
Amenity Local Law 2026

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Section A: Preliminary

Part 1: Preliminary, Objectives and Definitions

1. Title

This **Local Law** is called the “*Amenity Local Law 2026*”.

2. What are the objectives of this Local Law?

The objectives of this **Local Law** are to:

- (a) Provide for the peace, order and good government of the **municipal district**;
- (b) Promote a physical and social environment free from hazards to health, in which the residents of the **municipal district** can enjoy a quality of life that meets the general expectations of the community;
- (c) Prevent and manage **nuisances** which may adversely affect the enjoyment of life within the **municipal district** or the health, safety and welfare of **persons** within the **municipal district**;
- (d) Regulate and manage activities of people within the **municipal district** which may be dangerous, unsafe or detrimental to the quality of life of other people in, or the environment of, the **municipal district**;
- (e) Regulate and control the use and activity relating to **Council land, roads and Council assets**; and
- (f) Provide standards and conditions for specified activities to protect the safety and the welfare of people within, and the environment of, the **municipal district**.

3. What authorises this Local Law?

This **Local Law** is made under section 71 of the *Local Government Act 2020* and section 43 of the *Domestic Animals Act 1994*.

4. When does this Local Law commence?

This **Local Law** commences on 1 January 2027.

5. When does this Local Law end?

This **Local Law** ceases to operate on 1 January 2037, unless revoked sooner by **Council**.

6. What does this Local Law replace?

On the commencement of this **Local Law**, the *Amenity Local Law 2020* is revoked.

7. What does this Local Law apply to?

- (a) This **Local Law** applies throughout the whole of the **municipal district** of **Council**.
- (b) This **Local Law** does not apply where any act or thing is authorised or exclusively regulated by or under any Act, Rule, Regulation or the **Planning Scheme**.

8. Are there any exemptions from this Local Law?

- (a) **Council** may **determine** specified **persons**, land or areas within the **municipal district** to be exempt from any provision of this **Local Law** for a specified time and on specified conditions.
- (b) 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 to a **person** employed or engaged by **Council** while acting in the course of their official or authorised functions.

9. Interpreting this Local Law

- (a) Words and phrases, the meaning of which are defined in clause 10 of this **Local Law** or elsewhere in it, appear in bold type in the text.
- (b) Introductions to Parts, Headings and Notes are explanatory only and do not form part of this **Local Law** and are provided to assist understanding.
- (c) Where a word or phrase is defined in the **Local Law**, other parts of speech and grammatical forms of that word or phrase have, unless the contrary intention appears, corresponding meanings.

10. Definitions

The words and phrases identified in **bold** throughout this **Local Law** have the following meaning:

Acceptable no smoking sign has the same meaning as in the *Tobacco Act 1987*.

Note: The *Tobacco Act 1987* defines **acceptable no smoking sign** as:

means a sign that contains—

- (a) *a no smoking symbol in the form of a circle and diagonal line printed in red over a depiction of a cigarette and smoke printed in black, or other symbol that clearly indicates that smoking is not permitted, with the symbol being at least 70 mm in height; and*
- (b) *the phrase "No Smoking" or "Smoking Prohibited", or other wording that clearly indicates that smoking is not permitted, in letters that are at least 20 mm in height;*

Act means the *Local Government Act 2020*.

Alcohol has the same meaning as "liquor" in the *Liquor Control Reform Act 1998*.

Note: The *Liquor Control Reform Act 2020* defines “liquor” as:

a beverage, or other prescribed substance, intended for human consumption with an alcoholic content greater than 0.5% by volume at a temperature of 20 degrees Celsius;

Animal housing means any structure erected for the purpose of housing animals.

Asset protection permit means a **permit** required by **Council** under clause 54(1) for the protection of **Council land** and **Council** assets during **building work**.

Assistance animal has the same meaning as in the *Disability Discrimination Act 1992* (Cth).

Note: The *Disability Discrimination Act 1992* (Cth) defines **assistance animal** as:

*an **assistance animal** is a dog or other animal:*

- (a) *accredited under a law of a State or Territory that provides for the accreditation of animals trained to assist a person with a disability to alleviate the effect of the disability; or*
- (b) *accredited by an animal training organisation prescribed by the regulations for the purposes of this paragraph; or*
- (c) *trained:*
 - (i) *to assist a person with a disability to alleviate the effect of the disability; and*
 - (ii) *to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.*

Assistance dog has the same meaning as in the *Equal Opportunity Act 2010*.

Note: The *Equal Opportunity Act 2010* defines **assistance dog** as:

means a dog that is trained to perform tasks or functions that assist a person with a disability to alleviate the effects of their disability;

Authorised Officer means a **person** appointed by **Council** under section 224 of the *Local Government Act 1989* to be an Authorised Officer for the purposes of the administration and enforcement of this **Local Law**.

Barbeque means any structure or device, erected or fixed outdoors, portable or mobile, which has as its primary purpose the cooking of food for human consumption.

