

**BAYSIDE CITY COUNCIL**  
**NEIGHBOURHOOD AMENITY LOCAL LAW 2021**

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**BAYSIDE CITY COUNCIL**  
**NEIGHBOURHOOD AMENITY LOCAL LAW 2021**

**PART 1 – PRELIMINARY**

**1. Title of this Local Law**

This Local Law is the Neighbourhood Amenity Local Law 2021.

**2. Purposes of this Local Law**

The purposes of this Local Law are to:

- (1) protect community safety and neighbourhood amenity;
- (2) protect public assets and infrastructure, and the built and natural environment;
- (3) enhance the use, access and enjoyment of public places for the community's benefit.
- (4) provide for the administration of **Council's** powers and functions; and
- (5) revoke **Council's** Neighbourhood Amenity Local Law No. 2 (as amended), made in April 2012.

**3. Power to Make this Local Law**

**Council's** power to make this Local Law is contained in section 111 of the *Local Government Act 1989* and section 42 of the *Domestic Animals Act 1994*.

**4. Commencement of this Local Law**

This Local Law commences to operate on 1 July 2021.

**5. Revocation Date of this Local Law**

Unless sooner revoked, this Local Law ceases to operate 10 years after the date on which it commenced.

**6. Revocation of Earlier Local Law**

**Council's** Neighbourhood Amenity Local Law (as amended), made in April 2012, is revoked.

**7. Area of Operation of this Local Law**

This Local Law applies throughout the whole of the **municipal district**.

## **8. Interpretation of this Local Law**

- (1) In this Local Law, unless the contrary intention appears, a reference to:
- (a) a clause is a reference to a clause in this Local Law;
  - (b) a sub-clause is a reference to a sub-clause of the clause in which the reference is made;
  - (c) a paragraph is a reference to a paragraph of the sub-clause in which the reference is made;
  - (d) a Part is a reference to a Part of this Local Law;
  - (e) a Division is a reference to a Division in a Part of this Local Law; and
  - (f) the singular also refers to the plural.
- (2) Where this Local Law prohibits any activity or other thing or provides that such activity can only take place or other thing can only be done or exist with a **permit**, that prohibition or provision will not apply if the activity can lawfully take place or the other thing can lawfully be done or exist by reason of the express permission of the Bayside Planning Scheme or another legislative instrument.

## **9. Local Law Guidelines**

- (1) **Council** may from time to time make Guidelines for the purposes of this Local Law.
- (2) Any Guidelines made under sub-clause (1):
- (a) may be amended from time to time;
  - (b) must be published on **Council's** website and be available for inspection at **Council's** principal office; and
  - (c) are incorporated into this Local Law.

## **10. Definitions**

**Explanatory Note** – *In this Local Law definitions are shown in bold type.*

In this Local Law, unless express or implied to the contrary:

**“abandoned”** means a **vehicle** which:

- (a) has no number plates;
- (b) is unroadworthy; or
- (c) has not been moved from the **road** or **Council Land** on which it stands for 60 days or more;

**“Act”** means the *Local Government Act 1989*;

“**advertising sign**” means any board, notice, structure, banner or other similar device used for the purpose of:

- (a) soliciting sales or support; or
- (b) promoting the presence of an adjacent property or other address, whether real, internet-based or otherwise electronic, where goods or services may be obtained

and includes a mobile billboard;

“**animals**” excludes **persons** but is not limited to any of the species or groups listed in the first column of the table in clause 25;

“**applicant**” means a **person** who applies for a **permit** under this Local Law;

“**appropriate fee**” means the fee determined by **Council**;

“**Asset Protection Permit**” means a written **permit** issued by **Council** for the protection of public assets and infrastructure during **building works**;

“**audible intruder alarm**” means a device, installed or retained in a property by the owner or occupier of that property or at the direction of such owner or occupier, which is designed to be (or which has the effect when switched on of being) activated by an intruder to the property so as to emit noise capable of being heard beyond the boundary of the property in which it is installed;

“**Authorised Officer**” means an authorised officer appointed under section 224 of the **Act**;

“**barbecue**” means a device used for the cooking of food outdoors, whether constructed or manufactured and whether powered by gas, electricity, liquid or solid fuel or any combination of them, and includes a device for spit roasting when used outdoors;

“**bathing box**” means a building on a **Foreshore Reserve** vested in, owned or managed by **Council** and subject to an annual licence or lease, used primarily or substantially as a place within which the licensee or lessee and his or her guests can gather;

“**bike share scheme**” means any service in which bicycles are made available to **persons** on a short-term basis for free or for a fee;

“**builder**” means the **person** who is nominated as the builder in a building permit issued under the *Building Act 1993* in respect of **building works** or a **person** in charge of a **building site**;

“**building site**” means any property on which **building works** are being carried out;

“**building works**” means work for or in connection with the construction, demolition or removal of a building in respect of which a building permit is required under the *Building Act 1993*;

“**bulk rubbish container**” means a bin, container or other structure designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted

without mechanical assistance but excludes a container used in connection with **Council's** regular waste collections;

“**camping area**” means land that has been **prescribed** by **Council** to be a ‘camping area’ for the purposes of this Local Law;

“**Chief Executive Officer**” means the **person** appointed by **Council** to be its Chief Executive Officer or any **person** acting in that position;

“**child**” means any **person** under the age of 18 years;

“**combined trunk circumference**” means the aggregate circumference of two, three or four **trunks** of a **tree**;

“**Council**” means Bayside City Council;

“**Council Land**” means any land vested in or under the control of **Council** including a reserve, watercourse, reservation and the like but excluding a **road**;

“**Delegated Officer**” means a member of **Council** staff delegated by **Council** to perform a duty or function or exercise a power conferred by this Local Law, whether by direct delegation or by sub-delegation from the **Chief Executive Officer**;

“**domestic bird**” means a small bird such as a canary, finch, budgerigar and the like but excludes a **noisy bird** capable of causing disturbance and discomfort to neighbours;

“**dwelling**” means any structure that is designed to be used for human habitation and that is capable of being so used;

“**e-scooter**” means a scooter that is or can be propelled by an electric motor;

“**e-scooter share scheme**” means any service in which **e-scooters** are made available to individuals on a short-term basis for free or for a fee;

“**filming**” means the recording of a single image or series of images for any commercial purpose and/or television broadcasting purpose by a camera or other device equipped with a one or more light sensitive lenses, capable of capturing and/or transmitting those images to any form of recording media and/or to any commercial and/or television broadcasting equipment, including any form of digital storage media in any location but excludes television news and any private non-commercial community and/or social media purposes;

“**Fire Ban or Code Red (Catastrophic) Fire Danger Rating Day**” means a day declared as either a partial or Total Fire Ban Day in accordance with the *Country Fire Authority Act 1958* and/or a declared Code Red (Catastrophic) Fire Danger Rating Day (declared by the Bureau of Meteorology in consultation with the Country Fire Authority, Fire Reserve Victoria and any relevant Victorian Government department);

“**fire hazard**” means any materials, substances or conditions that might cause a fire to start or that might increase the size or intensity of any fire;

“**footpath**” means an area open to the public that is designated for, or has as one of its main uses, use by pedestrians;



**“Foreshore Reserve”** means all land:

- (a) owned by;
- (b) vested in; or
- (c) under the management or control of

**Council** which is adjacent to the waters of Port Phillip Bay, commencing from the low water mark;

**“ground level”** means, in relation to **tree** protection, the highest point where a **tree** meets the soil;

**“GVM”** means the maximum loaded mass of a **vehicle**:

- (a) as specified by the **vehicle’s** manufacturer; or
- (b) as specified by the Department of Transport if:
  - (i) the manufacturer has not specified a maximum loaded mass; or
  - (ii) the manufacturer cannot be identified; or
  - (iii) the **vehicle** has been modified to the extent that the manufacturer’s specification is no longer appropriate (as in the *Road Safety Act 1986*);

**“heavy vehicle”** means a motor **vehicle** or trailer that has a **GVM** greater than 4.5 tonnes, and includes:

- (a) any other **vehicle** that is physically connected to the heavy **vehicle** (even if that other **vehicle** is not a heavy **vehicle**); and
- (b) a bus that is used, or that is intended to be used, to carry passengers for reward or in the course of a business (as in the *Road Safety Act 1986*);

**“incinerator”** means a structure, device or contraption (not enclosed in a building) which is:

- (a) used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance;
- (b) not licensed or otherwise subject to control under the provisions of any Act; and
- (c) not a **barbecue**;

**“infringement notice”** means an **infringement notice** issued by **Council** or an **Authorised Officer** or a **Delegated Officer** under this Local Law;

**“large and/or noisy bird”** means, in relation to keeping **animals**, any large and/or noisy bird capable of causing disturbance and discomfort to neighbours particularly by noise, such as a cockatoo, goose, macaw, peacock, other parrot, pheasant, rooster, turkey, other similar sized bird and any other noisy birds regardless of size but excludes **poultry**, a pigeon and any small non-noisy bird;

“**licensed premises**” means premises licensed under the *Liquor Control Reform Act 1998* to sell or serve alcohol, including service under a BYO permit;

“**litter device**” means, in relation to animal excrement, an apparatus designed for the purpose of removing animal excrement and includes a paper, plastic or biodegradable bag;

“**liquor**” means a beverage intended for human consumption with an alcoholic content greater than 0.5 per cent by volume at a temperature of 20 degrees celsius;

“**Local Law Guidelines**” means the Guidelines made by **Council** under clause 9;

“**long vehicle**” means a **vehicle** that, together with any load or projection, is at least 7.5 metres;

“**Manager**” means the **person** or **persons** from time to time appointed by **Council** to manage any **municipal building**, **municipal reserve** or **municipal place**;

“**motor bike**” or “**other motorised recreational vehicle**” means a motor **vehicle**, whether registered or unregistered, used for recreational purposes on **private property** or **Council Land**, including but not limited to the following **vehicles**:

- (a) a 2-wheeled motor **vehicle** 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**, such as, but not limited to, trail bikes, motorised scooters, motorised go-carts and quad bikes;

“**municipal building**” means any building (and its grounds) owned, occupied, controlled and/or managed by **Council** which has some or all areas designated for public or community access but may also have some or all areas designated for employee or staff only access;

“**municipal district**” means the district of **Council**;

“**municipal place**” means any place within the **municipal district** which is owned or occupied by **Council** or in respect of which the **Council** has the control or management, to which the public may or may not have access (whether an admission fee is required or not), and includes a **municipal reserve**, library, **municipal building**, **footpath** and **road**;

“**municipal reserve**” means any land owned, controlled and/or managed by **Council** and used as a reserve or place of recreation and includes a **Foreshore Reserve** but excludes a **road** and any area leased to other parties;

“**notice to comply**” means a Notice to Comply issued by **Council** or an **Authorised Officer** or a **Delegated Officer** under this Local Law;

“**noxious weed**” has the meaning ascribed to it by section 3 of the *Catchment and Land Protection Act 1994*, being a:

- (a) State prohibited weed; or

- (b) regionally prohibited weed; or
- (c) regionally controlled weed; or
- (d) restricted weed;

**“offensive materials”** includes any substance containing:

- (a) a manufactured chemical;
- (b) rubber or plastic;
- (c) a petroleum, oil or petroleum based product;
- (d) paint or a receptacle which contains or which contained paint;
- (e) food waste, fish or other noxious matter; or
- (f) any other material **prescribed** by **Council**.

