduced Animal (e.g. deer, elks)	Not allowed	Not allowed	Not allowed	Not allowed

4.2 Animal housing

The owner or occupier of land on which any **livestock** or any other animal is kept must ensure that any animal housing, including animal shelters, structures or enclosures on that land are:

- (a) maintained at all times in a clean and sanitary condition to the satisfaction of an **authorised officer**
- (b) constructed and maintained in a manner that is safe and adequate for the purpose of its use
- (c) kept free of materials or vegetation that may harbour or attract rats, mice or other pests.

Penalty: 10 penalty units

4.3 Noise and smell from animals

The owner or occupier of any land on which any animal is kept must not allow any noise, smell or discharge to emanate from the animal or animal housing which is offensive or interferes with the reasonable comfort or convenience of persons who occupy adjacent or nearby land.

Penalty: 10 penalty units

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

4.4 Animal excrement

- (1) A person in charge of any animal must not allow excrement of the animal to remain on any **road**, footpath, **nature strip**, park, oval or **Council land**.

Penalty: 10 penalty units

- (2) A person in charge of an animal on any **road**, footpath, naturestrip, park, oval or **Council land** must carry a litter device suitable to clean up excrement left by an animal and must produce such litter device upon request of any **authorised officer** and immediately collect and dispose of the excrement in a proper and sanitary manner.

Penalty: 10 penalty units

- (3) A person in charge of an animal that is deceased must ensure that the deceased animal is buried or removed from that land in a timely manner and ensure that the deceased animal is properly disposed of in a humane manner without creating a public health or environmental hazard.

Penalty: 15 penalty units

Exemption: Livestock outside a built-up area is exempt from subclauses 4.5(1) and 4.5(2), except that, in the case of **livestock road** crossings, subclause 4.5(1) will apply if the animal excrement left on a **road** is sufficient to cause a genuine risk to public **road** safety including, but not limited to, being a contributory factor in any **road** accident.

4.5 Adequate fencing

- (1) The owner or occupier of land must ensure that the land on which any animal, including any **livestock**, is kept is adequately fenced or confined in a way that will prevent the animal from escaping from the land.

Penalty: 15 penalty units

- (2) Where the animals kept on any land are sheep, cattle, horses or other large animals, the owner or occupier of the land must ensure by adequate fencing that no animal escapes onto, or remains unattended, on a public **road**.

Penalty: 20 penalty units

- (3) No offence is committed under subclause (2) where it can be shown that extreme or unusual circumstances beyond the control of the owner or the occupier, such as wildfire, flood or dog attack, directly resulted in the escape of the animal through otherwise adequate fencing.

4.6 Preventing dog attacks

An owner or occupier of land on which a dog is kept must ensure that the land is adequately secured in a manner to which a dog cannot attack or bite any person or animal through, over, or under a fence or gate.

Penalty: 15 penalty units

4.7 Animal Management Plan

- i** Council may enter into an Animal Management Plan with the owner of any dog that is alleged to have breached section 29 of the *Domestic Animals Act 1994*.

- (1) The owner of an animal that is subject to an Animal Management Plan or agreement will be guilty of an offence if they fail to comply with a clause or requirement set out in the Animal Management Plan or agreement.

Penalty: 15 penalty units

4.8 Managing dogs on sporting grounds

- i** The purpose of the following provision(s) is to recognise that dog controls in **municipal places** including sporting grounds and ovals is necessary, and implemented on a balanced approach, for the benefit of all members of the community.

A person must comply with any regulatory sign that sets out the manner in which dogs are to be controlled or otherwise handled in a **municipal place**, including sporting grounds and ovals.

Penalty: 10 penalty units

- i** Council requires any dog to be kept on lead while the dog is in a reserve or other public place unless in a designated off leash area.



Part 5

Vehicles and roads

This part contains provisions which aim to enhance the appearance of streets and public places by controlling activities involving vehicles in public places and minimising the impact of stationary vehicles and maintenance of public roads.

5.1 Vehicles and other recreational vehicles

i The operator onus provisions under Part 6AA of the *Road Safety Act 1986* apply to this part of the Local Law which involves vehicles.

- (1) A person must not, without a permit, drive, ride, park or otherwise use any vehicle, including **motor bikes, motorised recreational vehicles** in or on any **municipal place** unless the part of the land has been designated for that purpose.

Penalty: 15 penalty units

- (2) A person must not, without a permit:
- (a) drive, ride on or otherwise use any motor bike or other motorised recreational vehicle in a built-up area on any land other than **Council land** or a **road**, except for the purpose of directly accessing or leaving that land

Penalty: 15 penalty units

- (b) drive, ride on or otherwise use any motor bike or other motorised recreational vehicle outside a built-up area on any land other than **Council land** or a **road**, within 500 metres of a **dwelling** located on any other land

Penalty: 15 penalty units

For the purposes of clause 5.1 (2), the owner or occupier of any land outside a built-up area will be guilty of an offence where the operator is incapable of being found guilty of the offence.

5.2 Repair and display of vehicles for sale

- (1) A person must not dismantle, paint, service, carry out maintenance on, repair or dismantle a vehicle (including any **trailer** or **caravan** whether attached or not) on a **road**, pathway or **Council land** or allow or authorise another person to do so, except in an emergency breakdown for the purpose of removing it.

Penalty: 15 penalty units

- (2) A person must not display a vehicle for sale on a **road reserve, Council land** or in a **municipal place** (including a public car park).

Penalty: 15 penalty units

5.3 Abandoned, unregistered and derelict vehicles

- (1) A person must not leave any derelict, abandoned or unregistered vehicle on any **road, Council land** or **municipal place**, whether temporarily or permanently.

Penalty: 15 penalty units

- (2) A person employed, contracted or authorised by the **Council** for the specific purpose is exempt from subclause (1) within the course of their normal duties.

- (3) A vehicle found on any **road** or **Council land** or **municipal place** and considered by an **authorised officer** to be an **abandoned vehicle** may be removed and impounded by **Council**.



5.4 Storing of heavy or long vehicles

- (1) An owner or occupier of land must not keep, place or store more than one unregistered heavy or long vehicle, unless they are in shedding.
- (2) A person must not keep or store a **trailer** or **caravan** upon any **nature strip** or part of a **nature strip**.
- (3) A person must not keep or store an unhitched **trailer** or **caravan** upon any **road** or part of a **road** for a period greater than seven days in any one month.
- (4) A person must not, without a permit, keep or store or allow to be kept or stored any **heavy vehicle** or long vehicle upon any **road** or part of a **road**.

Penalty: 15 penalty units

i A temporary VicRoads permit does not allow for a vehicle to be parked or stored on a **road**, only to be driven to a testing centre for the purpose of becoming roadworthy.

5.5 Behaviour involving motor vehicles

- (1) A person must not participate in, encourage or attend a **hoon event**.

Penalty: 20 penalty units

5.6 Shopping trolleys

- (1) A person must not leave a shopping trolley on any land, a **road** or public place unless it is in an area designated by the shopping trolley owner or **Council** for that purpose.

Penalty: 10 Penalty Units

- (2) A person must not use a shopping trolley for any purpose other than for the purpose for which the shopping trolley has been specifically designed.

Penalty: 10 penalty units

- (3) The owner or proprietor of any business that makes shopping trolleys available for use must:
 - (a) ensure that no shopping trolley of that business is left on any **road** or **Council land** unless it is in an area on the footpath or **Council land** which **Council** has set aside for that purpose
 - (b) ensure that the shopping trolley has a coin operated mechanism attached to it, or other device approved by **Council**, that deters or stops a person from removing a shopping trolley from the retail premises or demonstrates to **Council's** satisfaction that they have a regular collection system in place and undertake to respond to reports to collect shopping trolleys in a responsive manner
 - (c) ensure that each shopping trolley displays appropriate business signage to identify ownership of the trolley.

Penalty: 10 penalty units

- (4) A shopping trolley found on a **road**, in a public place or on private property or **Council land** which is not the land on which it is usually kept may be removed and impounded by **Council**.
- (5) Upon notification that a shopping trolley has been impounded, a shopping trolley may be claimed by the owner or proprietor referred to in subclause (3) after the impounding fees have been paid in full in accordance with clause 11.5.
- (6) The owner or proprietor who does not claim an impounded shopping trolley within the time specified by **Council** for collection in any notice given is guilty of an offence.

Penalty: 10 penalty units

5.7 Street parties, festivals or events

- (1) A person must not without a permit:
- (a) hold a street party, street festival or **procession, event** or activity on a **road** or **council land**
 - (b) use an audible public address system on a road or council land.

Penalty: 20 penalty units

5.8 Livestock on roads

- (1) A person must not without a permit:
- (a) **drive livestock** in a rural zone for a distance greater than two kilometres along any **road** located within the **municipal district**
 - (b) undertake or allow the grazing of **livestock** on **council land**, a **road** or roadside
 - (c) **drive livestock** on **Council land**, or on a **road** outside of a rural zone
 - (d) must not leave any muck on the **road** as a result of driving or riding the **livestock**.

Penalty: 15 penalty units

- (2) A person in charge of **livestock** must not, without a permit, undertake or allow the grazing of **livestock** on **Council land**, a **road** or roadside.