Bicycle has the same meaning as in the *Road Safety Road Rules 2017*.

Note: The *Road Safety Road Rules 2017* defines **bicycle** as:

means a vehicle with 2 or more wheels that is built to be propelled partly or wholly by human power through a belt, chain or gears (whether or not it has an auxiliary motor), and-

- (a) *includes a pedicab, penny-farthing and tricycle; and*
- (b) *includes a power-assisted pedal cycle within the meaning of vehicle standards, as amended from time to time, determined under section 7 of the Motor Vehicle Standards Act 1989 of the Commonwealth; but*

- (c) *does not include an electric personal transporter, an electric scooter, a scooter, wheelchair, wheeled recreational device, wheeled toy, or any vehicle with an auxiliary motor capable of generating a power output over 200 watts (whether or not the motor is operating), other than a vehicle referred to in paragraph (b);*

Building has the same meaning as in the *Building Act 1993*.

Note: The *Building Act 1993* defines **building** as:

includes structure, temporary building, temporary structure and any part of a building structure.

Building site means any land upon which **building work** is being carried out, or which is being prepared for **building work** to be carried out.

Building work has the same meaning as in the *Building Act 1993* and includes any changes to the natural or existing topography of land (including excavation, landscaping, concreting, trenching, digging, filling, subdivision and road construction, whether by mechanical or manual methods, and the loading and unloading of any goods or materials) for or in connection with any building activity.

Note: The *Building Act 1993* defines **building work** as:

means work for or in connection with construction, demolition or removal of a building;

“construct”, in relation to a building, includes,

- (a) *build, re-build, erect or re-erect the building; and*
- (b) *repair the building; and*
- (c) *make alterations to the building; and*
- (d) *enlarge or extend the building; and*
- (e) *place or relocate the building on land*

Bulk rubbish container means a bin, skip, container or other receptacle used for the deposit of waste or refuse, but excludes an approved **Council supplied bin**.

Busking means to provide a form of public performance or entertainment for voluntary donations and includes, but is not limited to, playing a musical instrument, singing, recitations, conjuring or performing magic, performing puppetry, pavement art, juggling, miming, dancing or other theatrical or visual performances.

Camp means using a **caravan**, tent, sleeping bag, vehicle, shipping container, shed or similar structure for residential accommodation (either temporary or permanent) by a **person**.

Caravan includes a campervan, motor home, moveable dwelling or similar **vehicle**.

Child care centre means a **building** located on either **Council land** or **private land** used by a **person** to care for 4 or more children under the age of 13 years, in the absence of their parents or guardians, for the payment of a fee or other consideration.

Children's playground means **Council land** set aside or used for the predominant purpose of a children's play area.

Commercial waste means any landfill, recycling, rubbish, slops or other waste matter arising from or generated by any trade, industry or commercial activity.

Corporation has the same meaning as in the *Corporations Act 2001* (Cth).

Note: The *Corporation Act 2001* (Cth) defines a **corporation** as:

in this Act, corporation includes:

- (a) a company; and
- (b) any body corporate (whether incorporated in this jurisdiction or elsewhere); and
- (c) an unincorporated body that under the law of its place of origin, may sue or be sued, or may hold property in the name of its secretary or of an office holder of the body duly appointed for that purpose.

Council means Knox City Council.

Council asset means anything that is vested, owned, maintained, managed or controlled by **Council** and provides or contributes to the local amenity and/or the provision of physical services to the community, including but not limited to:

- (a) a road;
- (b) a drain;
- (c) drainage infrastructure;
- (d) street trees;
- (e) street signs; or
- (f) any asset vested in or under the control of **Council**.

Council land means land, **municipal place, buildings** and facilities, excluding a **road**, which is vested in, owned or occupied, managed or controlled by **Council**.

Council supplied bin means a bin which has been provided by and is collected by or on behalf of **Council** for the purposes of waste collection and disposal.

Declared significant tree means a tree **determined** to be a significant tree.

Declared significant vegetation means vegetation that is **determined** to be significant vegetation.

Determine or **Determined** means decided, declared or specified by **Council**.

Detrimental means, in relation to **private land** and **buildings**, in a state of neglect or in a state of disrepair or out of character with other **private land** and **buildings** in the immediate

neighbourhood in which it is located, irrespective of whether it can be seen from a neighbouring property or a **public place**.

Dilapidated means a **building** which is in a state of significant disrepair or has deteriorated or fallen into a state of partial ruin as a result of damage, age, neglect, poor maintenance or misuse. This includes, but is not limited to, a **building** which has one or a combination of:

- (a) missing, broken or deteriorated exterior cladding;
- (b) deteriorated guttering or downpipes;
- (c) broken or missing windows, window-awnings, eave lining or doors;
- (d) missing or broken roofing;
- (e) deteriorated internal gates and fences;
- (f) inadequate or no maintenance; or
- (g) any other building condition in a state of significant disrepair.