**“outdoor eating facility”** means any tables and/or chairs located out of doors at which food or drinks are served and may be consumed;

**“penalty unit”** means a penalty unit under *the Sentencing Act 1991*;

**“permit”** means a permit issued by **Council** under this Local Law;

**“permit holder”** is a **person** to whom a **permit** has been issued under this Local Law;

**“person”** includes a legal entity, whether a corporation, incorporated association or otherwise but excludes **Council**;

**“poultry”** means fowls, bantams and ducks but does not include roosters, geese or turkeys;

**“prescribed”** means determined by resolution and published on **Council’s** website and in a newspaper generally circulating within the **municipal district**;

**“private property”** means land other than **Council Land** and land occupied, managed or controlled by a public authority;

**“procession”** means an organised group of people along a **road** or gathering for a ceremony or function and includes a fun run and bicycle event;

**“protected tree”** means a **tree** with a **single trunk circumference** or **combined trunk circumference** greater than 155 centimetres measured at one metre above ground level but excluding species which are **noxious weeds**;

**“recyclable material”** means any recyclable material or hard waste in respect of which a separate **Council** or **Council** authorised or approved collection service applies;

**“road”** has the meaning ascribed to it in section 3 of the **Act**, so that it includes:

- (a) a street;

- (b) a right of way;
- (c) any land reserved or proclaimed as a street or road under the *Crown Land (Reserves) Act 1978* or the *Land Act 1958*;
- (d) a public road under the *Road Management Act 2004*;
- (e) a passage;
- (f) a cul de sac;
- (g) a by-pass;
- (h) a bridge or ford;
- (i) a **footpath**, bicycle path or nature strip; and
- (j) any culvert or kerbing or other land or works forming part of the **road**;

**“service authority”** means an entity (whether publicly or privately owned) which provides or intends to provide water, sewerage, drainage, gas, electricity, telephone, telecommunications or like services under the authority of an Act of the Victorian or Commonwealth Parliament;

**“significant tree”** means a **tree** that is recorded on **Council’s** significant tree register;

**“single trunk circumference”** means the measurement of the **trunk** circumference at one metre above **ground level**;

**“smog alert day”** means a day declared by the Environment Protection Authority as a Smog Alert Day which applies to the **municipal district**;

**“smoke”** means:

- (a) smoke, hold or otherwise have control over an ignited or heated tobacco product, a shisha pipe or similar object; or
- (b) use an e-cigarette to generate or release an aerosol or vapour;

**“smoke free area”** means an area of or in any **municipal place** which has been **prescribed** as a “smoke free” or “no smoking” area and has smoke free area signage erected and maintained within or near it;

**“street festival”** means an organised recreational, cultural, commercial or social gathering of people that is held on a **road**;

**“street party”** means an organised social gathering of people from one or several adjacent **roads** that is held on a **road**;

**“traffic”** means the movement of people by foot or in or on **vehicles** along, across or within a **road**;

**“tree”** means any perennial plant having one or more permanent, woody, self-supporting **trunks** and with branches forming a crown, and includes all parts of the plant whether above or below ground;

“**trunk**” means, in relation to **tree** protection, the main structural member of a **tree** that is supported by and directly attached to the roots, and which, in turn, supports the branches;

“**vehicle**” means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn, and includes:

- (a) a motor vehicle, trailer, tram and **motorised recreational vehicle**;
- (b) a bicycle;
- (c) an air-cushion vehicle; and
- (d) a **wheeled non-motorised recreational device** and a **wheeled child’s toy**;

but excludes a train;

“**wheeled non-motorised recreational device**” means a wheeled device, built to transport a **person** propelled by human power or gravity, and ordinarily used for recreation or play and:

- (a) includes in-line wheeled skates, roller-skates, skateboards, and similar wheeled devices; but
- (b) excludes a golf buggy, pram, stroller or trolley, or a bicycle, wheelchair or **wheeled child’s toy**; and

“**wheeled child’s toy**” means a **child’s** pedal car, scooter or tricycle or similar toy but only when it is being used solely by a **child** who is under 12 years old.

**PART 2 – YOUR PROPERTY, TREES AND PETS**

**DIVISION 1 – YOUR PROPERTY**

**11. Property Numbers**

- (1) **Council** may allocate a number to each property.
- (2) The owner of a **property** to which a number has been allocated by **Council** must ensure that:
  - (a) the **property** is marked with such number; and
  - (b) the number is of sufficient size, is in such a position, is made of such material and is kept in such a state of repair as to be clearly visible from the nearest **road** under normal lighting conditions.

**12. Unsightly and Dangerous Properties**

- (1) An owner or occupier of **private property** must ensure that the **private property** and any building or other structure on the **private property**:
  - (a) is not a danger to health of any **person** or **animal** or property or likely to become a danger to health of any **person** or **animal** or property;
  - (b) does not constitute a **fire hazard**;
  - (c) does not contain undergrowth, scrub, bracken, stubble, grass or weeds, whether dead or alive, in excess of 300mm in height and whether standing or not standing (but excluding the natural height of Australian grasses cultivated in a planned or landscaped garden as well as **Municipal Reserves** maintained under an approved management plan);
  - (d) is not unsightly, or detrimental to the general amenity of adjoining land or the neighbourhood, including through the presence of:
    - (i) stored unregistered or derelict **vehicles** or machinery or any parts of them;
    - (ii) storage containers;
    - (iii) scrap metal, timber, building materials or building refuse;
    - (iv) waste paper, cardboard, bottles or other refuse;
    - (v) soil or similar materials;
    - (vi) overgrown vegetation; or
    - (vii) buildings on the land which have been damaged; and
  - (e) is not used in any manner or left in any state that may cause a nuisance or become detrimental to the amenity of the immediate area.

- (2) An owner or occupier of **private property** must not allow any building or other structure on that **private property** to become dilapidated.
- (3) An owner or occupier of **private property** must take reasonable steps to prevent the movement of soil, sediment and other substances from the **private property** to the adjoining **road**.
- (4) Without limiting the generality of clause 83, a **notice to comply** issued by an **Authorised Officer** or a **Delegated Officer** with respect to an offence against this clause 12 may include a direction that the **private property**, building or structure be:
  - (a) cleared of any substance, material or equipment;
  - (b) suitably fenced, screened or otherwise enclosed in the manner specified in the **notice to comply**;
  - (c) cleaned or painted in a manner that removes or obliterates graffiti specified in the **notice to comply**;
  - (d) boarded up or otherwise secured to prevent access or otherwise alleviate the danger, unsightliness, nuisance, detriment to general amenity or offending condition; and/or
  - (e) protected by warning signs or barriers to alert members of the public to the presence on the **private property** of a danger to persons entering the **private property**.

### **13. Graffiti**

- (1) Each owner and occupier of **private property** must not allow any graffiti to remain on any building, wall, fence, post or other structure forming part of the **private property**.
- (2) An occupier of **Council Land** must not allow any graffiti to remain on any building, wall, fence, post or other structure forming part of the **Council Land**.
- (3) No offence will be committed under sub-clause (1) or sub-clause (2) unless a **notice to comply** has been issued and the owner or occupier (as the case may be) has failed to comply with the **notice to comply**.

### **14. Waste Collection**

The occupier of every dwelling and other property to which **Council** provides a waste collection service (including a service for the collection of domestic waste, recyclables, food and organics and hard rubbish) must comply with the **Local Law Guidelines**.

### **15. Removing Waste Without Authority**

- (1) A **person** must not remove or interfere with any waste (including recyclables and hard rubbish) left out for collection on a **road**.
- (2) Sub-clause (1) does not apply to:
  - (a) the **person** who left the waste on the **road** for collection or any agent of such **person**;

- (b) any **person** authorised by **Council** to remove such waste or any agent of such a **person** acting in the course of his or her employment; or
- (c) an **Authorised Officer** or a **Delegated Officer** acting in the course of his or her employment.

## **16. Burning of Materials**

- (1) A **person** must not burn or cause or allow to be burned any:
  - (a) **offensive materials**;
  - (b) materials that cause offensive emissions of smoke or odour (other than the normal odour of food cooking) to enter any neighbouring property; or
  - (c) substance that is likely to cause a risk of fire to the area surrounding the fire or to endanger the safety of any **person**.
- (2) A **person** must not, without a **permit**, light a fire on **private property** in the open air, or allow a fire to be lit or remain alight on **private property** in the open air, unless the fire is lit:
  - (a) in a purpose-built or constructed **barbeque**, grill, pizza oven, chiminea, brazier or similar for the purpose of cooking food;
  - (b) in a brazier, chiminea or purpose built or portable fire pit constructed of fire resistant materials while its being used for heating; or
  - (c) for a religious or cultural ceremony.
- (3) An owner or occupier of **private property** must not use an **incinerator** or allow an **incinerator** to be used on that **private property**.
- (4) An owner or occupier of **private property** on which a fire has been lit in breach of this Local Law, or a **person** who has lit a fire in breach of this Local Law, must immediately take all steps necessary to extinguish the fire:
  - (a) on becoming aware of such a fire; or
  - (b) on being directed to extinguish the fire by:
    - (i) an **Authorised Officer** or a **Delegated Officer**;
    - (ii) a member of Victoria Police; or
    - (iii) an employee of Fire Rescue Victoria.

## **17. Fire Hazards**

An owner or occupier of **private property** must ensure that all necessary steps are taken to prevent fires on that property and to minimise the possibility of the spread of fire from that property to another property.