Penalty: 15 penalty units

- (3) A person must not without a permit, **drive livestock** on **Council land**, or on a **road** outside of a rural zone.

Penalty: 15 penalty units

- (4) A person must not leave any muck on the **road** as a result of driving or riding the **livestock**.

Penalty: 15 penalty units



5.9 Riding horses on Council land

A person must not without a permit, drive, ride or lead a horse or allow another person to drive, ride or lead a horse on a **municipal place** except in an area designated for that purpose.

Penalty: 15 penalty units

5.10 Clothing or charity bins

- (1) A person must not, without a permit, place or cause to be placed a clothing or charity bin on private land, a **road** reserve, in a public place or on **Council land**.

Penalty: 20 penalty units

- (2) A clothing or charity bin placed on private land, a **road** reserve, in a public place or **Council land** must be maintained by the owner of that clothing or charity bin, in a clean and sanitary condition and in accordance with the conditions set out in the permit.

Penalty: 15 penalty units





Part 6



Activities on Council land

This part contains provisions which aim to enhance the appearance of streets and public places by controlling the placement of advertising signs in public places and on and between buildings and street art in, or within view from, a public place within the municipal district and the placement of goods and the like in public places, by controlling the soliciting of gifts and money, busking, selling and other behaviour.

6.1 Displaying goods for sale on road or Council land

- (1) A person must not, without a permit place or display any goods for sale or samples of goods for sale or cause or allow another person to do so on any part of a **road** or **council land**.

Penalty: 15 penalty units

- (2) A person who has placed, permitted to be placed, displayed or permitted to be displayed goods or an advertising sign on a **road** or **Council land**, with or without a permit, must move or remove them if directed to do so by an **authorised officer**.

Penalty: 15 penalty units

- (3) Any goods left or displayed on any part of a **road** or **Council land** contrary to this clause or displayed in contravention of any conditions of a permit may be removed by an **authorised officer** and impounded.

i Where any goods have been impounded, there must be compliance with the provisions of clause 11.5.

6.2 Roadside trading

A person must not, without a permit, erect or place on any **road** or **Council land** any vehicle, **caravan**, **trailer**, table, stall, tent or other structure for the purposes of **selling** or offering for sale any goods (including any vehicle) or services.

Penalty: 15 penalty units



6.3 Regulation of trading sites

- (1) If the **Council** has entered into an agreement by way of permit, lease, licence or otherwise in relation to trading from a particular site, a second person other than the person with whom the **Council** has the agreement must not trade from that site, whether or not that second person has a permit for another site or no particular site.

Penalty: 15 penalty units

- (2) In addition to any other power which it has, the **Council** may, by resolution, determine a fee, charge, fare or rent in relation to the **selling** or offering for sale any goods or services from any land adjacent to a **road** or to any person who is on that **road** or adjacent land.
- (3) Where a person continues to use a trading site contrary to sub-clause and after direction to desist or move by an **authorised officer** including a reasonable time to comply with that direction, any goods and associated equipment used by that person may be removed from the site by an **authorised officer** and impounded.
- (4) Where any goods and equipment have been impounded, there must be compliance with the provisions of clause 11.5.

6.4 Spruiking and busking

- (1) A person must not, without a permit, spruik on any **road** or **municipal place** or from any private property or use any sound amplification equipment to spruik onto any **road** or **municipal place**.

Penalty: 10 penalty units

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

Penalty: 10 penalty units

- (3) A person must not, without a permit, paint or draw on any **road** or **Council land** or property for the purpose of public entertainment, performance or the collection of money.

Penalty: 10 Penalty Units

6.5 Erecting or placing of electoral, political and advertising signs

- (1) A person must not, except in accordance with a permit, erect or place an electoral, political or advertising sign on or over any part of a **road** or **municipal place**, or commission or cause or in any way authorise another person to do so.

Penalty: 20 penalty units

- (2) A person must not, except in accordance with a permit, leave standing on any **road** or **Council land** any motor vehicle or motor vehicle **trailer** which contains any advertising sign, other than a sign which has been painted, etched, stuck to or magnetically transferred onto the body of the motor vehicle.

Penalty: 20 penalty units

- (3) A person who has erected or placed an advertising sign on a **road** or **Council land** or on a motor vehicle or **trailer** left parked on a **road** or **Council land**, without a permit, must move or remove the advertising sign if directed to do so by an **authorised officer**.

Penalty: 20 penalty units

- (4) Where any place an electoral, political or advertising sign is erected or placed in any location contrary to this clause or in contravention of any permit condition, and the owner of the sign is unwilling or is not immediately available to remove the sign, the electoral, political or advertising sign may be removed by an **authorised officer** and impounded and notices served as soon as possible on the owner after the impoundment.
- (5) Any signage subject to a permit for use within a municipal reserve or subject of a **Planning Scheme** permit is exempt from this clause.

6.6 Outdoor eating facilities

- (1) A person must obtain a permit to use a footpath or any part of the **road** or any **Council land** for the purposes of an outdoor eating facility.

Penalty: 20 penalty units

- (2) Any tables, chairs, umbrellas or other equipment in an outdoor eating facility used in contravention of this clause or of any conditions of a permit may be removed by an **authorised officer** and impounded.
- (3) Where any tables, chairs, umbrellas or other equipment have been impounded, there must be compliance with the provisions of 11.5.

6.7 Removing the outdoor eating facility

- (1) A permit holder must move or remove the outdoor eating facility when requested to do so by an **authorised officer** or a member of the Victoria Police or an emergency service

Penalty: 20 penalty units

6.8 Collections and soliciting

- (1) A person must not, without a permit, or cause, allow or authorise another person to do so, from house to house, a **road** or any **council land**:
- (a) solicit or collect any gifts of money, subscriptions or **waste** materials;
 - (b) distribute any handbills, information brochures, books, pamphlets, place cards, notices, advertisements, goods, gifts or samples;
 - (c) **sell** or offer goods or services for sale.

Penalty: 15 penalty units



Part 7



Builders and building work

This Part contains provisions which aim to improve the amenity of the municipal district, in particular residential areas, by preventing nuisances caused by building works.

7.1 Asset Protection permit

- (1) An owner, builder, appointed agent or demolition contractor engaged to carry out building or development work on land must obtain an **Asset Protection permit** before carrying out any building or development work and comply with the conditions set out in the **Asset Protection permit**.

Penalty: 20 penalty units

- (2) On the payment of an application fee, the **Council** may issue an **Asset Protection Permit** in respect of any land where **building work** is to be carried out.
- (3) An **Asset Protection Permit** may allow a person to enter land from a **road** other than by a permanently constructed vehicle crossing whether or not public **Assets** or infrastructure are likely to be damaged.
- (4) An **Asset Protection Permit** may be subject to such conditions as the **Council** determines, including but not limited to conditions:
- (a) requiring protection works to be done
 - (b) requiring the payment of a security bond
 - (c) requiring that any or all public **Assets** or infrastructure damage be cleaned, repaired, replaced or re-instated within a specified time and to the satisfaction of the **Council**; and
 - (d) requiring a temporary vehicle crossing to be installed to the Council 's specification before commencement of any **building work** or delivery of any equipment or materials to the land.
- (5) The amount of any security bond required under any **Asset Protection Permit** must be proportionate to the likely costs of repairing any potential damage to any existing **Council land, road** (including carriageway), channel, drain, vehicle crossing or other public **Asset** arising from the works the subject of the permit.
- (6) Where the **Council** so determines, it may agree to accept an alternative form of security to a security bond.

7.2 Building work – Fencing, run-off, refuse and emissions

i For the purposes of this clause, 'municipal stormwater system' means the drainage system owned, operated or managed by Council which provides for conveyance of stormwater run-off including, kerb and channel, open channels, underground pipe systems, constructed wetlands and natural waterways.

- (1) An owner, builder, appointed agent or demolition contractor engaged to carry out building or development work on land must ensure that:
- (a) prior to the commencement of and during any **building work** on the land, the land is secured with permanent or temporary fencing which is no less than 1.5 metres high;

Penalty: 20 penalty units

- (b) the building site is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments or gross pollutants by adopting measures to:
 - i. prevent the escape of water, contaminated water, mud, slurry or other substance from the building site
 - ii. prevent any material from the building site from entering a municipal stormwater system
 - iii. prevent any vehicle exiting the building site carrying any mud, slurry or other substance onto the **road**.

Penalty: 20 penalty units



- (2) All builder's refuse contained on the site in a refuse facility must:
- (a) be placed on the building site on commencement of any **building works**; and
 - (b) be kept on the building site for the deposit of building refuse; and
 - (c) be designed and constructed as to prevent any building refuse within the refuse facility being blown from it by a gust of wind
 - (d) ensure the lid on the refuse facility remains closed at all times except when placing building refuse in the refuse facility
 - (e) ensure all wind-blown building refuse created or accumulated on the building site is deposited into the refuse facility upon the building refuse being created or accumulated; and
 - (f) be removed from the building site within seven days of the cessation of **building work** or the issue of an occupancy permit, whichever occurs last; and
 - (g) ensure all materials/refuse for or from the building site is contained within the boundaries of the building site.