Donation bin means any bin installed for the purpose or apparent purpose of the collection of donated items.

Environmental weed means any vegetation that is **determined** to be an environmental weed and includes any vegetation listed on the **List of Environmental Weeds**.

Event means an organised recreational, cultural, commercial or social event or gathering of people, including a carnival, festival, street party, procession or any similar activity.

Graffiti means any inscription, word, figure, marking, painting, drawing, symbol, etching, scratching or other defacement that is written, marked, scratched, sprayed, painted or otherwise applied to the exterior of any **building** or other structure without the consent of the owner or person in charge of the **building** or structure. :

Incinerator means an outside structure, device or piece of equipment which is designed, adapted, used or capable of being used for the burning of any unwanted material or substance.

Infringement Notice means an infringement notice issued under the *Infringements Act 2006*.

Large bird means any cockatoo or other bird of similar or larger size of any age but does not include **poultry** or pigeons.

List of Environmental Weeds means the List of Environmental Weeds adopted by **Council** on 20 May 2020 as amended from time to time by **Council** resolution, and which is incorporated into and forms part of this **Local Law**.

Livestock has the same meaning as in the *Impounding of Livestock Act 1994*.

Note: The *Impounding of Livestock Act 1994* defines **livestock** as:

means an animal (including a bird) of any species used in connection with primary production or

kept for recreational purposes other than a dog or a cat;

Local Law means this *Amenity Local Law 2026*.

Minor building work means any **building work determined** and notified by **Council** or an **Authorised Officer** to the person in charge of a **building site** as being low risk, established upon assessing the risk of the **building work** causing damage to **Council land** and **Council assets**.

Motorised toy vehicle means any recreational **vehicle** which may be propelled or operated (including by remote control) by internal combustion, steam, gas, oil, electricity or any other power.

Municipal district means the municipal district of **Council**.

Municipal place means any **building** which is on **Council land** and includes a public library and any recreation centre, which is vested in, owned or occupied, managed or controlled by **Council**.

Net gain means where the overall gains are greater than overall losses for vegetation and habitat.

Notice to Comply means a written direction given by an **Authorised Officer** in accordance with clause 80(1).

Nuisance includes any behaviour or condition which is, or is liable to be dangerous to health, offensive or injurious to personal comfort.

Occupier means the **person** in charge, or having the management or control, of, or legally entitled to occupy, land (including a **building**), and, in relation to land which has a lot entitlement or lot liability in respect of common property, includes the Owners Corporation created on the registration of a Plan of Subdivision affecting that land.

Open air has the same meaning as in the *Country Fire Authority Act 1958*.

Note: The *Country Fire Authority Act 1958* defines **open air** as:

a fire is in the open air if it is in any place other than within a permanent structure.

Owner of private land means the **person** who is registered on the Certificate of Title as the proprietor of the **private land**, or the **person** who is or is entitled to be so registered, or the **person** who is otherwise entitled to exercise any rights of ownership of the **private land**.

Penalty unit has the same meaning as in the *Sentencing Act 1991*.

Note: The *Sentencing Act 1991* defines **penalty unit** as:

*If in an Act or subordinate instrument there is a statement of a number (whether whole, decimal or fractional) of what are called penalty units, that statement must, unless the context otherwise requires, be construed as stating a number of dollars equal to the product obtained by multiplying the number of **penalty units** by the amount fixed from time to time by the Treasurer under section 5(3) of the **Monetary Units Act 2004**.*

Permit means a permit or **approval** or written authorisation, required under this **Local Law**, and issued in accordance with the provisions of this **Local Law**.

Permit holder means the **person** in whose name a **permit** has been issued.

Person includes a natural **person**, a **corporation**, an association incorporated under the *Associations Incorporation Act 1981*, a partnership and an unincorporated association.

Person in charge of building work means:

- (a) a **person** in charge of a **building site**;
- (b) a **person** who causes **building work** to be carried out on any **private land**;
- (c) the person whose name appears on any building permit taken out on the subject private land where **building work** is to be undertaken; or
- (d) the **owner** of a **building site** or, if a company is the registered proprietor of the **building site**, each director of that company.

Planning Scheme means the Knox Planning Scheme.

Poultry means any chickens, ducks, geese, peacocks, pheasants, turkeys, bantam, squab, guinea fowls and anything similar of any age but excluding **roosters**.

Private land means any land which is privately owned or occupied, and any structures and fixtures on such land.

Property address means the **road** name and street number allocated to a property within the **municipal district** and may include, where there are multiple tenements within a property or multiple properties at one street number, the use of lot or unit numbers.

Property manager means a **person** appointed by the **owner** of the **private land** to manage that **private land**.

Public place has the same meaning as in the *Summary Offences Act 1966*.