## **18. Camping on Private Property**

- (1) A **person** must not, without a **permit**, camp on **private property** in a:



- (a) campervan;
- (b) caravan; or
- (c) other temporary or makeshift structure

unless such **person** is within a licensed caravan park or an area **prescribed** by **Council** as being available for camping.

(2) Sub-clause (1) does not apply to occupation of a:

- (a) campervan;
- (b) caravan; or
- (c) other temporary or makeshift structure

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, campervan or caravan.

## **19. Audible Intruder Alarms**

An owner or occupier of any property must not:

- (a) install;
- (b) allow to be installed; or
- (c) cause to be retained and active

on that property an **audible intruder alarm** unless it meets the operating guidelines set out in the **Local Law Guidelines**.

## **20. Shipping Containers**

A **person** must not:

- (a) without a **permit** or other permission of **Council** keep, store, repair or otherwise use any shipping container on any **road** or **Council Land**; or
- (b) without a **permit**, keep, store, repair or otherwise use any shipping container on **private property**.

## **DIVISION 2 – YOUR TREES**

### **21. Tree Protection**

(1) Unless exempted under the **Local Law Guidelines**, a **person** must not, without a **permit**:

- (a) destroy, damage or remove or allow to be destroyed, damaged or removed; or
- (b) cut, trim, lop or prune or allow to be cut, trimmed, lopped or pruned

on any **private property** any **significant tree** or any **protected tree**.

- (2) If a **permit** has been granted and contains a condition requiring the planting of one or more replacement **trees**, a **person** must not, except in accordance with another **permit** granted by **Council** or an **Authorised Officer** or a **Delegated Officer**:
- (a) destroy, damage or remove or allow to be destroyed, damaged or removed; or
  - (b) cut, trim, lop or prune or allow to be cut, trimmed, lopped or pruned
- any **tree** planted under that condition.

- (3) **Council** must maintain a significant tree register recording all **significant trees** within the **municipal district**, and ensure that such register is accessible on **Council's** website and can be inspected at **Council's** principal office during normal business hours.

## **22. Trees and Plants Not To Obstruct Or Obscure**

An owner or occupier of **private property** must not, without a **permit**, allow any **tree** or plant on that **private property** to obstruct or interfere with the passage of traffic by:

- (a) overhanging any **footpath** at a height lower than 2.4 metres;
- (b) overhanging any laneway at a height lower than 4.5 metres; or
- (c) extend, obstruct or obscure in any other way described in the **Local Law Guidelines**.

## **23. Trees or Plants Causing Damage To A Municipal Place**

- (1) An owner or occupier of **private property** must not allow any **tree** or plant on that **private property** to cause damage to or interference with any fixture or other erection in a **municipal place** or drain vested in or under the control of **Council**.
- (2) No offence will be committed under sub-clause (1) unless a **notice to comply** has been issued and the owner or occupier (as the case may be) has failed to comply with the **notice to comply**.

## **24. Vegetation on Nature Strips**

A **person** must not, without the permission of **Council**:

- (1) plant or allow to be planted any seedling;
- (2) commence to cultivate or allow to be commenced to be cultivated any vegetation; or
- (3) maintain vegetation and associated areas

on a nature strip other than in accordance with the **Local Law Guidelines**.

## DIVISION 3 – YOUR PETS

### 25. Keeping Animals

- (1) An owner or occupier of **private property** must not, without a **permit**, keep or allow to be kept more than six (6) different types of **animals** on any one parcel of land at any time and must not keep or allow to be kept any more in number for each type of **animal** than is set out in the following table:

Cats	2
Cattle	Zero
Dogs	2
<b>Domestic Birds</b> (excluding <b>Noisy Birds</b> )	20
Domestic Fish	No maximum limit
Domestic Mice	20
Domestic Rabbits	4
Domestic Turtles, Tortoises, Frogs and the like	No maximum limit
Goats	Zero
Guinea Pigs	4
Horses/Donkeys and the like	Zero
<b>Large Birds</b> and/or <b>Noisy Birds</b>	Zero
Pigeons	Zero
Pigs	Zero
<b>Poultry</b>	10
Sheep	Zero
Any other agricultural animals	Zero

- (2) Unless otherwise authorised by or under an Act, a **person** must not, without a **permit**:

- (a) keep; or
- (b) allow to be kept

any exotic, wild, dangerous or large **animal** not listed in sub-clause (1).

- (3) For the purpose of calculating the numbers of **animals** kept under sub-clause (1), the progeny of any dog or cat lawfully kept will be counted from 12 weeks after their birth.

### 26. Animal Accommodation

The owner or occupier of any **private property** on which **animals** are kept must provide accommodation in accordance with the **Local Law Guidelines**.

### 27. Animal Excrement and Conduct

- (1) A **person** in charge of any **animal** must not allow:
- (a) any part of the **animal's** excrement to remain on any **road** or **Council Land**;  
or
  - (b) the **animal** to dig any part of **Council Land**.

- (2) Nothing in sub-clause (1)(b) applies in respect of an **animal** which digs sand at a beach.
- (3) A **person** in charge of any **animal** on any **road** or **Council Land** must carry a **litter device** suitable to clean up any excrement left by his or her **animal** and must produce such **litter device** upon request of any **Authorised Officer** or **Delegated Officer**.

**28. Wasp Nest(s) To Be Removed**

An owner or occupier of **private property** must, within seven (7) days upon becoming aware of the existence of a wasp's nest or nests on that **private property**, take steps to cause that nest or those nests to be removed.

**29. Feeding of Birds on Private Property**

An occupier of **private property** must not:

- (a) feed or continue to feed; or
- (b) allow or cause to be fed

any bird on that **private property** if:

- (i) that bird is not ordinarily kept on the **private property**; and
- (ii) the circumstances in which the bird is fed are likely to or do interfere with the material comfort of any other person or the enjoyment by any other person of his or her property.

**PART 3 – VEHICLES AND ROADS**

**30. Placing Bulk Rubbish Containers**

A **person** must not, without a **permit**, place or cause or allow another **person** to place a **bulk rubbish container** on a **road**.

**31. Motor Bikes and Motorised Recreational Vehicles**

- (1) A **person** must not, without a **permit**, ride or otherwise use a **motor bike** or **other motorised recreational vehicle** on any part of **Council Land**, unless the part of **Council Land** has been **prescribed** for that purpose.
- (2) A **person** must not ride or otherwise use any **motor bike** or **other motorised recreational vehicle** on **Council Land prescribed** for that purpose on any **smog alert day** or **Fire Ban** or **Code Red (Catastrophic) Fire Danger Rating Day**.
- (3) A **person** must not, without a **permit**, ride or otherwise use a **motor bike** or **other motorised recreational vehicle** on any **private property** other than for the purpose of directly accessing or leaving that **private property**.

**32. Repair of Vehicles is Prohibited**

A **person** must not dismantle, paint, carry out maintenance on or repair a **vehicle** on a **road**, or allow or authorise another **person** to do so, except for the purpose of removing it.

**33. Derelict, Abandoned and Unregistered Vehicles**

A **person** must not, without a **permit**, leave any derelict, **abandoned** or unregistered **vehicle** on any **road** or **Council Land**, whether temporarily or permanently.

**34. Heavy or Long Vehicles: Parking on a Road or Private Property**

A **person** must not, without a **permit**, park or authorise the parking of any **heavy vehicle** or **long vehicle** on any **road** for which **Council** is the Responsible Road Authority for the purposes of the *Road Management Act 2004*, or on any other property (whether **private property** or **Council Land**), for more than one hour, unless otherwise indicated by approved road signage or unless the **person** or another **person** on his or her behalf is actively engaged in loading or unloading.

**35. Storing Vehicles**

A **person** must not, without a **permit**, keep or store any **heavy vehicle** or **long vehicle** upon any **road** or on any other property (whether **private property** or **Council Land**).

**36. Heavy Vehicles: Permits For Use on Restricted Use Roads**

- (1) If **Council** is of the opinion that a **road** or part of a **road** is likely to be damaged by a particular class of **vehicle** and it resolves to prohibit owners and drivers of such **vehicles** to use, or cause to be used, these **vehicles** on the **road** or part of the **road**, it must erect a sign or signs at the entry to the **road** or part of the **road** advising of the prohibition.
- (2) A **person** must not, without a **permit**, use a **road** or part of a **road** contrary to any sign erected with reference to it under sub-clause (1).

**37. Bike Share Scheme**

- (1) A **person** who owns or operates a bicycle used for the purpose of a **bike share scheme** must not, without a **permit**, allow any bicycle owned or operated by that **person** to be within the **municipal district**.
- (2) A **person** must not make available for use, or permit to be used, in the **municipal district**, a bicycle used for the purpose of a **bike share scheme** that does not have a device which is attached to it and used so as to ensure the return of the bicycle to an area specifically designated for the storage of bicycles.
- (3) **Council** may exempt a **person** or a class of **persons** from the application of sub-clause (1) if a bicycle used for the purpose of a **bike share scheme** is left or placed in an area **prescribed** by **Council**.
- (4) A **person** who owns or operates a bicycle used for the purposes of a **bike share scheme** is guilty of an offence if such a bicycle is:

- (a) left or placed in a way that unreasonably interferes with the use of any **road** or other place;
  - (b) left or placed in a place that detrimentally affects the amenity of that place.
- (5) A **person** who owns or operates a bicycle used for the purpose of a **bike share scheme** must:
- (a) remove within 24 hours of notification any bicycle in contravention of sub-clause (4);
  - (b) remove within 24 hours of notification any bicycle that is damaged or missing any part; and
  - (c) comply with the conditions of a **permit**.

### **38. E-Scooter Share Scheme**

- (1) A **person** who owns or operates an **e-scooter** used for the purpose of an **e-scooter share scheme** must not, without a **permit**, allow any **e-scooter** owned or operated by that **person** to be within the **municipal district**.
- (2) A **person** must not make available for use, or permit to be used, in the **municipal district**, an **e-scooter** used for the purpose of an **e-scooter share scheme** that does not have a device which is attached to it and used so as to ensure the return of the **e-scooter** to an area specifically designated for the storage of **e-scooters**.
- (3) **Council** may exempt a **person** or a class of **persons** from the application of sub-clause (1) if an **e-scooter** used for the purpose of an **e-scooter share scheme** is left or placed in an area **prescribed** by **Council**.
- (4) A **person** who owns or operates an **e-scooter** used for the purposes of an **e-scooter share scheme** is guilty of an offence if such an **e-scooter** is:
- (a) left or placed in a way that unreasonably interferes with the use of any **road** or other place;
  - (b) left or placed in a place that detrimentally affects the amenity of that place.
- (5) A **person** who owns or operates an **e-scooter** used for the purpose of an **e-scooter share scheme** must:
- (a) remove within 24 hours of notification any **e-scooter** in contravention of sub-clause (3);
  - (b) remove within 24 hours of notification any **e-scooter** that is damaged or missing any part; and
  - (c) comply with the conditions of a **permit**.