Penalty: 20 penalty units

- (3) No builder's refuse to be deposited in or over any part of a municipal stormwater system.

Penalty: 20 penalty units

- (4) No soil, earth or clay to be deposited onto any **road** from any vehicle used on a building site or a site of excavation or filling of any land

Penalty: 20 penalty units

- (5) All work on a building site must not to emit excessive or offensive dust into the air.

Penalty: 10 penalty units

7.3 Building work – Control of waffle pods

- (1) Waffle pods on a building site must be secured on that building site and in a manner that will not allow any waffle pod or any part of a waffle pod to break free in any wind conditions.

Penalty: 20 penalty units

- (2) Discarded and left-over waffle pods must be bagged and secured to the site until removal.

Penalty: 20 penalty units

- (3) Discarded and left-over waffle pods must be removed from the building site within 48 hours of the completion of the slab pour.

Penalty: 20 penalty units

7.4 Asset Protection – Drainage tapping

- (1) A person must not, without a permit, for any purpose, enter, destroy, damage tap into or interfere with any drain, including the opening of any **road** or **Council land**, where any part of the drain or the **road** or land is under the control of the **Council**.

Penalty: 20 penalty units

- (2) A person granted an **Asset** Protection Permit under this clause, may be required to provide a security bond or guarantee under the same security bond conditions as if the **Asset** Protection Permit was granted under Clause 7.1(1).

7.5 Asset Protection – Occupying or opening a road or Council land

- (1) A person must not, without a permit, occupy or open any **road** or **Council land**.

Penalty: 20 penalty units

- (2) For the purposes of occupying or opening a **road** or **Council land**, a permit is required for, but is not limited to, the following activities:
- (a) occupying or fencing off part of a **road** or **Council land**
 - (b) blocking any **road** with a vehicle or any other machinery or temporary structure
 - (c) removing or planting vegetation or a tree on the **road** reserve other than grass
 - (d) erecting a hoarding, scaffolding or overhead protective awning on or over a **road** or **Council land**
 - (e) using a mobile crane or travel tower to carry out **building work** on or over a **road** or **Council land**
 - (f) service connections including stormwater, water, sewer, power, telecommunications, gas connections and any other service
 - (g) making or fill a hole or excavation in any **road** or **Council land**
 - (h) removing, damaging or interfering with a temporary traffic control signal, sign, barrier or other structure erected to protect pedestrians or regulate Traffic on a road
 - (i) ploughing or cultivating for firebreaks or cropping on any part of a road or Council land; and
 - (j) any other activity involving the occupying or opening of a road or Council land or the tapping into of a Council drain on any road or Council land.
- (3) An exemption applies to a person acting contrary to this clause where the person is:
- (a) employed by the **Council** and is acting in the course of their duty; or
 - (b) contracted to **Council** for the purpose; or
 - (c) acting in accordance with a permit issued under Clause 2.5(3)(a) for the cultivation of a nature strip garden

7.6 Completion of building works

- (1) When the **Council** receives notice of the completion of the works the subject of the permit, the land will be inspected by the **Council** and the amount of the security bond:
- (a) may be retained by the **Council** to the proportion necessary to offset the costs of carrying out any works to rectify any damage, provided the person who lodged the bond is first notified of the damage and declines or fails within 30 days to repair the damage at their own expense to the **Council's** satisfaction; or
 - (b) must be refunded to the person who lodged it upon the **Council's** satisfaction that no damage has been caused, or that any damage caused has been repaired by, or on behalf of, that person to the **Council's** satisfaction, or when, after 30 days of receiving Notice of Completion of the works, the **Council** has not notified the Person who lodged the bond of any damage requiring repair.
- (2) The person who lodged the bond must supplement the bond by a further payment equal to the difference between the cost of carrying out any works and the amount of the bond, if the Council is satisfied that the amount of the bond is insufficient to meet such cost and it makes a demand for such payment in writing.

Penalty: 20 penalty units

- (3) For the purposes of this Part, the builder is in control of the site from the commencement of the **building works** to the lodging of a Notice of Completion of the works unless the builder lodges with the **Council** a notice that the builder has vacated the site such notice to be given within seven days of the date of vacation.

i An Authorised Officer may at any reasonable time enter and inspect a building site for the purpose of ensuring compliance with any provision of this Local Law or compliance with an **Asset** Protection Permit.



7.7 Vehicle crossings or crossover – Constructing

- (1) A person must not, without a permit, construct, install, remove, relocate or alter a **vehicle crossing**, whether temporarily or permanently.

Penalty: 20 penalty units

- (2) Each owner and occupier of land must not, without a permit:
- (a) construct or allow to be constructed; or
 - (b) use or allow to be used a second or subsequent **vehicle crossing** to service the land.

Penalty: 20 penalty units

7.8 Vehicle crossings or crossover – Maintaining

The owner of the land must, at their own cost, ensure that any **vehicle crossing** between the **road** and the boundary of such land is maintained and kept in good condition.

Penalty: 15 penalty units

7.9 Vehicle crossings or crossover – Power to direct works

- (1) An authorised officer may direct:
- (a) the construction of a temporary or permanent **vehicle crossing**
 - (b) the repair or reconstruction of a **vehicle crossing**; or
 - (c) the removal of a **vehicle crossing**, and the reinstatement of any kerb, channel, footpath or other areas to the satisfaction of the authorised officer, by the owner or occupier of any adjacent land at own cost.
- (2) Each owner or occupier of land to whom a direction has been given under this clause must comply with that direction by applying for a permit to do the thing which is directed.

Penalty: 20 penalty units





Part 8

Alcohol and smoking

Council understands the importance of respecting the safe and quiet enjoyment of public places within the municipal district. This part aims to control the consumption of alcohol in public places and the regulation of smoking, recognising that these activities are also governed by legislation.

8.1 Consumption and possession of alcohol

- (1) **Council** may declare any area within the municipality to be an alcohol-free area.
- (2) A person must not, without a permit, consume alcohol or possess any unsealed container of alcohol on a **road** or in a public place.

Penalty: 20 penalty units



8.2 Smoke-free areas

i For the purposes of this clause, the term '**smoke**' has the same meaning as used in the *Tobacco Act 1987* which includes the use of **e-cigarettes** and vaping devices.

- (1) **Council** may declare any area within the municipality to be a **smoke-free area**.
- (2) **Council** may erect, or cause to be erected and maintained, appropriate signage in any area which has been declared a **smoke-free area**.
- (3) A person must not **smoke** a tobacco product, **e-cigarette** or vape in or on any area within the municipality that has been declared to be a **smoke-free area**.

Penalty: 20 penalty units



Part 9

Municipal places, buildings and reserves

This part contains provisions which aim to protect the amenity of municipal places, buildings and reserves for all citizens by controlling conduct in municipal places, buildings and reserves and by prohibiting persons from causing damage to municipal places, buildings and reserves or acting in a socially unacceptable manner.

Municipal places

9.1 Council's power in municipal places

- (1) Under this Local Law the **Council** may do any of the following in relation to any **municipal place**:
- (a) restrict access to all or part of a **municipal place** to any person
 - (b) close a **municipal place** or any part of it to the public
 - (c) determine the hours a **municipal place** or any part of it is open to the public
 - (d) establish conditions of entry to a **municipal place** or any part of it
 - (e) restrict or establish any temporary alterations, decorations or other changes to a **municipal place** or any part of it
 - (f) establish conditions for the use or hire of a **municipal place** or any part of it
 - (g) set and collect fees or charges for admission to or the hire of or the use of a **municipal place** or any part of it including variation in fees or charges depending upon multiple use, period of time or any other basis
 - (h) set and collect fees or charges for the hire or use of any **Council** property in connection with a **municipal place** or any part of it; and
 - (i) authorise a person to do any of these things.

- (2) A person must not act contrary to any restriction, closure, condition, fee, charge, hire agreement or authorised instruction in relation to a **municipal place** unless authorised by the **Council** to do so.

Penalty: 20 penalty units

- (3) A person must not hire or use a **municipal place** or any part of it or any **Council** property in connection with it without first paying any fee or charge applicable.

Penalty: 20 penalty units

9.2 Conduct in municipal places – Prohibitions

A person must not, while in a **municipal place**, behave in a manner that endangers others or unreasonably interferes with the quiet enjoyment of the **municipal place** by any other person.

Penalty: 20 penalty units

9.3 Damaging or interfering with a municipal place

- (1) A person must not, unless employed, authorised or contracted by the **Council** for the purpose, do the following in, or on, a **municipal place**:
- (a) destroy, damage or interfere with the **municipal place**
 - (b) construct an opening or gate in a fence on the boundary of **Council land** which is more than one metre wide except for vehicular access from a laneway
 - (c) destroy, damage or interfere with, or allow to be destroyed, damaged or interfered with, the **municipal place** or thing on the **municipal place**
 - (d) enter, climb upon or otherwise interfere with any structure, artwork, public decoration or other public display or any part thereof, contrary to any sign, public notice or published information
 - (e) destroy, damage, remove, plant or interfere with any tree, garden bed or plant in, or on, the **municipal place**, other than for the purposes of maintaining grass on a **nature strip** or in accordance with a permit for cultivation of a **nature strip** garden issued under clause 2.5(3)(a).
 - (f) do or omit to do anything which causes any natural or other material to escape or otherwise be conveyed onto a **road**
 - (g) destroy, damage or interfere with any other property or **assets** in, or on, the **municipal place** that are owned or managed by the **Council**
 - (h) remove, or allow to be removed, any thing from the **municipal place**, or thing that is affixed or attached to the **municipal place**; or
 - (i) cause any damage to any **Council assets** in, or on, the **municipal place** as a result of a failure as an owner or occupier of any land to adequately maintain or to rectify any faults within a reasonable time, in drainage systems, utility supply systems or any other matter for which the owner or occupier of the land is responsible for maintaining.