Note: The *Summary Offences Act 1966* defines a **public place** as follows:

- (a) *any public highway road street bridge footway footpath court alley passage or thoroughfare notwithstanding that it may be formed on private property;*
- (b) *any park, garden, reserve or other place of public recreation or resort;*
- (c) *any railway station platform or carriage;*
- (d) *any wharf pier or jetty;*
- (e) *any passenger ship or boat plying for hire;*
- (f) *any public vehicle plying for hire;*
- (g) *any church or chapel open to the public or any other building where divine service is being publicly held;*

- (h) *any Government school or the land or premises in connection therewith;*
- (i) *any public hall, theatre or room while members of the public are in attendance at, or are assembling for or departing from, a public entertainment or meeting therein;*
- (j) *any market;*
- (k) *any auction room or mart or place while a sale by auction is there proceeding;*
- (l) *any licensed premises or authorised premises within the meaning of the **Liquor Control Reform Act 1998**;*
- (m) *any race-course, cricket ground, football ground or other such place while members of the public are present or are permitted to have access thereto whether with or without payment for admission;*
- (n) *any place of public resort;*
- (o) *any open place to which the public whether upon or without payment for admittance have or are permitted to have access; or*
- (p) *any public place within the meaning of the words "public place" whether by virtue of this Act or otherwise;*

Road has the same meaning as in the *Local Government Act 1989*.

Note: The *Local Government Act 1989* defines a **road** as follows:

road includes-

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

Rooster means a male fowl of any age.

Short Stay Rental Accommodation means accommodation for no more than 30 consecutive days or 1 month (whichever is the longer) in a dwelling on **private land** for commercial gain, excluding

other accommodation premises required to be registered as such under legislation enacted by Parliament.

Sign includes any placard, inflatable sign, portable electric sign, illuminated, revolving, spinning, or flashing sign, flag, banner, A-frame structure and other object or similar sign, being of a fixed or transient nature (including being affixed to a **vehicle**, trailer, **bicycle**, tricycle, trolley, or other object), which message thereon is used or intends to be used for notifying:

- (a) the existence of the sale or use of any goods or services;
- (b) the holding of an **event** or function;
- (c) the promotion of any **person**, company, organisation, industry or thing; or
- (d) the promotion of a **person's** candidature or prospective candidature or a political party in connection with a Commonwealth, State or local government election.

Site fencing means a temporary or permanent fence around the entire perimeter of a **building site** at the commencement and for the duration of the **building work**:

- (a) at a height of not less than eighteen hundred (1800) millimetres;
- (b) capable of preventing litter from being transported from a **building site** by wind;
- (c) capable of preventing unauthorised **persons** accessing the **building site**; and
- (d) having not more than one access opening fitted with gates, which is located to correspond with the **vehicle crossing** for the **building site**.

Site identification means a **sign** that is at least six hundred (600) millimetres in height and four hundred (400) millimetres in length, is erected at the entrance to the **building site** and is clearly visible from the **road**, and includes on the **sign** the:

- (a) lot number, as described on the Certificate of Title relevant to the land and house number if available;
- (b) name of the **owner** or developer of or builder responsible for the **building site**;
- (c) relevant building surveyor's contact name and phone number; and
- (d) twenty-four (24) hour contact telephone number or numbers for the **owner** or developer of or builder responsible for the **building site**.

Small bird means any budgerigar, canary, finch or other similar sized or smaller bird (excluding poultry).

Smoke has the same meaning as in the *Tobacco Act 1987*.

Note: The *Tobacco Act 1987* defines **smoke** as:

smoke means-

- (a) *smoke hold or otherwise have control over, an ignited or heated tobacco product or;*
- (b) *use a vaping device to generate or release an aerosol or vapour;*

Smoke free area means an area:

- (a) identified in Schedule 2 to this **Local Law**; or
- (b) **determined** to be a **smoke free area** in accordance with clause 53(4) and shown as such on **Council's** website.

Street furniture means tables and chairs, stools and benches, umbrellas, heaters, planter boxes, wind frames (barriers) and other items associated with trading activities.

Temporary vehicle crossing means any material that is used to protect a **road**, kerb, channel or footpath while **building work** is being undertaken that has been constructed and maintained to the satisfaction of **Council**.

Tobacco product has the same meaning as in the *Tobacco Act 1987*.

Note: The *Tobacco Act 1987* defines **tobacco product** as:

means tobacco, cigarette or cigar or any other product containing tobacco and which is designed for human consumption;

Unmanaged honeybee swarm means a colony of honeybees hiving or swarming in an unmanaged capacity on **private land**.

Unightly means a state or condition of a property having the presence of one or more of the following features or similar features:

- (a) unconstrained rubbish, litter or waste material;
- (b) discarded, rejected, surplus or abandoned solid or liquid materials;
- (c) unregistered **vehicle(s)** which is either unroadworthy, disassembled, incomplete, deteriorated or derelict;
- (d) disused or derelict machinery or **vehicle** parts;
- (e) dead, diseased or dying vegetation;
- (f) growth of vegetation and undergrowth exceeding a height of 300 millimetres;
- (g) a disused excavation;
- (h) a **building** or structure which is incomplete and not currently being constructed; or
- (i) **graffiti** on the exterior walls of a **building** or other structure (including but not limited to an exterior fence).