### **39. Street Parties & Street Festivals: Permits**

- (1) A **person** must not, without a **permit**, hold a **street party**, **street festival** or **procession** on a **road**.

- (2) An application to conduct an event described in sub-clause (1) must be made 21 days before the event is to take place.

## **PART 4 – BUSINESS AND ASSET PROTECTION**

### **DIVISION 1 – BUSINESS**

#### **40. Roadside Trading or Performing**

- (1) A **person** must not, without a **permit**, erect or place on any **road** or **Council Land** a **vehicle**, caravan, trailer, table, stall or other similar structure for the purpose of selling or offering for sale any goods or services.
- (2) A **person** must not, without a **permit**, on any **road** or **Council Land** sing to the public or play any musical instrument or use any sound amplification equipment.
- (3) Sub-clauses (1) and (2) do not include short-term outdoor community events on **Council Land**.
- (4) Sub-clause (2) does not apply to any:
- (a) sounds within a motor vehicle which cannot be heard outside that motor vehicle; or
  - (b) sound conveyed through any headphones which sound or noise is not audible to a **person** other than the wearer of the headphones.

#### **41. Regulation of Trading Sites**

- (1) If **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 **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.
- (2) In addition to any other power which it has, **Council** may, by resolution, determine a fee, charge, fare or rent in relation to the selling or offering for sale of any goods or services from any **private property** or **Council Land** adjacent to a **road** or to any **person** who is on that **road** or adjacent **private property** or **Council Land**.

#### **42. Displaying Goods for Sale**

A **person** must not, without a **permit**, place or display any goods for sale or cause or allow another **person** under his or her control to do so on any **road** or **Council Land**.

#### **43. Using Council Land for Outdoor Eating Facilities**

- (1) A **person** must not, without a **permit**, use a **road** or **Council Land** for the purposes of outside dining, whether or not **liquor** consumption is intended.

- (2) Use of **Council Land** for **liquor** consumption on any **footpath** or other part of a **road** is only permitted when a **permit** has been issued and a variation is endorsed on the trader's liquor licence by the Victorian Commission for Gambling and Liquor Regulation to allow consumption outside the trader's premises.

#### **44. Removing the Facility**

The **permit holder** must move or remove the **outdoor eating facility** to which the **permit** relates when requested to do so for the purposes of public safety by an **Authorised Officer** or a **Delegated Officer** or a member of the Victoria Police or an emergency service.

#### **45. Advertising Signs**

- (1) A **person** must not, without a **permit**, erect, place or display an **advertising sign** on any part of a **road** or **Council Land**, or cause or in any way authorise another **person** to do so.
- (2) An **advertising sign** under sub-clause (1) excludes signage within **municipal reserves**.
- (3) Without limiting the generality of sub-clause (1) a **person** must not, without a **permit**, display for sale any **vehicle**, trailer, boat or other equipment on any **road** or **Council Land**.

#### **46. Shopping Trolleys**

The proprietor of any business that makes a shopping trolley available for use must 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.

#### **47. Collections**

- (1) A **person** must not, without a **permit**:
- (a) solicit or collect any waste materials, gifts of money or subscriptions; or
  - (b) distribute any handbills
- from **Council Land** or on a **road** or from house to house adjacent to any **road** (except hand delivering printed matter only to street-side letterboxes) or cause or authorise another **person** to do so.
- (2) Sub-clause (1) does not apply to any solicitation or distribution of printed electoral material or to the collection of signatures for a petition.
- (3) Sub-clause (1) includes the distribution of information brochures, books and solicitation of anything from members of the general public in any **municipal place**.

#### **48. Trade or Commercial Waste Bins and Waste Hoppers (Including all Trade Recycling Bins)**

- (1) An occupier of **private property** may arrange for the collection of trade or commercial waste from, or for the placement of a waste hopper or recycling bin on, that land subject to compliance with the **Local Law Guidelines**.



- (2) A **person** must not place any waste or material in a trade or commercial waste bin, waste hopper or recycling bin contrary to any notice on the trade or commercial waste bin, waste hopper or recycling bin.
- (3) A **person** must place any waste or material in a trade or commercial waste bin, waste hopper or recycling bin in compliance with the **Local Law Guidelines**.
- (4) All trade and commercial waste and waste hoppers, including recycling bins, must be kept on the property of the **person** on which the waste is generated, except for the period from twelve(12) hours before to (4) four hours following collection.

## **DIVISION 2 – ASSET PROTECTION**

### **49. Drainage Tapping and Discharging Groundwater**

A **person** must not, without a **permit**:

- (1) tap into or interfere with any drain under the control of **Council**; or
- (2) discharge groundwater into any drain under the control of **Council** or into or onto any **road** or **Council Land**.

### **50. A Vehicle Crossing is Required**

- (1) An owner of **private property** must ensure that each point of **vehicle** access from a **road** to the **private property** has a properly constructed vehicle crossing between the **road** and the boundary of such **private property** abutting the **road**.
- (2) Any vehicle crossing must be properly constructed at the cost of the property owner and in accordance with **Council's** specifications.
- (3) For the purposes of sub-clause (2), a vehicle crossing is properly constructed if:
  - (a) it was constructed by or in accordance with the terms of an approval given by **Council**; or
  - (b) **Council** has approved in writing the method of construction of the particular vehicle crossing.
- (4) An owner of **private property** must, at his or her own cost, ensure that the vehicle crossing between the **road** and the boundary of such **private property** is maintained.

### **51. Constructing Vehicle Crossing**

- (1) A **person** must not, without a **permit**, construct, install, remove or alter a vehicle crossing, whether temporarily or permanently.
- (2) A **person** must not, remove, prune or damage any street tree as a result of a vehicle crossing's construction, installation, removal or alteration.

**52. Removing Redundant Vehicle Crossings**

If directed to do so by an **Authorised Officer** or a **Delegated Officer**, an owner or occupier of **private property** must remove any vehicle crossing that once serviced or was used by that **private property** but which is now redundant.

**53. Temporary Vehicle Crossings**

- (1) Where it is likely that **building works** on a property will involve **vehicles** leaving the **road** or entering a property which abuts a **road**, the owner of the property or the **person** responsible for the **building works** must obtain a **permit** for the construction of a temporary crossing, pay any inspection fee and protect all of the existing **road** including the kerb, drains, street trees, **footpaths**, nature strip and any other part of the **road**.
- (2) The owner of the property on which **building works** have been carried out must repair any damage to the kerb, drains, **footpath**, street tree or existing **road** caused by the carrying out of the **building works** to the satisfaction of **Council**.
- (3) Where, in the opinion of an **Authorised Officer** or a **Delegated Officer**, an existing driveway crossing, **footpath**, kerb, street tree or other part of the **road** has been damaged as a result of or arising out of the **building works**, the owner of the property on which the **building works** have been carried out must repair the damage or, when requested to do so by **Council**, reimburse **Council** for the cost and expense of the repair of such damage.
- (4) The amount of reimbursement for such repairs under sub-clause (3) must be proportionate to the cost of repairing any damage.

**54. Asset Protection Generally**

- (1) A:
  - (a) **builder** must not carry out or allow to be carried out **building works** in respect of a **private property**;
  - (b) **person** who is the owner or occupier of a **private property** must not carry out or allow to be carried out **building works** in respect of that **private property** unless **Council** has issued an **Asset Protection Permit** in respect of that **private property**.
- (2) Without limiting **Council's** powers under this Division, an **Asset Protection Permit** may be subject to such conditions as **Council** determines including:
  - (a) requiring protection works to be done;
  - (b) requiring the payment of a security bond;
  - (c) requiring the erection of temporary fencing to the satisfaction of **Council**;
  - (d) requiring that any or all public assets or infrastructure damage be repaired, replaced or re-instated within a specified time; or

- (e) requiring a temporary vehicle crossing to be installed to **Council's** specification before commencement of any **building works** or delivery of any equipment or materials to the **private property**.
- (3) Where **Council** so determines, it may agree to accept an alternative form of security to a security bond.
- (4) The amount of any security bond required under any **Asset Protection Permit** is to be proportionate to the likely costs of repairing any potential damage to any existing **road** (including carriageway), channel, drain, vehicle crossing or other public asset arising from the **building works**. Nothing in this clause prevents **Council** from setting a lower amount if it considers it is appropriate to do so.
- (5) For the purpose of this clause the completion of **building works** includes abandonment of a **building site**.
- (6) A security bond may be refunded by **Council** upon:
  - (a) an application for a refund of the security bond by the **person** who lodged it, made within 6 months of the date of completion of the **building works**; and
  - (b) **Council** being satisfied that no damage has been caused, or that any damage caused has been repaired by, or on behalf of, that **person** to **Council's** satisfaction.
- (7) The security bond may be retained by **Council**, to offset the costs incurred, or anticipated to be incurred by **Council**, in carrying out any repairs to public assets which are required as a result of, or associated with, the **building works**.
- (8) If an application for a refund of a security bond is not made within 6 months of completion of the **building works** in accordance with sub-clause (6)(a), then **Council** may retain the security bond to offset the costs incurred by or anticipated to be incurred by **Council**, in carrying out any repairs to public assets which are required as a result of, or associated with, the **building works**.
- (9) If a security bond is or any surplus funds are not required to be retained by **Council** for repairs in accordance with sub-clause (7) but are not claimed within 12 months of completion of the **building works**, the security bond or surplus funds will be forwarded by **Council** to the Registrar of Unclaimed Money, in accordance with the requirements of the *Unclaimed Money Act 2008*.

## **55. Managing Amenity on Building Sites**

- (1) A **builder** must comply with the measures for the management of a **building site** stated in the **Local Law Guidelines**.
- (2) A **builder** must keep a record of compliance with the measures specified in the **Local Law Guidelines**.
- (3) The records referred to in sub-clause (2) must be produced by a **builder** if requested by an **Authorised Officer** or a **Delegated Officer**.
- (4) An **Authorised Officer** or a **Delegated Officer** may enter any **building site** at any reasonable time for the purpose of inspecting any sewerage, portable toilet (closet) systems, urinals, pans, receptacles, **vehicles**, plant and any other things

and placed on them and for the purpose of carrying out the provisions of this Local Law.