Penalty: 20 penalty units

- (2) An **authorised officer** may remove and impound any thing that is in or on a **municipal place** in contravention of this clause. Where any thing is impounded, there must be compliance with the provisions of clause 11.5.
- (3) A person who holds an **Asset Protection Permit** and is acting in accordance with its purpose, scope and conditions is exempt from this provision.

Municipal buildings

9.4 Conduct in municipal buildings – Prohibitions

- (1) A person must not, while in a municipal building, behave in a manner that endangers others or unreasonably interferes with the quiet enjoyment of the **municipal building** by any other person.

Penalty: 20 penalty units

- (2) A person must not, while in a municipal building:
- (a) use indecent, insulting, offensive or abusive language; or
 - (b) behave in an indecent, offensive, insulting or riotous manner.

Penalty: 20 penalty units

- (3) A person must not, while in a municipal building:
- (a) destroy, damage, interfere with or deface the municipal building
 - (b) destroy, damage, interfere with or deface anything located at, on or in the municipal building
 - (c) remove any object which is owned by the **Council** from the municipal building
 - (d) act in a manner contrary to any restriction or prohibition contained in the inscription on a sign at, on or in the municipal building
 - (e) deposit any litter, except in receptacle provided for that purpose
 - (f) **sell** any goods or services
 - (g) erect, affix, place or leave any advertisement or political sign
 - (h) erect, operate or cause to be erected or operated any amusement
 - (i) obstruct, hinder or interfere with any member of staff of **Council** in the performance of their duties
 - (j) act contrary to any lawful direction of an **authorised officer** or delegated officer or member of **Council** staff, including, without limitation, a direction to leave the municipal building, whether or not a fee for admission has been paid
 - (k) use or interfere with any life-saving or emergency device, unless using the device in an emergency, or participating in an instruction approved by the **Council** or an **authorised officer** or delegated officer
 - (l) organise any function or **event**
 - (m) bring any animal into, or allow any animal under their control to remain in a municipal building, except for an accredited assistance dog

- (n) bring any vehicle or toy vehicle into a municipal building, except for:
 - i. a pram or pusher being used by a child; or
 - ii. a wheelchair or motor scooter being used by a physically disabled person; or
- (o) bring into a **municipal building** any substance, liquid or powder which may:
 - i. be dangerous or injurious to health
 - ii. have the potential to foul, pollute or soil any part of the municipal building; or
 - iii. cause discomfort to any person.

Penalty: 20 penalty units

9.5 Entry into municipal buildings

A person must not, unless directed to do so by the **Council** or member of **Council** staff:

- (1) enter a **municipal building** other than through an entrance provided for that purpose

Penalty: 10 penalty units

- (2) enter or remain in a **municipal building** during hours when the **municipal building** is not open to the public

Penalty: 10 penalty units

- (3) enter or remain in a **municipal building** without having paid any admission fee or charge imposed by the **Council**

Penalty: 10 penalty units

- (4) remain in a **municipal building** after being directed to leave by a member of **Council** staff or contracted staff member

Penalty: 10 penalty units

- (5) re-enter a **municipal building** after having been directed to leave that **municipal building** by a member of **Council** staff or contracted staff member and being served with a temporary suspension letter stating that the **Council** is taking action to issue a Notification of Prohibition from Entry under this Local Law, until:
 - (a) a *Notification of Prohibition from Entry* is issued,
 - (b) the temporary suspension is withdrawn; or
 - (c) the temporary suspension period of up to 21 days, or in the case where the subject building is the person's workplace, the temporary suspension of up to seven days, passes.

Penalty: 15 penalty units

9.6 Notification of Prohibition from Entry to municipal buildings

- (1) **Council** may issue a Notification of Prohibition from Entry where there is an ongoing threat to the safety or well-being of other lawful users, visitors or **Council** staff in any **municipal building** or service location for a period of time not exceeding one year with a further extension of up to six months.
- (2) A person must not enter any specified **municipal building** or service location for the period of time specified in a *Notification of Prohibition from Entry*.

Penalty: 20 penalty units

- 3) Where a person, after the expiry of a previous *Notification of Prohibition from Entry*
 - (a) repeats conduct upon which was prohibited in the first instance; or
 - (b) is responsible for further conduct that constitutes serious misconduct,

that person may be further prohibited from entering that or other municipal buildings, as authorised by the **Chief Executive Officer** or other Senior Officer.

- (4) Any **authorised officer** issuing a *Notification of Prohibition from Entry* must ensure that:
 - (a) a notification is a reasonable and proportionate response to the conduct
 - (b) the person is given a right to be heard by the decision-maker including fair notice prior to a decision
 - (c) the occupational health and safety obligations of **Council** are fulfilled
 - (d) fair consideration is given to access to a place of work
 - (e) clear explanation is given of the notification procedure, the reasons for a prohibition, the penalties and the appeal process; and
 - (f) there is a right of appeal regarding a decision to a person other than the original decision maker or their direct supervisor.

Municipal reserves

9.7 Conduct in municipal reserves – Prohibitions

- (1) A person must not behave in a manner that unreasonably impacts the well-being of or endangers others, or unreasonably interferes with the quiet enjoyment of any municipal reserve by any other person.

Penalty: 20 penalty units

- (2) A person must not, while in a municipal reserve:
- (a) act in any manner likely to cause damage to property or the environment
 - (b) use any children's playground equipment except for the purpose it is provided
 - (c) fish in or swim, paddle, dive or jump into or enter any water, wetland, lake, pond or fountain contrary to any sign erected in the reserve restricting such conduct
 - (d) unless that person is a player, official or competitor in or at a sporting match or gathering, enter upon or remain on an area set aside as a playing ground during the course of a sporting match or gathering
 - (e) feed any bird or native fauna
 - (f) abandon any animal or bird
 - (g) destroy, damage, injure or interfere with any flora or any fauna
 - (h) carry or use any firearm unless authorised or licensed to do so
 - (i) light a fire or permit any fire to remain alight except in:
 - a. a **barbecue** provided by the **Council**; or
 - b. a portable liquid petroleum gas **barbecue**
 - (j) walk on any plot, bed, border or any other area set aside for vegetation
 - (k) throw, place or allow to be thrown or placed any liquid, stone, paper or other substance or thing into any fountain, wetland, lake, pond or watercourse
 - (l) play or practise golf except in a reserve designated by the **Council** as a golf course; or
 - (m) damage or interfere with the landform, flora, fauna, ground cover, soil or waterways of any area marked by signage as protected natural environment.

Penalty: 10 penalty units

9.8 Permitted uses of municipal reserves

A person must not, without a permit, undertake any of the following activities on a municipal reserve:

- (a) fly or allow to be flown any aircraft (including any powered modelled aeroplane but excluding a kite)
- (b) organise any competitive sport, game, or activity other than a sport, game, or activity played for family or social purposes
- (c) pitch any tent, or erect any temporary structure or shelter, whether for **camping** or other purposes, but excluding temporary shade structures used on a daily basis for casual purpose; or
- (d) operate tour guiding, personal training or any other organised recreational activity for commercial gain.

Penalty: 20 penalty units

9.9 Access to municipal reserves

- (1) **Council** or an **authorised officer** may, in the case of any municipal reserve, set aside days and times upon which charges or entrance fees may be made for the use of the municipal reserve.
- (2) **Council** or an **authorised officer** may restrict access to any part of a municipal reserve, whether for temporary works, for short-term or long-term lease use or for any other purpose and public access to such restricted areas may be non-existent, limited by condition or subject to a fee or donation.
- (3) A person must not enter any municipal reserve, whether open to the public or subject to restricted access, other than via designated access points (where applicable) during the hours of opening and subject to any conditions, fee or donation imposed, unless directed otherwise by a member of **Council** staff or an authorised contractor in the course of their employment.

Penalty: 10 penalty units

9.10 Parking on municipal reserves

The registered owner of a vehicle must not, or must not allow, without a permit, that vehicle to park on any part of any municipal reserve other than in a parking area that is set aside for that purpose by the **Council** or agreed to by the **Council**.

Penalty: 5 penalty units

i Subclause 9.11 does not apply to any **Council** employee, contractor or authorised person acting in the course of their duties.

9.11 Interference with a watercourse

A person must not, without a permit, unless employed or contracted by the **Council** for the purpose, destroy, damage, tap into, divert or interfere with any watercourse, wetland, ditch, creek, gutter, drain, tunnel, bridge, levee, culvert or directly adjoining fence which is vested in or under the management or control of the **Council** or is on any **Council land** or **road**.