Use of Waste Collection Services Policy means the Use of Waste Collection Services Policy adopted by **Council** on 20 May 2020 as amended from time to time by **Council** resolution, and which is incorporated into and forms part of this **Local Law**.

Utility has the same meaning as in the *Road Management Act 2004*.

Note: The *Road Management Act 2004* defines **utility** as:

utility means—

- (a) *an entity (whether publicly or privately owned) which provides, or intends to provide, water, sewerage, drainage, gas, electricity, telephone, telecommunication or other like services under the authority of an Act of Victoria or the Commonwealth;*
- (b) *any person who under the **Pipelines Act 2005** is the holder of a licence to construct and operate a pipeline;*

Vehicle has the same meaning as in the *Road Safety Road Rules 2017*.

Note: The *Road Safety Road Rules 2017* defines **vehicle** as:

a “vehicle” includes-

- (a) *a motor vehicle, trailer and tram; and*
- (b) *a bicycle; and*
- (c) *an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle; and*
- (d) *a combination; and*
- (e) *a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground)*

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but does not include another kind of wheelchair, a train, a wheeled recreational device, a wheeled toy or an electric personal transporter.

Vehicle crossing means a constructed surface for vehicular access to **private land**.

Vermin means pest or noxious animals that are apt to spread disease, including but not limited to rodents, cockroaches, flies, lice, termites, mosquitoes, bedbugs and parasitic worms.

Wheeled recreational device has the same meaning as in the *Road Safety Road Rules 2017*.

Note: The *Road Safety Road Rules 2017* defines **wheeled recreational device** as:

means a wheeled device, built to transport a person, propelled by human power or gravity (or in the case of a scooter, propelled by a person pushing one foot against the ground, or by an electric motor or motors, or by a combination of these), and ordinarily used for recreation or play, and –

- (a) *includes rollerblades, rollerskates, a skateboard, a scooter (other than an electric scooter) that is not a motor vehicle, or similar wheeled device, but;*
- (b) *does not include-*
 - (i) *a golf buggy, pram, stroller or trolley;*

- (ii) *a bicycle;*
- (iii) *an electric scooter (whether or not the electric scooter is a motor vehicle);*
- (iv) *an electric personal transporter;*
- (v) *a wheelchair or wheeled toy;*
- (vi) *a scooter that is a motor vehicle;*

Wheeled toy has the same meaning as in the *Road Safety Road Rules 2017*.

Note: The *Road Safety Road Rules 2017* defines **wheeled toy** as:

means a child's pedal car, scooter (other than a motorised scooter) or tricycle or a similar toy, but only when it is being used only by a child who is under 12 years old;

Section B: Neighbourhood Amenity and Your Property

Part 2: Private Land and Neighbourhood Amenity

*Introduction: This Part relates to the appearance and condition of **private land** and properties in the municipality and includes properties that have been allowed to reach a **dilapidated, unsightly** or dangerous condition. This Part also contains provisions to provide for clear signage of street numbers to assist in the management of the municipality and to assist emergency services and regulate short stay rental accommodation.*

11. Dangerous land

- (1) An **owner** or **occupier** or **property manager** of **private land** must not cause or allow that **private land** to be kept in a manner which is or is likely to constitute a danger to health, life or property.
- (2) Clause 11(1) does not apply to any danger to health, life or property arising from the condition of vegetation, including trees, unless the vegetation poses a risk to persons or property in a **public place**.
- (3) An **owner** or **occupier** or **property manager** of **private land** must not, without a **permit**, store or allow to be stored on that land any matter, hazardous substance or thing which is dangerous or likely to cause danger to health, life or property.

12. Unsightly land

An **owner** or **occupier** or **property manager** of **private land** must not cause or allow that land to be kept or used in a manner which is **unsightly**.

13. Land which is detrimental to the general amenity of the neighbourhood

An **owner** or **occupier** or **property manager** of **private land** must not cause or allow that land to be kept or used in a manner which is **detrimental** to the general amenity of the immediate neighbourhood in which the land is located.

14. Obstructions

- (1) Without a **permit**, an **owner** or **occupier** or **property manager** of **private land** must not cause or allow any vegetation on that land to:
 - (a) encroach on or overhang over any **Council land** or **road** to a height less than 2.5 metres;
 - (b) encroach on or over any **road** comprising the **road** pavement for the traffic of **vehicles** to a height less than 5 metres; or
 - (c) obstruct the clear view of traffic controls by a person on the adjacent **road** or substantially interfere with **vehicle** or pedestrian use of any **Council land** or **road** or with street lighting.

- (2) Without a **permit**, an **owner** or **occupier** or **property manager** of **private land** must not cause or allow any **sign**, fence, structure or other thing on that land to encroach on or over any **Council land** or **road**.
- (3) Without a **permit**, a **person** must not place or allow to be placed, store or leave any obstruction or other thing on **Council land** or **road**.