- (5) A **builder** requires a **permit** to carry out **building works** on a **building site** other than between the following hours:
- (a) 7.00 am to 6.00 pm Monday to Friday; and
  - (b) 9.00 am to 3.00 pm Saturday.
- (6) A **builder** must not carry out **building works** on a **building site** on a public holiday that is a public holiday under the *Public Holidays Act 1993*.
- (7) In determining whether to grant a **permit** under sub-clause (5), **Council** must have regard to:
- (a) the nature of the proposed **building works**;
  - (b) the time and circumstances in which the **building works** will be carried out;
  - (c) the likely volume, intensity, and duration of the noise levels that will be emitted by the proposed **building works**;
  - (d) any previous applications made or **permits** granted to that **person**, including any complaints made in respect of such **permits**;
  - (e) any potential precautions or conditions which could be taken to prevent the emission of noise that is clearly audible and detrimental to the amenity of any surrounding property:
    - (i) residential premises outside the permitted hours and in particular before 9.00am Saturday and 10.00am Sunday; and/or
    - (ii) non-residential premises outside the permitted hours and in particular at business critical times to any business operating from those premises;
  - (f) any issues of community safety and amenity; and
  - (g) the need for the provision of reasonable notice to residents and occupiers of non-residential premises.
- (8) **Council** must not grant a **permit** for a **builder** to carry out **building works** on a day that is a public holiday under the *Public Holidays Act 1993*.
- (9) An application for a **permit** under sub-clause (5) to conduct **building works** out of hours must be made at least five (5) days prior to the commencement of the proposed out of hours **building works**.
- (10) Nothing in sub-clause (5) or (6) applies if the **building works** are made necessary by an emergency (including but not limited to an immediate need to repair following a storm or major climatic event).
- (11) A **builder** is guilty of an offence against this Local Law where unreasonable noise is made as a result of carrying out the **building works** detailed in this clause.

- (12) For the purpose of determining whether noise from **building works** on a **building site** is unreasonable, regard will be had to:
- (a) the volume, intensity or duration; and
  - (b) the time, place and any other relevant circumstances in which the noise is emitted.
- (13) If directed to do so by an **Authorised Officer** or a **Delegated Officer**, a **builder** must provide **Council** with a Traffic Management Plan to **Council's** satisfaction that adequately addresses any traffic or parking issues referable to the **building works** on the **building site** that have been specified by the **Authorised Officer** or the **Delegated Officer** in his or her direction.
- (14) The **builder** must, in respect of the **building works**, ensure that no vehicular entry to the land takes place other than across the existing vehicle crossing or a temporary vehicle crossing.
- (15) Where any **building works** are being carried out on any land, the **builder** must ensure that the **building site** is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, **animal** wastes or gross pollutants in accordance with currently accepted best practice by adopting measures to:
- (a) minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting **roads** or **Council Land** or washed into the stormwater system; and
  - (b) prevent building cleanup, wash down or other wastes being discharged offsite or allowed to enter the stormwater system.
- (16) Where any **building works** (other than minor **building works**) are being carried out on any land, the **builder** must:
- (a) provide a refuse facility for the purpose of disposal of **builder's** refuse, and, provided the facility contains all **builder's** refuse on the land to the satisfaction of **Council**, its size, design and construction will be at the discretion of the **builder**;
  - (b) place the refuse facility on the land and keep it in place (except for such periods as are necessary to empty the refuse facility) for the construction period;
  - (c) not place the refuse facility on any **road** or **Council Land** without a **permit**; and
  - (d) empty the refuse facility whenever full, and, if necessary, provide a replacement refuse facility during the emptying process.
- (17) During **building works**, the **builder** must ensure that:
- (a) all **builder's** refuse which requires containment is placed in the refuse facility referred to in sub-clause (16);
  - (b) the **builder's** refuse is not deposited in or on any land other than in accordance with sub-clause (16); and

- (c) the **builder's** refuse is not deposited in or over any part of the stormwater system.
- (18) On any land where **building works** are being, or has been, carried out, the **builder** must remove and lawfully dispose of all **builder's** refuse on the land, including, without limiting the generality of the above, the **builders'** refuse in the refuse facility referred to in sub-clause (16), within seven (7) days of completion of the construction period or issue of an occupancy permit, whichever occurs last.
- (19) A **person** who delivers materials to a **building site** or collects materials or waste from a **building site** must do so without causing damage to any adjoining land.
- (20) If **Council** identifies any damage which appears to result from non-compliance with this Local Law, an **Authorised Officer** or a **Delegated Officer**:
- (a) may direct the responsible party to reinstate the damage within a specified time, in which case the responsible party must comply with such direction; and
- (b) must issue the responsible party with a **notice to comply** requiring the damage to be reinstated, either at the time of the inspection or within a reasonable timeframe.
- (21) In addition to the hours specified in sub-clause (5), the owner or occupier of a **dwelling** may carry out **building works** on that **dwelling** between the hours of:
- (a) 7.00am and 8.00pm Mondays to Fridays;
- (b) 9.00am to 8.00pm Saturdays;
- (c) 9.00am to 8.00pm Sundays and Public Holidays
- provided that no other **person** is engaged to carry out the **building works** for fee or reward and the **person** or **persons** carrying out the **building works** comply with or observe any direction, notice or order of the **Council**, any **Authorised Officer**, a **Delegated Officer** or any public authority.
- (22) Despite sub-clause (21), a person may carry out **building works** on a dwelling at times other than those specified provided that unreasonable noise does not occur.
- (23) A **person**, including an owner or occupier of a **dwelling**, is guilty of an offence against this Local Law where unreasonable noise is made as a result of carrying out **building works** in this clause.
- (24) For the purpose of determining whether noise from **building works** on a dwelling, referred to in sub-clauses (21) and (22) is unreasonable, regard will be had to:
- (a) the volume, intensity or duration of the noise; and
- (b) the time, place and any other relevant circumstances in which the noise is emitted.
- (25) In addition to any notification required under sub-clauses (1) – (20) (inclusive), a **builder** must, at least 48 hours before **building works** commences or the delivery of any equipment or materials to the land, provide a report to **Council** of the existing condition of **Council** assets which are:

- (a) adjacent to the land to which the building permit relates; or
  - (b) likely to be affected by the **building works** authorised by the building permit.
- (26) **Council** must as soon as is reasonably practicable after receiving notice that an occupancy permit or a final certificate in relation to alterations to an existing building has been issued ensure that an inspection of **Council** assets is carried out.
- (27) The **builder** must repair to the satisfaction of **Council** any damaged **road** (including carriageway), channel, drain, vehicle crossing or other assets vested in **Council** adjacent to the land where the **building works** takes place or which is likely to be affected by the **building works** for which an **Asset Protection Permit** has been obtained.
- (28) If **Council** considers that **building works** have caused damage to **Council** assets it may repair the damage itself and deduct the cost of repairs from any security bond that has been paid in accordance with sub-clause 54(7).
- (29) If the amount of the security bond is insufficient to cover the costs of repairs or if a security bond was not required to be paid, **Council** may give a notice under section 225 of the *Local Government Act 1989* and recover the costs of repairs in accordance with that section.
- (30) Subject to sub-clause (28), any money from the security bond that has not been used in covering the costs of repairs may be refunded to the person who lodged it.

## **56. Occupation of Roads**

- (1) Unless a written consent under section 63(1) of the *Road Management Act 2004* has been given, a **person** must not, without a **permit**, occupy (whether wholly or partially) a **road**:
- (a) for any works that involve:
    - (i) fencing off part of a **road**;
    - (ii) erecting a hoarding, scaffolding or overhead protective awning;
    - (iii) using a mobile crane or travel tower for any **building works**;
    - (iv) making a hole or excavation;
    - (v) reinstating a hole or excavation; and
    - (vi) leaving or storing any building, paving or other construction materials or any tools, machinery, plant or equipment; or
  - (b) for any other non-**road** purpose which does not involve a special event.
- (2) The requirement to obtain a **permit** does not apply to the works of **service authorities**:
- (a) in an emergency or urgent circumstances; or
  - (b) when works are being carried out in accordance with the *Road Management Act 2004*.

- (3) The requirement to obtain a **permit** does not apply:
- (a) to the works of contractors undertaking any works within a **road** or **road** related area for or on behalf of **Council**; or
  - (b) if a **person** has been granted a **permit** under another provision of this Local Law which permits that **person** to occupy a **road** or structure or thing on a **road**.
- (4) Nothing in sub-clause (2) or (3) exempts a **person** from an obligation to notify **Council** of the location of the works prior to them beginning or, in an emergency or urgent circumstances, on the next working day following the works beginning.

## PART 5 – SMOKING AND LIQUOR

### 57. Consumption and Possession of Liquor on Roads

Unless exempted under clause 59, a **person** must not while on a **road**:

- (1) consume any **liquor**; or
- (2) have in his or her possession or control any **liquor** other than in a container with an unbroken seal.

### 58. Consumption and Possession of Liquor on Municipal Reserves

- (1) Unless exempted under clause 59, a **person** must not while in or on any **municipal reserve** (including any **road** within a **municipal reserve**) or in any motor vehicle within a **municipal reserve**:

- (a) consume any **liquor**; or
- (b) have in his or her possession or control any **liquor** other than **liquor** in a container with an unbroken seal

between sunset (on one day) and sunrise (on the immediately following day).

- (2) **Council** may **prescribe** a **municipal reserve** in respect of which a **person** must not, while in or on that **municipal reserve** (including any **road** within a **municipal reserve**) or in any motor vehicle within a **municipal reserve**:

- (a) consume any **liquor**; or
- (b) have in his or her possession or control any **liquor** other than **liquor** in a container with an unbroken seal

at any time or on a day or on days or at times **prescribed** by **Council**.

- (3) Unless exempted under clause 59, a **person** must not, while in or on any **municipal reserve** (including any **road** within a **municipal reserve**) or in any motor vehicle within a **municipal reserve prescribed** by **Council** under sub-clause (2):

- (a) consume any **liquor**; or



- (b) have in his or her possession or control any **liquor** other than **liquor** in a container with an unbroken seal

at a time or on a day **prescribed** under sub-clause (2).

#### **59. Exemption**

A **person** who consumes **liquor** or has in his or her possession **liquor** in an unsealed container does not commit an offence if:

- (1) he or she is taking part in a **procession**, function, **street party** or other activity on a **road** or on or in a **municipal reserve** in respect of which **Council** has granted permission and in accordance with any other permit or licence required under any Act; or
- (2) he or she is in or on **licensed premises** or an extension of **licensed premises** in respect of which consumption and possession of **liquor** in unsealed containers is permitted and in accordance with any other permit or licence required under any Act.