Penalty: 20 penalty units

9.12 Obstructions and waste containers on Council land or a road

(1) A person must not, without a permit, leave or allow to be left any:

- (a) bulk **waste** container, **builder's refuse facility**, or other **waste** container on a **road** or **Council land**; or
- (b) other thing on a **road** or **Council land** which encroaches on, or obstructs the free use of, the **road** or **Council land** or which reduces the breadth, or confines the limits, of the **road** or **Council land**
- (c) clothing or charity bin on a **road** or **Council land**
- (d) **waste** materials of any nature on a **road** or **Council land**.

Penalty: 20 Penalty Units

(2) A person who has left or allowed to be left a bulk **waste** container, clothing or charity bin, or other thing on a **road** or **Council land** with or without a permit or other authorisation, must move or remove them if directed to do so by an **authorised officer**.

Penalty: 20 Penalty Units

9.13 Obstructions to the safe use of the road and paths

(1) The owner or occupier of land must ensure that any sign, fence, structure or other thing located on the land, and any vegetation (including grass, plants, shrubs, and trees) growing on the land does not:

- (a) obstruct or interfere with the safe and fair use of the **road** by pedestrians and vehicles by limiting the visibility of the **road**, street lighting, traffic control devices or any other users of the **road**
- (b) cause a hazard to vehicles or pedestrians or compromise the safe and convenient use of **roads** or paths
- (c) encroach or lean across any footpath
- (d) overhang at a height lower than 2.5 metres from the surface of any footpath or municipal reserve, and at a height lower than 4 metres from the surface of any **road**; or
- (e) accumulate dropped fruit, berries, leaves or other materials on a footpath so as to cause obstruction or danger to any pedestrian.

Penalty: 10 penalty units

i Council is a strong support of **events** of all sizes, from major international **events** through to the many unique community **events**. **Events** provide a range of economic, tourism, social and cultural benefits to our community. However, there is a responsibility on all event organisers to ensure **event** activities are sustainable, successful and safe for both **event** attendees and the broader community.



9.14 Events

- (1) A person must not, without a permit, undertake any of the following activities on **Council** land:
- (a) organise or hold an **event**
 - (b) exclusively use part or all of a **municipal place** or install temporary infrastructure
 - (c) conduct or celebrate a wedding
 - (d) construct or install a film set, or record for television or other media purposes, any **event** or activity, if the construction, installation or recording (as the case may be) is for fee or reward or commercial purposes (but excluding wedding and general photography or recording and any media photography or recording for news production purposes).

Penalty: 20 penalty units

i For the purposes of subclause (1), where persons are using the facility for **barbecues**, social gatherings, family **events** and any other such gathering which does not interfere with other persons or impact on the general amenity of the area, they are exempt.

- (2) Sub-clause (1)(d) will not limit any filming of the kind prescribed by the *Filming Approval Act 2014 (Vic)*
- (3) A person must not, without a permit, hold or organise any **event** on any land other than **Council land** or a **road** if that **event** may reasonably be expected to have a material impact on the neighbouring community or a materially increased risk to public safety or to **Council assets**.

Penalty: 20 penalty units

The following exemptions apply in respect of this clause:

- (a) an **authorised officer** or a delegated officer may assess an application and may decide that, based on the circumstances of the matter, a permit under subclause(1) or (2) is not required (although certain activities may still require a permit under clauses 9.8); and
- (b) an **event** that is subject to a planning permit is exempt from the requirement of a permit under subclause (1) or (2)

Penalty: 20 penalty units

9.15 Availability and hire

- (1) A person must not organise or undertake any **event**, public meeting, performance or commercial purpose within a **municipal building** without the consent of the **Council**.

Penalty: 10 penalty units

- (2) During any period for which a **municipal building** or any part of it has been hired out, a **Council** officer or other delegated staff may refuse admission to the **municipal building** or any part of it to any person who is not connected with the hiring purpose.





Part 10

Permits

Where this Local Law prohibits a person from doing a thing unless in accordance with a permit, a person who does the thing which is prohibited to be done without first obtaining a permit from the Council under this Part is guilty of an offence.

10.1 Permit requirements

Council may require any permit application to be on a form approved by **Council**.

(1) Where this Local Law requires a permit, **Council** may:

- (a) approve an application with or without amendment to the proposal
- (b) impose conditions on any approval
- (c) refuse the application for a permit.

(2) When receiving and processing applications for a permit and when imposing conditions, making corrections or considering cancellation of a permit, the **Council** or an **authorised officer** must have regard to the guidelines relating to permits and the Standard Permit Conditions in the *Local Law Operational Guidelines*.

(3) A permit expires on the date specified in the permit or if no such date is specified the permit will expire one year after the date of issue.

(4) The **Council** or an **authorised officer** may correct a permit after issuing it, if the permit contains a clerical error, an error from accident, slip or omission, an evident material miscalculation, or material mistake in the description of any person, thing, date or property referred to in the permit.

(5) Where the **Council** or an **authorised officer** of the opinion that there is or has been a breach of any conditions of a permit, a Notice to Comply may be issued to the permit holder, or the permit may be cancelled or new conditions may be applied.

(6) The **Council** or an **authorised officer** may amend or cancel any permit if it is found:

- (a) to contain a material misstatement or concealment of facts in relation to the application for the permit
- (b) any material change of circumstances occurs after the issue of the permit
- (c) a failure to comply with the conditions under which the permit was issued; or
- (d) a failure to comply with a *Notice to Comply* within the time specified in relation to a breach of a condition of the permit.

(7) The **Council** or an **authorised officer** must notify the permit holder of the intention to amend or cancel a permit and give the permit holder an opportunity to make a written submission before the permit is amended or cancelled.



- (8) If the **Council** or an **authorised officer**, after considering any written submission made by the permit holder, determines to cancel or amend the permit, the amendment or cancellation must be placed in the register of permit.
- (9) Where a permit is cancelled because of a breach of any condition the **Council** may refuse any refund of any portion of the fees and charges associated with the application or the issuing of the permit.
- (10) The **Council** and any **authorised officer** are not liable under this Local Law for any loss or damage suffered by any permit holder or any associated person as a result of or following upon the cancellation or refusal to re-issue any permit, whether following the breach of any condition, or any other lawful reason for cancellation or a refusal to re-issue.
- (11) A permit issued by the **Council** does not confer any permanent property rights stated or inferred upon any permit holder in relation to any **Council asset**.
- (12) A permit which expires on the expiry date confers no right of re-issue upon any applicant who may have been issued with a similar permit previously.

10.2 Register of permits

- (1) A register of any permits issued by the **Council** for the purposes of this Local Law must be maintained by the **Council**.
- (2) Any cancellations or corrections of permits which have been issued under this Local Law are also to be recorded in the register.

10.3 Exemption from permit or permit fee

- (1) The **Council** may, by written notice exempt any person or class of person from the need to obtain a permit and such exemption may be conditional, may be altered and may be cancelled.
- (2) The **Council** may, by written notice exempt any person or class of person from the need to pay any permit fee.
- (3) An exemption from the requirement to pay a permit fee may be cancelled or corrected in the same way as a permit.
- (4) A **service authority** or a person employed by, or acting on behalf of, a **service authority** is exempt from this Local Law and is not required to obtain a permit in respect of activity to be undertaken for the purposes of the **service authority** but must notify the **Council** of the activity prior to its commencement.

i The **Council's** fees and charges are determined annually by the **Council** in its budgeting process and are available from the **Council's** website or by enquiry direct to the **Council**.





Part 11

Administration

This Part of the Local Law provides procedures for the administration of all of our Local Laws. It provides direction on the issue of permits, notices to comply, notices of impounding, infringement notices and settling fees and charges.

11.1 Power to obtain necessary and additional information

- (1) **Council** or an **authorised officer** may require any applicant for a permit to provide additional information before dealing with an application for a permit or an exemption and for the purposes of administering and enforcing the provisions of this Local Law.
- (2) A person who knowingly makes any false representation or declaration (whether oral or in writing) or who knowingly omits any relevant information from an application for a permit or exemption is guilty of an offence.

Penalty: 20 penalty units

11.2 Power to direct – Notice to Comply

- (1) Notwithstanding any provision of this Local Law, an **authorised officer** may, by serving a *Notice to Comply*, direct any owner, occupier or other relevant person to remedy any situation that constitutes a breach of this Local Law.
- (2) A person who fails to remedy a situation within the time specified in accordance with a *Notice to Comply* is guilty of an offence.

Penalty: 20 penalty units

11.3 Power to direct – In person

- (1) An **authorised officer** who finds any person contravening or failing to comply with any provision of this Local Law may give that person any reasonable direction to cease the contravention or failure to comply
- (2) A person to whom a direction is given under subclause (1) must comply with that direction.

Penalty: 10 penalty units

11.4 Power to act – Urgent circumstances

- (1) In urgent circumstances arising as a result of any failure to comply with this Local Law, an **authorised officer** may:
 - (a) take action to remove, remedy or rectify the failure without the necessity to serve a written warning or *Notice to Comply*; or
 - (b) take any other action necessary to abate an immediate danger or threat, provided the **authorised officer** has regard to the guidelines for Urgent Circumstances in the *Local Law Operational Guidelines*.