15. Dilapidated buildings

An **owner** or **occupier** or **property manager** of **private land** must:

- (1) not cause or allow a **building** located on that **private land** to:
 - (a) become **dilapidated**; or
 - (b) become further **dilapidated**;
- (2) not fail to maintain any **building** on that **private land** in a state of good repair;
- (3) take all reasonable steps to secure the **private land** (including any **building** on that **private land**) from unauthorised access by a **person**, including, if required by **Council** or an **Authorised Officer**, by installing secure fencing, adequate locks and any other security options deemed necessary by **Council** or the **Authorised Officer**;
- (4) take reasonable steps to prevent or remedy the **private land** (including any **building** on that **private land**) from being a haven for regular anti-social or unlawful behaviour by a **person**; and
- (5) not allow any **graffiti** to remain on any **building**, exterior wall, exterior fence or other structure on that **private land**.

16. Heavy and long vehicles on private land

Without a **permit**, a **person** must not, on **private land**, park or store or allow another **person** to park or store a **vehicle** which is 7.5 metres or more in length or 4.5 tonne or more in gross **vehicle** mass.

17. Camping on private land

Without a **permit**, an **owner** or **occupier** or **property manager** of **private land** must not **camp** on **private land** or allow another **person** to **camp** on that **private land**.

Note: **Council** will exempt a **person** from the need for a **permit** if they are allowing a family member or friend to **camp** on their land overnight or for a short period. So, no **permit** will be required if, for example, a parent allows their children to sleep in a tent in the backyard overnight or for a few nights.

18. Property numbers

- (1) **Council** may allocate a **property address** to each property in the **municipal district** and, from time to time, may make changes to **property addresses**.
- (2) An **owner** or **occupier** or **property manager** of any property must ensure that the property is marked with the street number allocated, which must be:
 - (a) of sufficient size;
 - (b) in such a position; and
 - (c) kept in such a state of repairas to be clearly readable during daylight hours from the **road** which the property fronts.

19. Intruder alarms

An **owner** or **occupier** or **property manager** of **private land** must not install or allow to be installed or cause to be retained in an active state at or upon that **private land**, any alarm which emits a noise audible beyond the boundary of the land, unless the alarm is so constructed or regulated as to ensure that:

- (1) whenever a detection device is activated, the intruder alarm is automatically rendered inaudible beyond the boundary of the land within ten (10) minutes of it being activated; and
- (2) the intruder alarm cannot re-activate until the device has been re-set.

20. Lights

- (1) An **owner** or **occupier** or **property manager** of **private land** must not cause or allow the beam of a security or decorative light to penetrate beyond the property boundary of that land.
- (2) An **owner** or **occupier** or **property manager** of **private land** must not cause or allow the beam of a security or decorative light to be excessive or offensive or cause a **nuisance** to any other person.

21. Short Stay Rental Accommodation

An **owner** or **occupier** or **property manager** of **private land** who causes or allows the **private land** to be used for **short stay rental accommodation** is guilty of an offence if:

- (1) during any period of twelve (12) months **Council** receives three (3) or more complaints to the effect that:
 - (a) a **person** on the **private land** has caused a **nuisance**; or
 - (b) a **person** on the **private land** has demonstrated anti-social behaviour that has unduly interfered with the use and enjoyment of another residential premises; and

- (2) **Council** or an **Authorised Officer** concludes that each or at least three of the complaints is substantiated.
- (3) **Council** must, where practicable, ensure that the relevant **owner, occupier** or **property manager** of the **private land** in respect of which the complaint has been made is given notice of the:
 - (a) substance of each complaint and an opportunity to make a submission on whether the complaint should be substantiated; and
 - (b) conclusion of **Council** or the **Authorised Officer** as to whether the complaint has been substantiated.

22. Shipping containers

Without a **permit**, an **owner** or **occupier** or **property manager** of **private land** must not keep, store, repair or in any other manner use a shipping container on that land unless the **Planning Scheme** requires a planning **permit** for such use and a planning **permit** under the **Planning Scheme** has been issued.

Part 3: Private Land and the Environment

Introduction: This Part contains provisions which aim to preserve the environment in the municipality, for a range of matters that are not already regulated for by other legislation.

23. Environmental weeds

- (1) **Council** may **determine** any type of vegetation to be an **environmental weed** to which this **Local Law** applies.
- (2) Any type of vegetation **determined** by **Council** to be an **environmental weed** under clause 23(1) must be listed on the **List of Environmental Weeds**.
- (3) The **List of Environmental Weeds** is incorporated into and forms part of this **Local Law**.
- (4) An **owner** or **occupier** or **property manager** of **private land** of two (2) hectares or less must not cause or allow any **environmental weed** to be present on the **private land**.