#### **60. Smoking in Municipal Places (including Foreshore Reserves)**

- (1) **Council** may **prescribe** a **municipal place** or part of a **municipal place** to be a **smoke free area**.
- (2) **Council** must erect and maintain or cause to be erected and maintained signs in any **municipal place** or part of a **municipal place** that has been **prescribed** to be a **smoke free area**.
- (3) A **person** must not smoke in or on any **municipal place** or part of a **municipal place** that has been **prescribed** to be a **smoke free area** by **Council** to be a **smoke free area** and has a **smoke free area** sign erected and maintained.

### **PART 6 – COUNCIL LAND (INCLUDING MUNICIPAL PLACES, PARKS, THE FORESHORE AND COUNCIL BUILDINGS)**

#### **DIVISION 1 – MUNICIPAL PLACES AND OTHER COUNCIL LAND**

#### **61. Behaviour in a Municipal Place – 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**.

**Explanatory Note** – *The Local Law Guidelines provide guidance as to what constitutes behaviour that endangers others or unreasonably interferes with another's quiet enjoyment of a municipal place.*

**62. Damaging/Defacing a Municipal Place**

A **person** must not, unless employed, authorised or contracted by **Council** for the purpose, do the following in or on a **municipal place**:

- (1) destroy, damage or interfere with a **municipal place**;
- (2) destroy, damage, remove or interfere with any **trees** or plants on or within a **municipal place**;
- (3) remove anything belonging to **Council** from any **municipal place** unless allowed by **Council**; or
- (4) destroy, damage or interfere with any property or assets owned or managed by **Council**.

**63. Interference with a Watercourse and Other Areas**

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

**64. Obstructions on Council Land**

A **person** must not place a rubbish container, clothing recycling bin, movable structure, device or material or other object on any **road** or **Council Land** so as to:

- (1) cause an obstruction;
- (2) constitute a danger to **person**; or
- (3) be in the way of or likely to obstruct traffic.

**DIVISION 2– PARKS AND FORESHORE**

**65. Behaviour within a Municipal Reserve – Prohibitions**

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

**Explanatory Note** – *The Local Law Guidelines provide guidance as to what constitutes behaviour that endangers others or unreasonably interferes with another’s quiet enjoyment of a municipal reserve.*

**66. Activity within a Municipal Reserve – Permitted Activities**

A **person** must not, without a **permit**, while present on any **municipal reserve**:

- (1) camp or pitch, erect or occupy any tent or temporary shelter;
- (2) sell any intoxicating **liquor**;

- (3) hold any event (whether public or private and whether a circus, fare, carnival, festival, market, wedding or other celebration or gathering of any kind) or cause fireworks to be activated;
- (4) organise, hold or attend any rally, procession, demonstration or like gathering;
- (5) use any amplifier, musical equipment, public address system or sound broadcasting equipment that may interfere with the use and enjoyment of any other **person** in the **municipal reserve**;
- (6) erect, fix or place any **advertising sign** unless that **advertising sign** is permitted under a licence or other occupancy agreement to which **Council** and the **person** are parties;
- (7) conduct, organise or participate in any competitive game of sport unless the game or sport:
  - (a) involves a small social group and the game or sport does not unreasonably interfere with the use and enjoyment of **municipal reserve** by any other **person**; or
  - (b) is authorised by a licence or other occupancy agreement to which **Council** and the **person** are parties;
- (8) sell or expose or offer for sale any article of food or drink or any other article;
- (9) cause to be operated any amusement for which a charge is made or make a collection of money for any purpose;
- (10) ride a horse or bicycle, **wheeled non-motorised recreational device** or **wheeled child's toy** or drive any **vehicle** unless:
  - (a) in the case of a bicycle or **vehicle** the bicycle or **vehicle** is being parked in a parking area set aside for that purpose by **Council**;
  - (b) it involves the wheeling of a bicycle, pram, wheelchair, child or baby carriage or children's toy;
  - (c) the riding of the bicycle, **wheeled non-motorised recreational device** or **wheeled child's toy** does not interfere with the use and enjoyment of the **municipal reserve** by any other **person**;
  - (d) it involves an **Authorised Officer** or **Delegated Officer** acting in the course of his or her employment; or
  - (e) it involves a designated roadway or bicycle pathway being used in the manner for which it was intended;
- (11) allow any **animal** (other than a dog) of which he or she is in charge to be present in the **municipal reserve**;
- (12) enter or remain within or upon the playing area of a **municipal reserve** during the progress of a sports match or sports gathering unless such **person** is a player, competitor or official;

- (13) enter any area set aside for planting or growing of vegetation unless the **person** is authorised by **Council**;
- (14) swim in, wade through or enter for recreational purposes or fish in any lake, pond or other watercourse within the **municipal reserve**.
- (15) install or allow to be installed a gateway or other means of access to from the **municipal reserve**; or
- (16) undertake any activity for commercial gain.

#### **67. Access to Municipal Reserves**

- (1) Except as determined otherwise by **Council** or an **Authorised Officer** or a **Delegated Officer**, all **municipal reserves** are open to the public from sunrise to sunset free of charge on any day.
- (2) **Council** or an **Authorised Officer** or a **Delegated 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**.
- (3) **Council** or an **Authorised Officer** or a **Delegated Officer** may restrict access to any part of a **municipal reserve**, whether for temporary works, for long or short-term lease use or any other purpose, and public access to such restricted areas may be non-existent, limited by condition or subject to a fee or donation.
- (4) 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 hours of opening and subject to any conditions, fee or donation imposed, unless directed otherwise by a member of **Council** staff or authorised contractor in the course of their employment.

#### **68. Camping Prohibited on Council Land**

A **person** must not camp on **Council Land** in a **vehicle**, tent, caravan, **campervan** or other temporary or makeshift structure unless such **person** is within a licensed caravan park or an area determined to be available for camping purposes by **Council**.

#### **69. Lighting Fires**

- (1) A **person** must not, without a **permit**, light or cause to be lit any fire on or in any **municipal place** or **municipal reserve**.
- (2) A **person** must not, without a **permit**, use or congregate around a fire which has been lit on or in any **municipal place** or **municipal reserve**.
- (3) A **person** who lit or caused to be lit any fire, or a **person** who assisted in or has been party to the preparation for the lighting of a fire by another on or in a **municipal place** or **municipal reserve**, must not allow that fire to remain alight.
- (4) A member of **Council** staff or a **person** contracted or authorised by **Council** for the purpose may, without a **permit**, undertake controlled burning off as part of normal scheduled parks maintenance on any **Council Land**.

**70. Filming on Council Land**

- (1) A **person** must not, without a **permit**, undertake any **filming** on any **road** or **Council Land** where the **filming** is for any commercial purpose and/or television broadcasting purpose.
- (2) In addition to the requirement to obtain a **permit** for **filming** on any **road** or **Council Land**, a **permit-holder** must comply with any policy or protocol adopted by **Council** and relevant to that activity.

**71. Parking on Municipal Reserves**

- (1) A **person** must not, without a **permit**, park any motor car, motor cycle or other motor vehicle on any part of any **municipal reserve** other than in any parking area set aside for that purpose by **Council** or agreed to by **Council** or an **Authorised Officer** or a **Delegated Officer**.
- (2) Sub-clause (1) does not include any employee or contractor of **Council** acting in the course of his or her duties.

**72. Riding Animals on Council Land**

- (1) A **person** must not, without a **permit** or unless the **person** is a member of the Victoria Police acting in the course of his or her duties, ride or lead a horse, camel or any other mountable **animal** or cause or authorise another **person** to ride or lead such an **animal** upon any **road** or **Council Land**.
- (2) An **Authorised Officer** or a **Delegated Officer** may issue a **permit** for a horse or mountable **animal** to be ridden or led upon any **road** or **Council Land** where it is reasonably necessary for this to take place and there is no reasonable and safe alternative.

**73. Feeding of Birds on Public Land**

- (1) An **Authorised Officer** or a **Delegated Officer** may direct a person on any **road** or **Council Land** not to:
  - (a) feed or continue to feed; or
  - (b) allow or cause to be fedany bird on that **road** or **Council Land**.
- (2) A **person** to whom a direction is given under sub-clause (1) must comply with that direction.

**74. Use of Wheeled Non-Motorised Recreational Devices and Wheeled Child's Toys**

- (1) **Council** may **prescribe** areas in which **wheeled non-motorised recreational devices** and/or **wheeled child's toys** must not be used.
- (2) If **Council** **prescribes** areas in which **wheeled non-motorised recreational devices** and/or **wheeled child's toys** must not be used, it must cause signs to be erected in or on the areas **prescribed** by it, clearly indicating the location and extent

of the area in which **wheeled non-motorised recreational devices** or **wheeled child's toys** (as the case may be) must not be used.

- (3) A **person** must not use a **wheeled non-motorised recreational device** and/or **wheeled child's toy** in an area **prescribed** by **Council** as an area in which the use of such is prohibited.
- (4) Where **Council** fails to erect and maintain signs as required under sub-clause (2), no **person** may be prosecuted for an offence against sub-clause (3).

#### **75. Control of Bathing Boxes**

- (1) A **person** must not erect, place, establish, maintain or keep or cause to be placed, erected, established, maintained or kept in a **municipal reserve** any **bathing box** unless such **person** is the holder of a licence from **Council**.
- (2) A licence may be refused to any **person** who is not a bona fide owner or occupier of a **dwelling** within the **municipal district**.
- (3) The holder of any licence must pay the fee fixed by **Council** in every year by the date determined by **Council**.

### **DIVISION 3 – COUNCIL BUILDINGS**

#### **76. Behaviour in a Municipal Building – Prohibitions**

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**.

**Explanatory Note** – *The Local Law Guidelines provide guidance as to what constitutes behaviour that endangers others or unreasonably interferes with another's quiet enjoyment of a municipal building.*

#### **77. Availability and Hire**

- (1) A **person** must not organise or undertake any event in a **municipal building** without the consent of **Council**.
- (2) During any period for which a **municipal building** or any part of it has been hired out, the **Manager** may refuse admission to it to any **person** who is not connected with the hiring purpose.

## **PART 7 – FEES AND CHARGES**

#### **78. Setting Fees and Charges**

**Council** may determine the fees, charges, bank guarantee or bond to apply under this Local Law, which may include an administrative or processing fee or charge.