11.5 Power to impound

- (1) An **authorised officer** may impound any animal, item or thing associated with a contravention of this Local Law.
- (2) As soon as reasonably practicable after impounding any animal, item or thing, an **authorised officer** must serve a notice of impounding on the owner or other person who appears to be the owner of the impounded thing setting out:
 - (a) any fees and charges payable in respect of the impounding
 - (b) the time within which the impounded animal, item or thing must be claimed
 - (c) that **Council** may dispose of the animal, item or thing if not claimed within the specified time.
- (3) A notice of impounding will not be served where the **authorised officer** cannot, after making reasonable inquiries, identify or locate the owner or other person apparently responsible for the animal, item or thing.
- (4) **Council** may sell, destroy, dispose of or give away the impounded animal, item or thing if the owner has not claimed and paid within the specified time in the notice of impounding.

11.6 Injunctive remedies

- (1) A Court may grant an injunction, in such terms as the Court considers appropriate, if the Court is satisfied that a person has engaged, or is proposing to engage, in conduct that constitutes or would constitute:
 - (a) a contravention of a provision of this Local Law or of a notice, permit or direction issued or made under this Local Law; or
 - (b) attempting to contravene a provision of the Local Law; or
 - (c) aiding, abetting, counselling or procuring a person to contravene such provision; or
 - (d) inducing, or attempting to induce, whether by threat, promise or otherwise, a person to contravene a provision of the Local Law; or
 - (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of such a provision; or
 - (f) conspiring with others to contravene such a provision of the Local Law.
- (2) The Court may grant the injunction on application by an **authorised officer** of **Council** or any legal representative of **Council** acting on instructions.
- (3) An application for an injunction under subclause (1) may be made *ex parte*.

- (4) The power of the Court to grant an injunction under subclause (1) restraining a person from engaging in conduct may be exercised:
 - (a) whether or not it appears to the Court that the person intends to engage again, or continue to engage, in conduct of a kind referred to in that subsection
 - (b) whether or not the person has previously engaged in conduct of that kind; and
 - (c) whether or not there is an imminent danger of substantial damage to any other if the person engages in conduct of that kind.
- (5) The power of the Court to grant an injunction under subclause (1) requiring a person to do an act or thing may be exercised:
 - (a) whether or not it appears to the Court that the person intends to refuse or fail again, or to continue to refuse or fail, to do that act or thing
 - (b) whether or not the person has previously refused or failed to do that act or thing; and
 - (c) whether or not there is an imminent danger of substantial damage to any other person if the person refuses or fails to do that act or thing.
- (6) If an application is made under subclause (1), the Court may, if it considers that it is appropriate to do so, grant an injunction by consent of all parties to the proceeding.
- (7) If an application is made under subclause (1), the Court may, if it considers desirable to do so, may grant an interim injunction under this subclause pending a determination of any proceeding.
- (8) A Court may vary or discharge an injunction granted under subclause (6) or (7).
- (9) An injunction may be granted under this subclause during proceedings for an offence under this Local Law and may be imposed in addition to any penalty imposed in those or any other proceedings.





Part 12

Enforcement

This Part contains details on how notices to comply with local laws work, and how they are enforced as well as circumstances that could result in an infringement notice or fine being issued.

12.1 Offences

- (1) A person is guilty of an offence if the person:
- (a) does something which a provision of this Local Law prohibits to be done or makes an offence
 - (b) fails to do something which a provision of this Local Law requires to be done
 - (c) engages in activity without a permit or registration where a provision of this Local Law requires that person to obtain a permit or registration before engaging in that activity
 - (d) knowingly submits erroneous, inaccurate or misleading information in an application for a permit
 - (e) breaches or fails to comply with a condition of a permit or registration issued or an exemption given under this Local Law
 - (f) fails to comply with a Notice to Comply as directed under this Local Law
 - (g) fails to comply with a direction by an **authorised officer**; or
 - (h) fails to comply with a sign erected by **Council**.

12.2 Operator onus

Offences against clauses 2.6, 2.11, 3.2, 3.3, 3.5, 3.9, 4.5, 4.8, Part 5, 6.1, 6.2, 6.4, 6.5, 8.1, 8.2, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7, 9.8, 9.9, 9.10 and 9.11 in this Local Law that may be committed by the driver or operator of a motor vehicle or **trailer** are operator onus offences for the purpose of Part 6AA of the Road Safety **Act** 1986 or any other provision as amended.

12.3 Notice to Comply and directions

- (1) An **authorised officer** may either orally or in writing direct a person to leave a public place if in the opinion of the **authorised officer** the person is failing to comply or has failed to comply with this Local Law.
- (2) Either as an alternative or in addition to an infringement notice, **Council** may serve a *Notice to Comply*.
- (3) A *Notice to Comply* may do one or more of the following things:
 - (a) direct the person to comply with this Local Law
 - (b) direct the person to stop the conduct which constitutes the breach of this Local Law
 - (c) direct the person to deliver to the **authorised officer** or to a specified person or a specified location any item or property of the person which constitutes the breach of this Local Law
 - (d) direct the person to remove or cause to be removed any item, goods, equipment or other thing that constitutes a breach of this Local Law
 - (e) direct the person to leave an area within the time specified in the notice that constitutes a breach of this Local Law.
- (4) A *Notice to Comply* must specify the time and date by which the person specified in the *Notice to Comply* must comply with the directions in the notice.
- (5) The time required by a *Notice to Comply* must be reasonable in the circumstances having regard to:
 - (a) the amount of work involved; and
 - (b) the degree of difficulty; and
 - (c) the availability of necessary materials or other necessary items; and
 - (d) climatic conditions; and
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant factor.
- (6) A person served with a *Notice to Comply* may, before the due date on the *Notice to Comply*, request in writing to **Council** an internal review.

12.4 Infringement notices

- (1) As an alternative to prosecution, an **authorised officer** may serve an *Infringement Notice* on a person who they believe, on reasonable grounds, to have committed an offence against this Local Law.
- (2) Where a permit is issued part way through the financial year and is to operate for the balance of that financial year, the **Council** may vary the normal annual fee or charge by applying a fee or charge which is proportionate to the period for which the permit will apply corrected to the next higher quarter of that year.

12.5 Penalties

- i** The maximum penalty for an offence against this Local Law is 20 Penalty Units.

Schedule 1 to this Local Law sets out penalties for *Infringement Notice* purposes, which may be issued as an alternative to prosecution in respect of non-compliance with this Local Law, where the **Council** or an **authorised officer** determines to proceed by way of *Infringement Notice*.



Part 13

Governance Rules

This part sets the requirements which aim to ensure the facilitation of good governance of City of Whittlesea, to provide procedures to regulate the use or misuse of the Common Seal or any petition or joint letter, and to create offences in the event of inappropriate conduct at Council meetings and meetings of Delegated Committees.

13.1 Conduct at meetings

It is an offence for a person;

- (1) to fail to obey a direction of the Chair, in relation to the conduct of a **Council** Meeting or a meeting of a Delegated Committee in the maintenance of order

Penalty: 20 penalty units

- (2) who is guilty of any improper or disorderly conduct to refuse to leave a **Council** Meeting or a meeting of a Delegated Committee when requested to do so by the Chair, Chief Executive Officer, or their Delegate

Penalty: 20 penalty units

- (3) if they fail to withdraw a remark which is, in the opinion of the Chair defamatory, indecent, abusive, offensive or disorderly in language, substance or nature, and does not, to the satisfaction of the Chair, withdraw and apologise for the remark, where called upon by the Chair to do so

Penalty: 20 penalty units

- (4) to fail to obey a direction of the Chair, or Chief Executive Officer, or their Delegate in relation to the conduct of a Council Meeting or a meeting of a Delegated Committee and the maintenance of order

Penalty: 20 penalty units

- (5) to enter, or attempt to enter into a **Council** Meeting or a meeting of a Delegated Committee, and fails to provide their name, address and verification of identity, or provides false or misleading information as to their identity, or acts otherwise in accordance with the relevant clauses related to conditions of entry, of the City of Whittlesea Governance Rules, as updated from time to time

Penalty: 20 penalty units

13.2 Use of the Common Seal, petitions and letters

It is an offence for a person;

- (1) to use the Common Seal of the Council or any device resembling the Common Seal without the authority of **Council**

Penalty: 20 penalty units

- (2) to inscribe upon a petition or joint letter a name or signature purporting to be that of any other person or in the name of any other person, or using a false or misleading name

Penalty: 20 penalty units



Schedule 1:

Penalties for Infringement Notices

The table below outlines the maximum penalties and infringement notice penalties in relation to offences against the Local Law.

i If any offence under this Local Law is not set out in the table below, the infringement penalty for that offence will be the maximum of 10 penalty units.

For the purposes of this Local Law and Schedule 1, **body corporate** (BC) refers to the penalty that applies to a proprietary entity that has legal capacity in its own right, such as a company.