24. Tree and vegetation protection

- (1) Without a **permit**, a **person** must not cut, trim, lop, prune or authorise or allow to be cut, trimmed, lopped or pruned on any **private land** a **declared significant tree** or **declared significant vegetation**.
- (2) Nothing in clause 24(1) affects any right of **Council** to recover compensation from a **person** who has breached clause 24(1), with such compensation to be sought on the basis of the **net gain** principle.

25. Vermin and pests on private land

- (1) An **owner** or **occupier** or **property manager** of **private land** must, upon becoming aware of the existence of an **unmanaged honey bee swarm** on that land, immediately remove the swarm.
- (2) An **owner** or **occupier** or **property manager** of **private land** must, upon becoming aware of the existence of a wasp nest on that land, immediately destroy the nest.
- (3) An **owner** or **occupier** or **property manager** of **private land** must not cause or allow that land to harbour **vermin**.
- (4) An **owner** or **occupier** or **property manager** of **private land** must, upon becoming aware of the existence of **vermin** on that land, immediately:
 - (a) destroy any **vermin** on that land; or
 - (b) remove or rectify any conditions on the land which are conducive to the harbouring, breeding or feeding of **vermin**.
- (5) Clauses 25(3) and (4) do not apply to:
 - (a) rats or mice bred or kept exclusively for research, scientific or educational purposes; or
 - (b) rats or mice bred or kept exclusively as domestic pets.

Part 4: Open Air Burning

26. Open air burning

- (1) Nothing in this clause 26 permits a person to light a fire during a declared Fire Danger Period (including a day of Total Fire Ban) or a Smog Alert Day declared by the Environment Protection Authority or any relevant statutory authority or otherwise in contravention of the *Country Fire Authority Act 1958* or the *Fire Rescue Victoria Act 1958*. With the exception of clause 26, nor does anything in this clause permit a person to light a fire during the months of June & July.
- (2) In this clause 26, “Bushfire Management Overlay” (**BMO**) means a geographic overlay of the **Planning Scheme** that identifies areas at risk of bushfire, requiring specific planning controls for development to reduce risk to life and property.
- (3) **Open Air Burning Categories**
 - (a) This **Local Law** divides the **municipal district** into two (2) **open air** burning categories:
 - (i) Open Air Burning – **private land** located within the **BMO**; and
 - (ii) Open Air Burning – **private land** located outside the **BMO**.
 - (b) Each property within the **municipal district** is within a category and the onus is on each **owner** or **occupier** of the **private land** to know to which category their **private land**

belongs and to comply with the relevant **open air** burning restrictions set out in this **Local Law** or any relevant legislation.

Note: The location of **private land** and whether it is located within or outside the **BMO** is shown in the **Planning Scheme** or can be verified using the **Victorian Government's MapShare Tool**: <https://mapshare.vic.gov.au/vicplan/>

The **Planning Scheme** and Maps are available online for inspection or at **Council's** principal office.

Notification of the burn must be registered with **Fire Permits Victoria** webpage: <https://firepermits.vic.gov.au/>

(4) Regulation of Open Air Burning

(a) Open Air Burning – Private land falling within the BMO

- (i) A **person** may, without a **permit**, light or allow to be lit, a fire in the **open air**, if the **private land** is located within the **BMO**.

(b) Open Air Burning – Private land falling outside the BMO

- (i) A **person** must not, without a **permit**, light or allow to be lit, a fire in the **open air**, if the **private land** is located outside the **BMO**.
- (ii) A **person** must comply with the conditions of the **permit**.

(c) Permit may be issued

Upon application by a **person**, **Council** or an **Authorised Officer** may issue a **permit** in accordance with this Part 4 which allows the **permit holder**, subject to any conditions outlined in the **permit**, to have on any **private land** specified in the **permit** a fire in the **open air** that does not attract any of the requirements of clause 26.

(d) General Provisions

- (i) A **person** or **owner** or **occupier** of **private land** who has lit or allowed a fire to be lit in the **open air** on **private land** must ensure that:
 - (A) the **open air** burning is only for fuel reduction for the purpose of fire prevention;
 - (B) only one fire can be lit respectively on a Thursday, Friday or Saturday during daylight hours;
 - (C) the fire is completely extinguished by the end of that day's daylight hour;
 - (D) the fire does not exceed one cubic metre in size;