**79. Waiver of Fees and Charges**

- (1) **Council**, an **Authorised Officer** or a **Delegated Officer** may waive the whole or part of any fee or charge otherwise payable under this Local Law if it is in the public interest to do so.
- (2) A **service authority** is not liable to pay any fee or charge otherwise payable under this Local Law.

**PART 8 – PERMITS**

**80. Applications and Grant of Permits**

- (1) In determining whether to grant a **permit** under this Local Law, **Council**, an **Authorised Officer** or a **Delegated Officer** must have regard to:
  - (a) the Local Law Guidelines;
  - (b) anything said in support of or opposition to the application for a permit;
  - (c) the amenity of the municipal district, to the extent to which it is relevant;
  - (d) any policy relevant to the application for a permit; and
  - (e) all other relevant considerations.
- (2) An application for a **permit** must be:
  - (a) made in writing and include the following particulars:
    - (i) the name and address of the **applicant**;
    - (ii) the capacity in which the **applicant** makes the application;
    - (iii) a statement of the purpose for which the **permit** is sought;
    - (iv) the location of the proposed activity;
    - (v) the day and the time when the proposed activity is to take place and its expected duration;
    - (vi) the signature of the **applicant** or a **person** authorised to sign for and on behalf of the **applicant**; and
    - (vii) such other particulars as **Council** may require;
  - (b) true and correct; and
  - (c) forwarded to the **person** or office described on the application form with the fee, if any, payable to **Council** and in the amount as is fixed by **Council** from time to time.

- (3) If required by **Council**, an **applicant** must provide such additional information as may be specified before the application for a **permit** will be processed and determined.
- (4) If required by **Council**, an **applicant** for a **permit** must give such notice of that application, or invite any **person** to make a submission, or do both, as may be specified.
- (5) Wherever in this Local Law a **permit** is required, **Council** may:
- (a) grant the **permit**;
  - (b) refuse to grant the **permit**;
  - (c) grant the **permit** subject to conditions; or
  - (d) determine that no **permit** is required.
- (6) **Council** may correct a **permit** if the **permit** contains:
- (a) a clerical mistake or an error arising from any accident, slip or omission; or
  - (b) a material miscalculation of figures or a material mistake in the description of any person, premises, thing or property referred to in the **permit**.
- (7) **Council** may cancel, suspend or amend any **permit** at any time if:
- (a) it is requested to do so by the **permit**-holder; or
  - (b) it considers that there has been:
    - (i) a material misrepresentation or concealment of fact in relation to the application for the **permit**;
    - (ii) any material mistake in relation to the grant of the **permit**; or
    - (iii) any material change of circumstances which has occurred since the grant of the **permit**; or
    - (iv) the **permit**-holder or his or her agent for the **permit** defaults in a payment in respect of the **permit**.
- (8) **Council** may cancel or suspend a **permit** at any time if **Council** is satisfied that there has been a substantial failure to comply with a:
- (a) **permit** condition; or
  - (b) **notice to comply** relating to the premises, item or activity to which the **permit** relates.
- (9) **Council** may cancel or suspend a **permit** at any time where **Council** determines that the **permit** may result in a hazard, danger or inconvenience to any other **person**, premises, thing or property.



**81. Scope of Permits**

- (1) The holding of a **permit** or compliance with a condition included in a **permit** does not of itself relieve the **permit-holder** from:
  - (a) compliance with any other legislation with respect to the subject matter of the **permit**; or
  - (b) liability for any damage sustained by any **person** as a result of an activity undertaken by or on behalf of the **permit-holder** pursuant to the **permit**.
- (2) A **person** applying for a **permit** or amendment of a **permit** must not make or allow to be made any false representation or declaration in or in relation to that application or **permit**.
- (3) A **person** who:
  - (a) makes a false representation or declaration (whether oral or in writing) or allows such a representation or declaration to be made in or in relation to an application under this Local Law;
  - (b) omits or allows to be omitted relevant information from an application for a **permit** or exemption; or
  - (c) falsifies or tampers or allows to be falsified or tampered with any **permit**is guilty of an offence.

**PART 9 – ENFORCEMENT**

**82. Exemptions**

- (1) **Council**, an **Authorised Officer** or a **Delegated Officer** may exempt a **person** or class of **persons** from the operation of any provision of this Local Law if it is in the public interest to do so.
- (2) Any exemption under sub-clause (1):
  - (a) must be in writing; and
  - (b) may be subject to conditions.

**83. Power of Authorised Officers or Delegated Officers to issue a Notice to Comply**

- (1) If an **Authorised Officer** or a **Delegated Officer** reasonably suspects that a **person** has contravened this Local Law he or she may serve a **notice to comply** on that **person**.
- (2) A **notice to comply** must:
  - (a) specify the act, matter or thing that must be done or cease to be done;

- (b) specify the time within which the **person** on whom the **notice to comply** is served is required to do or cease to do the act, matter or thing;
  - (c) be signed by an **Authorised Officer** or a **Delegated Officer**, and
  - (d) be served on the **person** named therein.
- (3) The time to comply specified in a **notice to comply** must be reasonable in the circumstances.

#### **84. Failure to adhere to a Notice to Comply**

Any **person** who fails to remedy a situation or do any act required to be done in accordance with a **notice to comply**:

- (1) is guilty of an offence and is liable to the penalty of 20 **penalty units**; and
- (2) is liable to pay to **Council** all costs incurred by **Council** (including administration costs) in complying with a **notice to comply**.

#### **85. Impounding**

- (1) **Council** or an **Authorised Officer** or a **Delegated Officer** may seize and impound any thing (including, without limitation, any **animal** or **vehicle**) which is, has been or is being used or possessed in contravention of this Local Law.
- (2) Nothing in sub-clause (1) authorises **Council** or an **Authorised Officer** or **Delegated Officer** to seize or impound any **animal**:
  - (a) in respect of which excrement has been allowed to remain on a **road** or **Council Land** contrary to clause 27(1)(a);
  - (b) which has been allowed to dig any part of **Council Land** contrary to clause 27(1)(b); or
  - (c) in respect of which a **person** in charge who is on a **road** or **Council Land** is not carrying or has not carried a **litter device** or produce a **litter device** upon request, contrary to clause 27(3).
- (3) If an **Authorised Officer** or a **Delegated Officer** impounds any thing in accordance with this Local Law, **Council** may refuse to release it until the **appropriate fee** or charge for its release has been paid.
- (4) As soon as possible after impounding, the **Authorised Officer** or **Delegated Officer** must, if practicable, serve a notice in writing on the owner or **person** responsible for the thing which has been impounded setting out the fees and charges payable and the time by which the thing must be collected.
- (5) If, after the time required in the notice, an impounded thing is not collected, an **Authorised Officer** or a **Delegated Officer** may take action to dispose of or destroy the impounded thing.
- (6) When the identity or whereabouts of the owner or **person** responsible for the impounded thing is unknown, an **Authorised Officer** or a **Delegated Officer** must take reasonable steps to ascertain the identity or whereabouts of that **person** and to contact that **person**, after which the **Authorised Officer** or **Delegated Officer** may

proceed to dispose of or destroy the impounded thing in accordance with sub-clause (5).

- (7) Any proceeds from the disposal of any impounded thing, except for all reasonable costs, charges and expenses properly incurred by **Council** in and incidental to the sale or any attempted sale or otherwise, may be claimed by the owner within one (1) year of sale.

#### **86. Recovery of Expenses**

Any expense incurred by **Council** in consequence of a breach of this Local Law or in the execution of work directed pursuant to this Local Law to be executed by any **person** and not executed by the **person** must be paid immediately on demand to **Council** by the **person** committing such breach or failing to execute such work.

#### **87. Appeals**

An **applicant** who is aggrieved by a decision not to grant a **permit** may apply to **Council** to be heard and may make a written submission for consideration by **Council** but this right will not in any way remove that **person's** obligation to act in accordance with any decision, direction or notice given or made.

#### **88. Urgent Powers**

An **Authorised Officer** or a **Delegated Officer** may, in urgent circumstances arising from a failure to comply with this Local Law or a **permit**, take action to remove, remedy or rectify a situation, without the necessity to serve a **notice to comply** provided:

- (1) he or she considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice, may place a **person, animal**, premises or thing at risk or in danger;
- (2) details of the circumstances and remedying action are as soon as possible forwarded to the **person** on whose behalf the action was taken; and
- (3) the action taken does not extend beyond what is necessary to cause the immediate abatement of or to minimise the risk or danger involved.

#### **89. Power to Issue a Direction**

- (1) **Council** or an **Authorised Officer** or a **Delegated Officer** may, by serving a direction, request any owner or occupier of property or other **person** to remedy any situation that constitutes a breach of this Local Law.
- (2) A direction may be verbal or written.
- (3) An owner or occupier of property or other **person** to whom a direction is issued must comply with that direction.

**PART 10 – OFFENCES, PENALTIES, INFRINGEMENT NOTICES AND OFFICIAL WARNINGS**

**90. Offences and Penalties**

- (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 an activity without a **permit** where a provision of this Local Law requires that **person** to obtain a **permit** before engaging in that activity;
  - (d) breaches or fails to comply with a condition of a **permit** issued or an exemption given under this Local Law; or
  - (e) fails to comply with a **notice to comply** or a direction of **Council** under this Local Law
- and is liable to a penalty not exceeding 20 **penalty units**.
- (2) The **penalty units** indicated in this Local Law are maximum penalties which may apply if the offence is found proven by a Court.

**91. Infringement Notices**

- (1) As an alternative to prosecution, an **Authorised Officer** or a **Delegated Officer** may serve an **infringement notice** on a **person** who has contravened this Local Law.
- (2) The penalties fixed for **infringement notices** served under this Local Law are set out in Schedule 1.

**92. Official Warnings**

- (1) An **Authorised Officer** or a **Delegated Officer** may serve an official warning rather than an **infringement notice** on a **person** if the **Authorised Officer** or **Delegated Officer**:
- (a) believes on reasonable grounds that a **person** has committed an offence; and
  - (b) is of the opinion that, in all the circumstances, it is appropriate to serve an official warning.
- (2) An official warning must be in writing and contain the following details:
- (a) that it is an official warning;
  - (b) the date of the official warning;
  - (c) the name and address of the **person** served with the official warning;

- (d) the identifying reference of the official warning;
  - (e) either the name of the **Authorised Officer** or **Delegated Officer** or the identifying reference of the **Authorised Officer** or **Delegated Officer** who issued it;
  - (f) the date, approximate time and place where the offence is alleged to have been committed; and
  - (g) a brief description of the offence alleged to have been committed.
- (3) Nothing in this clause limits an **Authorised Officer's** or a **Delegated Officer's** discretion as to whether to serve an **infringement notice**.
- (4) An official warning does not affect the power of an **Authorised Officer** or a **Delegated Officer** to:
- (a) commence proceedings against a **person** to whom an official warning was given;
  - (b) serve an **infringement notice**;
  - (c) take no further action; or
  - (d) take any other specified action permitted under this Local Law which established an offence.