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
Address numbering			
2.1	Failing to adequately number an address	5	1
Dilapidated building and land			
2.2(1)	Allowing buildings or land to become dilapidated	20	5 8 (BC)
2.2(3)(a)	Allowing dilapidated buildings/ land to become unsightly or detrimental to the amenity of the area	20	5 8 (BC)
2.2(3)(b)	Allowing dilapidated buildings/ land to have noxious weed	20	5 8 (BC)
2.2(3)(c)	Allowing dilapidated buildings/ land to have excessive vegetation growth	20	5 8 (BC)
2.2(3)(d)	Allowing dilapidated buildings/ land to have unconstrained rubbish and discarded materials	20	5 8 (BC)
2.2(3)(e)	Allowing dilapidated buildings/ land to have graffiti	20	5 8 (BC)
2.2(4)	Allowing a building or land to become dilapidated – continuing offence (monthly)	20	8 10 (BC)
Unsightly land			
2.3(a)	Building or land kept in an unsightly manner	10	2 4 (BC)
2.3(b)	Building or land kept in an unsightly manner – the appearance of neglect	10	2 4 (BC)
2.3(c)	Building or land kept in an unsightly manner – causing a danger to health or property	10	3 4 (BC)
2.3(d)	Building or land kept in an unsightly manner – causing a fire hazard	15	4 6 (BC)
2.3(e)	Building or land kept in an unsightly manner – causing a nuisance	10	2.5 4 (BC)
2.3(f)	Building or land kept in an unsightly manner – a haven for vermin or noxious weed	10	2 4 (BC)

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
Dangerous land			
2.4(1)	Building or land kept in a dangerous manner – allowing unauthorised access	15	3 5 (BC)
2.4(2)	Building or land kept in a dangerous manner – allowing anti-social or unlawful behaviour	15	3 5 (BC)
2.4(3)	Building or land kept in a dangerous manner – the appearance of neglect	15	3 5 (BC)
2.4(4)	Building or land to be kept in a dangerous manner – continuing offence (monthly)	20	4 6 (BC)
Roadsides and nature strips			
2.5(1)	Failing to maintain a nature strip	10	2 4 (BC)
2.5(2)(a)	Nature strip kept in an unsightly manner	10	2 4 (BC)
2.5(2)(b)	Allow nature strip to contain rubbish or other materials	10	2 4 (BC)
2.5(2)(c)	Allow nature strip to contain hard waste or items for collection or sale	10	2 4 (BC)
2.5(2)(d)	Allow nature strip to be hazardous to pedestrians or road users	10	3 5(BC)
2.5(3)(a)	Modifying a nature strip without a permit	10	3 5(BC)
2.5(3)(b)	Modifying a roadside without a permit	10	3 5(BC)
2.5(4)	Modifying a nature strip not in accordance with a permit	10	2 5 (BC)
Occupation of Council land or roads			
2.6(1)	Occupation of Council land or road without a permit	15	3 5 (BC)
2.6(2)(a)	Interfering with a nature strip – removal of vegetation or soil	15	3 5 (BC)
2.6(2)(b)	Interfering with a nature strip – driving or parking	15	3 5 (BC)
2.6(2)(c)	Interfering with a nature strip – hoarding or storage of materials	15	3 5 (BC)
2.6(3)	Failing to comply with directions to reinstate Council land or road	20	5 8 (BC)

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
Use of domestic waste bins			
2.7(1)	Placement of waste in the inappropriate bin	10	2 4 (BC)
2.7(2)(a)	Failing to maintain domestic waste bins in a clean and sanitary condition	10	2 4 (BC)
2.7(2)(b)	Failing to ensure the domestic waste bin is not overfilled	10	2 4 (BC)
2.7(2)(c)	Damaging or destroying a domestic waste bin	15	2 5 (BC)
2.7(2)(d)	Placement of contaminated material in a domestic waste bin	10	3 4 (BC)
2.7(3)	Placement of contaminated material in a domestic waste bin – following a written warning	15	4 8 (BC)
Collection and storage of domestic waste bins			
2.8(a)	Placement of domestic waste bin on the nature strip or road not closest to the premises	10	2 4 (BC)
2.8(b)	Leaving domestic waste out more than 1 day on either side of the designated collection day	10	2 4 (BC)
2.8(c)	Placement of domestic waste bins in a manner that obstructs pedestrians, traffic or impedes the collection of waste	10	2 4 (BC)
2.8(d)	Adding, removing, or interfering with a domestic waste bin placed on a road or Council land by another person	10	2 4 (BC)
Hard waste			
2.9(a)	Placement of hard waste not in accordance with the direction of the Council	15	2 5 (BC)
2.9(b)	Placement of hard waste, on Council land, not in accordance with the direction of Council	15	3 5 (BC)
2.9(c)	Adding or interfering with any hard waste left out by another person	15	3 5 (BC)
Commercial waste			
2.10(1)(a)	Commercial waste not in a properly constructed container	15	3 5 (BC)
2.10(1)(b)	Commercial waste not emptied prior to overflow or within 7 days	15	3 5 (BC)
2.10(1)(c)	A commercial waste container is not in a clean condition or emits an offensive odour	15	3 5 (BC)
2.10(1)(d)	A commercial waste container without proscribed signage	15	3 5 (BC)
2.10(2)	Commercial waste placed in a domestic waste bin	15	3 5 (BC)

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
Public waste bins			
2.11(1)	Placement of domestic waste in a public waste bin	15	3 5 (BC)
2.11(2)	Placement of animal excrement in a public waste bin – not in water-resistant material	15	3 5 (BC)
Recreational camping			
2.12(1)(a)	Camping on private property for more than 28 days in a calendar year	15	2
2.12(1)(b)	Camping in a rural zone and failing to comply with conditions	15	2
2.12(2)	Camping on a road, municipal reserve, or municipal place without a permit	15	2
Shipping containers			
2.13(1)	Store, keep, repair, or use a shipping container without a permit on any land	15	3 4 (BC)
2.13(3)	Shipping containers causing adverse impact on amenities	15	3 4 (BC)
Bees and wasps			
2.14(1)	Keeping bees on land without a permit	10	2 5 (BC)
2.14 (2)	Failure to take reasonable steps to remove a swarm of bees from the land	10	2 5 (BC)
2.14(3)	Failure to take reasonable steps to remove a wasp nest or bee swam from land	10	2 5 (BC)
Pest plants			
2.15	Failure to remove pest plants from the land	15	3 5 (BC)
Fire hazard			
3.1(1)	Land containing a fire hazard	20	5 7 (BC)
Open air burning			
3.2(1)	Open-air burning on a total fire ban day	20	10 20 (BC)
3.2(2)	Open-air burning on land less than 20,000m ² without a permit	10	3 5 (BC)
Open-air burning – nuisance, injury and damage			
3.3	Open-air burning – causing nuisance, injury, or damage	20	5 7 (BC)
Incinerator			
3.4	Use an incinerator on any land	20	7 10 (BC)

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
Burning of offensive materials and waste			
3.5	Burning of offensive materials and waste	20	5 7 (BC)
Wood heaters fireplaces and firepits			
3.6	Using a wood heater, fireplace or firepit in a manner that causes a nuisance	20	5 7 (BC)
Outdoor ovens			
3.7	Use of outdoor oven in a manner that endangers or causes a nuisance to person or property	20	3 5 (BC)
Extinguishing fires			
3.8	Failure to extinguish a fire on direction from an Authorised Officer	20	7 10 (BC)
Offensive emissions			
3.9	Allow a fire to generate offensive emissions	20	5 7 (BC)
Keeping of animals			
4.1(1)	Keeping excess animals on land	20	2 10 (BC)
Animal housing			
4.2(a)	Animal housing – a clean and sanitary condition	10	3 4 (BC)
4.2(b)	Animal housing – safe and adequate for use	10	3 4 (BC)
4.2(c)	Animal housing – not a haven for vermin	10	2 4 (BC)
Noise and smell from animals			
4.3	Allow offensive noise or smell to emanate from any land	10	2
Animal excrement			
4.4(1)	Failure to remove animal excrement	10	3
4.4(2)	Failure to have a device that is suitable to clean animal excrement	10	2
4.4(3)	Failure to deal with a deceased animal in a timely manner	15	3 5 (BC)
Adequate fencing			
4.5(1)	Failure to maintain fencing that is adequate to contain livestock (trespass)	15	2 4 (BC)
4.5(2)	Failure to maintain fencing that is adequate to contain livestock (public road)	20	4 6 (BC)
Preventing dog attacks			
4.6	Failure to ensure land is adequately secured to prevent a dog attack	15	3