## SCHEDULE 1 – Infringement Penalties

Clause	Abbreviated Description of Offence	Infringement Notice Penalty Units
11(2)	Failure to provide a suitable property number	2
12(1)	Permitting a property to be dangerous or unsightly	5
12(2)	Allowing any building or other structure to become dilapidated	5
12(3)	Failing to take reasonable steps to prevent the movement of soil, sediment and other substances from <b>private property</b> to an adjoining road	2
13(1)	Allowing graffiti to remain on <b>private property</b>	2
13(2)	Allowing graffiti to remain on <b>Council Land</b>	2
14	Failure to comply with <b>Local Law Guidelines</b>	2
15(1)	Removing or interfering with waste	2
16(1)	Burning of materials	4
16(2)	Lighting a fire, or allowing a fire to remain alight, in the open air without a <b>permit</b>	5
16(3)	Using, or allowing to be use, an <b>incinerator</b> on <b>property private</b>	5
16(4)	Failing to take all necessary steps to extinguish a fire which has been lit in breach of this Local Law	5
17	Failure to keep land free from fire hazards	5
18(1)	Camping on <b>private property</b> without a <b>permit</b>	2
19	Operating <b>audible intruder alarm</b> contrary to <b>Local Law Guidelines</b>	2
20	Keeping a shipping container on <b>road, Council Land</b> or <b>private property</b> without a <b>permit</b>	5
21(1)(a)	Destruction, damage or removal of <b>trees</b>	10
21(1)(b)	Cutting, trimming or pruning of <b>trees</b>	5
21(2)(a)	Destruction, damage, removal of replacement <b>trees</b>	5
21(2)(b)	Cutting, trimming or pruning of replacement <b>trees</b>	2
22	Allowing <b>trees</b> or plants to obstruct or obscure	2
23(1)	Allowing <b>trees</b> or plants to cause damage	5
24	Planting a seedling or cultivating vegetation on a nature strip contrary to the <b>Local Law Guidelines</b>	2
25(1)	Keeping <b>animals</b> contrary to Local Law	2
26	Failure to provide adequate <b>animal</b> shelter	2
27(1)	Allowing <b>animal</b> excrement to remain on, or allowing an <b>animal</b> to dig or otherwise disturb, any <b>Council Land</b>	2
27(3)	Failure to carry a suitable <b>animal</b> litter device	2
28	Failure to remove wasp nest within 7 days	2
29	Feeding of birds on private land contrary to Local Law	2
30	Bulk rubbish containers on a <b>road</b> without a <b>permit</b>	5
31(1), (2) and (3)	Use of <b>motor bikes</b> and <b>other motorised recreational vehicles</b> contrary to Local Law	2
32	Repair of <b>vehicles</b> on <b>roads</b>	2
33	Leave a derelict, abandoned or unregistered <b>vehicle</b> on <b>Council Land</b>	5
34	Parking a <b>heavy vehicle</b> on a <b>road</b>	2
35	Storing <b>vehicle</b> on a <b>road</b>	2

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<b>Clause</b>	<b>Abbreviated Description of Offence</b>	<b>Infringement Notice Penalty Units</b>
36(2)	Use of restricted use <b>roads</b> by <b>heavy vehicle</b> – without a <b>permit</b>	2
37(1)	Allowing a bicycle used for the purposes of a <b>bike share scheme</b> to be within the <b>municipal district</b> without a <b>permit</b>	2
37(2)	Making available for use a bicycle for the purposes of a <b>bike share scheme</b> that does not have a device attached to ensure the return of the bicycle to an area specifically designated for the storage of the bicycle	2
37(4)	Allowing a bicycle used for the purposes of a <b>bike share scheme</b> to be left in a way that unreasonably interferes with the use of a <b>road</b> or other place, or detrimentally affects the amenity of that place	2
37(5)	Failing to remove a bicycle used for the purposes of a <b>bike share scheme</b> as directed or failing to comply with the conditions of a <b>permit</b>	5
38(1)	Allowing an <b>e-scooter</b> used for the purposes of an <b>e-scooter share scheme</b> to be within the <b>municipal district</b> without a <b>permit</b>	2
38(2)	Making available for use an <b>e-scooter</b> for the purposes of an <b>e-scooter share scheme</b> that does not have a device attached to ensure the return of the <b>e-scooter</b> to an area specifically designated for the storage of the <b>e-scooter</b>	2
38(4)	Allowing an <b>e-scooter</b> used for the purposes of an <b>e-scooter share scheme</b> to be left in a way that unreasonably interferes with the use of a <b>road</b> or other place, or detrimentally affects the amenity of that place	2
38(5)	Failing to remove an <b>e-scooter</b> used for the purposes of an <b>e-scooter share scheme</b> as directed or failing to comply with the conditions of a <b>permit</b>	5
39(1)	Holding a <b>street party, street festival</b> or <b>procession</b>	5
40(1)	Erecting a structure for the purpose of roadside trading without a <b>permit</b>	5
40(2)	Roadside performance (busking) without a <b>permit</b>	2
41	Roadside trading on another's pre-allocated site	5
42	Displaying goods for sale on a <b>road</b> or <b>Council Land</b> without a <b>permit</b>	5
43(1)	Using a <b>road</b> or <b>Council Land</b> for an <b>outdoor eating facility</b> without a <b>permit</b>	5
44	Failing to remove the <b>outdoor eating facility</b>	5
45(1)	<b>Advertising sign</b> on <b>Council Land</b> without a <b>permit</b>	5
45(3)	Displaying for sale any <b>vehicle, trailer, boat</b> or other equipment on a <b>road</b> or <b>Council Land</b> without a <b>permit</b>	2
46	Allowing a shopping trolley to be left on any <b>road</b> or <b>Council Land</b>	2
47(1)	Collecting money or subscriptions without a <b>permit</b>	2
48(1)	Collection/placement of trade waste bins contrary to Local Law	2
48(2)	Placing of trade waste contrary to requirements	2
48(3)	Placing of trade waste contrary to guidelines	2

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<b>Clause</b>	<b>Abbreviated Description of Offence</b>	<b>Infringement Notice Penalty Units</b>
48(4)	Failure to store waste container on property as required	2
49(1) and (2)	Tap into or interfere with a drain under the control of <b>Council</b> or discharge groundwater into a drain under the control of <b>Council</b> or onto any <b>road</b> or <b>Council Land</b>	5
50(1) and (4)	Failure to provide or maintain a properly constructed vehicle crossing	5
51(1)	Construct, install, remove or alter a vehicle crossing without first obtaining a <b>permit</b> to do so	5
51(2)	Removing, pruning or damaging street tree from works on vehicle crossing	5
52	Failing to comply with a direction to remove any redundant vehicle crossing	5
53(1), (2) and (3)	Temporary vehicle crossing – failure to obtain a <b>permit</b> , or repair damage, or reimburse <b>Council</b>	5
54	<b>Building works</b> contrary to requirements	5
55(1)	Not complying with <b>Local Law Guidelines</b>	5
55(3)	Not producing records	5
55(5)	Carrying out <b>building works</b> without a <b>permit</b>	5
55(6)	Carrying out <b>building works</b> on a public holiday	5
55(11)	Causing unreasonable noise	5
55(13)	Failing to comply with direction to provide a Traffic Management Planning	5
55(14)	Not ensuring that vehicular entry occurs in the manner provided for	5
55(15)	Not developing and managing <b>building site</b> to minimise the risks of stormwater pollution	5
55(16)	Not providing refuse facility or attending to refuse facility in the manner described	5
55(17)	Not dealing with refuse in the manner described or dealing with it contrary to what is required	5
55(18)	Not removing and lawfully disposing of refuse	5
55(21)	Carrying out <b>building works</b> on a <b>dwelling</b> other than during permitted hours	5
55(23)	Causing unreasonable noise	5
55(25)	Not providing a report on existing conditions	5
55(27)	Not repairing damaged <b>road</b> or other asset	5
56	Occupying a <b>road</b> without a <b>permit</b>	5
57	Consumption and possession of <b>liquor</b> on <b>roads</b>	2
58	Consumption and possession of <b>liquor</b> on <b>municipal reserves</b>	2
60(3)	Smoking in <b>municipal places</b> contrary to signs	2
61	Contrary behaviour in a <b>municipal place</b>	2
62	Damaging/defacing a <b>municipal place</b>	5
63	Interference with watercourse	5
64	Obstructions on <b>road</b> or <b>Council Land</b>	5
65	Contrary behaviour in a <b>municipal reserve</b>	2
66	Activity without <b>permit</b> in <b>municipal reserve</b>	5
67(4)	Unauthorised access of <b>municipal reserve</b>	2
68	Camping on <b>Council Land</b>	2



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<b>Clause</b>	<b>Abbreviated Description of Offence</b>	<b>Infringement Notice Penalty Units</b>
69(1), (2) and (3)	Lighting a fire in a <b>municipal place</b> or <b>municipal reserve</b>	5
70	Filming on <b>road</b> or <b>Council Land</b> without a <b>permit</b>	5
71	Parking on <b>Council</b> reserve	2
72	Riding <b>animals</b> on <b>road</b> or <b>Council Land</b>	2
73(2)	Feeding of birds on <b>road</b> or <b>Council Land</b> contrary to Local Law	2
74(3)	Using a <b>wheeled non-motorised recreational device</b> or <b>wheeled child's toy</b> in a restricted area	2
75(1)	Control of <b>bathing boxes</b>	5
76	Contrary behaviour in a municipal building	2
77	Use of a municipal building without consent	2
81(2)	Making false representations or declarations in or in relation to an application for a <b>permit</b>	5
81(3)	Acting falsely or omitting relevant information from application for a <b>permit</b>	5
84	Failure to adhere to <b>notice to comply</b>	5
89(3)	Failing to comply with direction	5
90(1)	Any offence in respect of which a specific infringement notice <b>penalty unit</b> has not been listed	5