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
Animal Management Plan			
4.7	Failure to comply with an Animal Management Plan	15	4
Managing dogs on sporting grounds			
4.8	Failure to comply with a regulatory sign in a municipal place	10	2
Vehicles and other recreational vehicles			
5.1(1)	Driving, riding, or parking a vehicle in or on a Municipal Place	15	3
5.1(2)(a)	Use a motorbike or other motorised recreational vehicle on land in a built-up area	15	3
5.1(2)(b)	Use a motorbike or other motorised recreational vehicle on land outside of a built-up area but within 500 meters of a dwelling on others land	15	4
Repair and display of vehicles for sale			
5.2(1)	Repair, dismantle, service or maintain a vehicle on a road	15	2
5.2(2)	Displaying a vehicle for sale on any road or municipal place	15	2
Abandoned, unregistered and derelict vehicles			
5.3(1)	Derelict, abandoned or unregistered vehicle on a road	15	3
Storing of heavy or long vehicles			
5.4(1)	Keeping more than one unregistered, heavy, or long vehicle on any land	15	3 6 (BC)
5.4(2)	Keeping or storing a trailer or caravan on a nature strip	10	1 3 (BC)
5.4(3)	Storing an unhitched trailer or caravan on a road for more than 7 days in any one month	10	1 3 (BC)
5.4(4)	Storing a heavy or long vehicle on any road	15	3 6 (BC)
Behaviour involving motor vehicles			
5.5	Participating in or attending a hoon event	20	5
Shopping trolleys			
5.6(1)	Leaving a shopping trolley on any land unless designated for that purpose	10	2
5.6(2)	Using a shopping trolley for any reason other than its intended purpose	10	2
5.6(3)(a)	Owner or proprietor of a business fails to ensure that no trolley is left on a road or Council Land	10	2 (BC)
5.6(3)(b)	The owner or proprietor of a business fails to ensure that trolleys are fitted with an approved device	10	2 (BC)
5.6(3)(c)	The owner or proprietor of a business fails to ensure that trolleys are fitted with identification	10	2
5.6(6)	The owner or proprietor of a business fails to ensure that trolleys are collected within the notice period	10	3

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
Street parties, festivals and events			
5.7(a)	Holding a street party, festival, or event without a permit	20	3 8 (BC)
5.7(b)	Using a public address system on Council Land or Road without a permit	15	2 5 (BC)
Livestock on roads			
5.8(a)	Driving livestock on the road in a rural zone for more than 2km without a permit	15	3 8 (BC)
5.8(b)	Roadside grazing without a permit	15	3 8 (BC)
5.8(c)	Driving livestock on the road, other than in a rural zone, without a permit	15	3 8 (BC)
5.8(d)	Leaving muck on a road as a result of driving or riding livestock	15	3 8 (BC)
Riding horses on a Municipal Place			
5.9	Drive, ride or lead a horse on a Municipal Place that is not designated for that purpose	15	3 8 (BC)
Clothing or charity bins			
5.10(1)	Placing a charity or clothing bin without a permit	20	5 10 (BC)
5.10(2)	Failing to maintain a charity or clothing bin in a clean and sanitary condition	15	3 8 (BC)
Displaying goods for sale on Council land			
6.1(1)	Placing or displaying goods for sale on a road or Council land	15	3 8 (BC)
6.1(2)	Failing to remove signs or goods on direction	15	3 8 (BC)
Roadside trading			
6.2	Placing a vehicle, caravan, trailer, tent or other structure on a road or Council Land without a permit for the purposes of roadside trading	15	3 8 (BC)
Trading sites			
6.3	Failing to comply with a permit or agreement for the purposes of a trading site	15	3 8 (BC)
Spruiking and busking			
6.4(1)	Spruiking or busking without a permit on a road or in a Municipal Place	10	1
6.4(2)	Busking – use of amplification	10	1
6.4(3)	Paint or draw on a road or Council Land for public entertainment or collection of money	10	1

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
Erecting or placing of electoral, political and advertising signs			
6.5(1)	Erect or place electoral, political, or advertising signs on or over a road or municipal place without a permit	20	3 8 (BC)
6.5(2)	Display advertising sign attached to a vehicle	20	2 6(BC)
6.5(3)	Failing to remove advertising or other sign on direction	20	3 8(BC)
Outdoor eating facilities			
6.6(1)	Providing an outdoor eating facility without a permit	20	3 8 (BC)
6.7	Failing to remove outdoor eating facility on direction	20	3 8 (BC)
Collections and soliciting			
6.8	Soliciting, collecting, distributing, or selling goods services or materials on a road, council land or house-to-house	20	3 8 (BC)
Asset protection – permits			
7.1(1)	Failure to obtain or comply with an asset protection permit	20	4 8 (BC)
Building works – fencing, run-off, refuse and emissions			
7.2(1)(a)	Failing to ensure that land is secured with fencing during building work	20	3 6 (BC)
7.2(1)(b)	Failing to prevent or appropriately manage run-off from a building site	20	3 6 (BC)
7.2(2)	Failing to manage refuse on a building site	20	3 6 (BC)
7.2(3)	Failing to prevent building runoff from entering a stormwater system	20	8 10 (BC)
7.2(4)	Deposit earth, soil, or clay on a road from a vehicle	20	3 6 (BC)
7.2(5)	Generating excessive dust on a building site	20	3 6 (BC)
Building work – control of waffle pods			
7.3(1)	Allowing waffle pods or part thereof to break free from the building site	20	3 6 (BC)
7.3(2)	Fail secure discarded and left-over waffle pod/s	20	3 6 (BC)
7.3(3)	Fail to remove discarded or left-over waffle pod/s within 48 hours of the completion of the slab pour	20	3 6 (BC)
Asset protection – drainage tapping			
7.4(1)	Enter, damage, or interfere with a drainage asset without a permit	20	4 8 (BC)

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
Asset protection – occupying or opening a road or council land			
7.5(1)	Occupying or opening a road or Council Land without a permit	20	4 8 (BC)
Asset protection – completion of works			
7.6(2)	Failure to make payment for damages or loss in excess of a security deposit	20	4 8 (BC)
Vehicle crossings or crossover – constructing			
7.7(1)	Constructing, altering, or removing a vehicle crossing without a permit	20	3 6 (BC)
7.7(2)	Constructing or using a second vehicle crossing without a permit	20	3 6 (BC)
Vehicle crossings or crossover – maintaining			
7.8	Failure to maintain or keep in good condition a vehicle crossing or crossover	20	3 6 (BC)
Vehicle crossings or crossover – direct works			
7.9	Failure to comply with a direction of an Authorised Officer	20	3 8 (BC)
Consumption and possession of alcohol			
8.1	Consume alcohol or possess any unsealed container of alcohol on the road or in a public place	20	4
Smoke-free area			
8.2	Smoking a tobacco product, e-cigarette or vape in a smoke-free area	20	4
Council powers in municipal places			
9.1(2)	Fail to comply with conditions, fees, charges, or agreements in a municipal place	20	4
9.1(3)	Fail to pay applicable fee or charge	20	4
Conduct in a municipal place – prohibitions			
9.2	Behave in a dangerous or unreasonable manner in a municipal place	20	5
Conduct in municipal buildings			
9.4(1)	Interfering with the quiet enjoyment of a municipal building	20	5
9.4(2)(a)	Use indecent, insulting, offensive or abusive language in a municipal building	20	5
9.4(2)(b)	Behave in an indecent, insulting, offensive or riotous manner in a municipal building	20	5
9.4(3)	Engaging in prohibited conduct for the purposes of clause 9.4.3	20	5

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
Conduct in municipal buildings			
9.5	Entering or remaining in a municipal building contrary to requirements or direction	10	2
Prohibition of Entry to municipal buildings			
9.6(2)	Failing to comply with a Notification of Prohibition from Entry	20	5
Conduct in municipal reserves			
9.7(1)	Endangering or interfering with others in a municipal reserve	20	5
9.7(2)	Contrary behaviour in a municipal reserve	10	2
Permitted use of municipal reserves			
9.8(1)	Use of municipal reserve of permitted use without a permit	20	5
Access to municipal reserves			
9.9	Accessing municipal reserve contrary to requirements	10	2
Parking on municipal reserves			
9.10	Parking on a municipal reserve without a permit	5	1
Interference with a watercourse			
9.11	Interference with a watercourse	20	5
Obstructions on Council land or road			
9.12(1)	Obstructions on council land or road	20	5
9.12(2)	Failure to remove an obstruction on council land or road when directed	20	5
Obstructions – safe use of roads and paths			
9.13(a)	Obstructions or interference with the safe use of roads and paths	10	2
9.13(b)	Compromising safe use of roads and paths – hazards	10	2
9.13(c)	Obstructions – encroach or lean across the footpath	10	2
9.13(d)	Obstructions – overhanging	10	2
9.13(e)	Obstructions – materials on the footpath	10	2
Events			
9.14(1)	Holding an event without a permit	20	5
9.14(3)	Holding an event without a permit – material impact on the community or public safety	20	5
Availability and hire			
9.15	Use of municipal building without consent	10	2

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
Administration			
11.1	False or misleading information on a permit application	20	5
11.2	Failure to comply with a Notice to Comply in the specified time	20	3
11.3	Failure to comply with lawful direction when contravening Local Law	10	2
Governance rules			
13.1(1)	Failure to obey the direction of the Chair	20	5
13.1(2)	Improper or disorderly conduct to refuse to leave a meeting	20	5
13.1(3)	Failure to withdraw a remark which is defamatory, indecent, abusive, offensive, or disorderly	20	5
13.1(4)	Failure to obey a direction of the Chair or CEO in relation to conduct of a Council meeting	20	5
13.1(5)	Failure to provide name, address, and verification of identity	20	5
13.2(1)	Misuse of Common Seal	20	10
13.2(2)	Use of false or misleading name for a petition or joint letter	20	5



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Connect with us in your
preferred language:

Free telephone interpreter service



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