- (E) the distance from the outer extremity of the fire to any other fuel is at least three metres, including above the fire;
 - (F) the fire is, at all times, supervised by an adult who has the capacity and means to extinguish the fire;
 - (G) sufficient fire protection equipment or an adequate water supply is readily available on site to control or extinguish the fire;
 - (H) at the site of the fire, the wind speed does not exceed 10 kilometres per hour;
 - (I) a notification of the fire in the **open air** is registered with **Fire Permits Victoria** or any relevant statutory authority prior to the commencement of the fire; and
 - (J) the **occupiers** of immediate surrounding land are notified of the fire in the **open air** at least twenty four (24) hours before it is lit.
- (ii) A **person** or **owner** or **occupier** of **private land** who has lit or allowed a fire to be lit or is in charge of a fire in the **open air** on **private land**, must, before leaving the place of the fire:
- (A) completely extinguish the fire; or
 - (B) ensure that an adult person who has the capacity and means to extinguish the fire remains at all times in charge of the fire.
- (iii) Without a permit, a **person** or **owner** or **occupier** of **private land** is allowed to light a fire in the **open air** on **private land** in the following circumstances:
- (A) a barbecue, pizza oven or other properly constructed appliance is being used for cooking food;
 - (B) a fire in a brazier, fire pit or chimenea is being used for heating;
 - (C) a tool of trade is being used for the purpose for which it was designed;
 - (D) a fire is lit during the course of duty by a member of a fire and emergency services agency; or
 - (E) a fire is lit for the purpose of enjoying a recognised cultural practice or practising a religion.

(e) Restrictions on Open Air Burning on private land

- (i) A **person** or **owner** or **occupier** of **private land** must not light or allow a fire to be lit in the **open air** on the **private land** that:
 - (A) is offensive or a **nuisance** to another person in the vicinity, or which extends beyond the property boundary of that land;
 - (B) may cause a hazard to a **person's** health;

(C) has an adverse impact on visibility beyond the property boundary of the land, including reducing the visibility of motorists and other users of a **road**; or

(D) creates a hazard on or near a **road**.

(ii) A **person** or **owner** or **occupier** of **private land** must not light or allow a fire to be lit in the **open air** on the **private land** to burn:

(A) green or wet vegetation;

(B) non timber based building materials;

(C) painted or treated timber;

(D) rubber or plastic, including plastic mulch, plant pots and packaging materials;

(E) furnishings or carpet;

(F) manufactured chemicals or pressurised cans;

(G) petroleum or oil products;

(H) paint or any container in which paint is or was kept;

(I) food waste;

(J) manure or straw;

(K) carcasses or dead animals, unless prescribed by the Department of Energy, Environment and Climate Action (DEECA) or any relevant statutory authority as the only means of disposal; or

(L) any other offensive, noxious, or toxic matter.

(f) Restrictions on Open Air Burning in Public Places and on Council Land

(i) A **person** must not, without a **permit** or the relevant land manager's written consent, light or allow to be lit, a fire in the **open air** on:

(A) a **road**;

(B) **Council land**;

(C) Crown land; or

(D) any **public place**

or unless the fire is authorised by a **sign** erected in or on the land by **Council**.

(ii) The restrictions in clause 26(e) apply to any fire lit in accordance with clause 26(f)(i).

(g) Direction to Extinguish Fires

A **person** who has lit or allowed a fire in the **open air** to be lit contrary to any of the provisions in this clause 26 or any condition contained in a **permit**, must **extinguish** the fire immediately on being directed to do so by:

- (i) an **Authorised Officer**; or
- (ii) a member of Victoria Police or the Country Fire Authority or Fire Rescue Victoria.

(h) Incinerators

A **person** or **owner** or **occupier** of **private land** must not light or allow to be lit a fire in an **incinerator**.

Part 5: Waste Management

27. Council waste services

- (1) The **Use of Waste Collection Services Policy** is incorporated into and forms part of this **Local Law**.
- (2) A **person** must comply with the **Use of Waste Collection Services Policy**.

28. Non-Council waste services

An **owner** or **occupier** of **private land** who uses a non-**Council** managed waste collection service in respect to that **private land**, must ensure that:

- (1) the service provided is at a standard and frequency equivalent to or greater that provided by **Council**;
- (2) any bin used in connection with the service is kept in a clean and sanitary condition; and
- (3) any bin used in connection with the service is not stored or used in any manner so as to cause a **nuisance** or become **detrimental** to the amenity of the immediate area.

29. Commercial waste

- (1) Without a **permit**, a **person** must not place out for collection a **commercial waste** bin on **Council land** or a **road**.
- (2) Where an **owner** or **occupier** of **private land** has stored or stores **commercial waste** in a bin on that **private land**, the **owner** or **occupier** of that **private land** must ensure that the:
 - (a) bin and the surrounding area are kept in a clean and sanitary condition;
 - (b) **commercial waste** is regularly removed from the bin, at the frequency required to ensure that the bin is not overflowing;

- (c) bin is labelled with the address of the property, in accordance with any direction by **Council** or an **Authorised Officer**; and
 - (d) label on the bin is maintained and is clearly readable from the **road** which the **private land** fronts, under normal lighting conditions.
- (3) A person must not place commercial waste:
 - (a) in a public litter bin;
 - (b) in a public recycle bin;
 - (c) on a hard-waste collection pile;
 - (d) in a **Council supplied bin** that is used or designed to be used for the purpose of residential waste collection and disposal; or
 - (e) in a **Council supplied bin** that is used or designed to be used for commercial collection without the permission of the **owner** or **occupier** of the land for which that bin was issued.
- (4) If the **owner** or **occupier** of a commercial or industrial premises utilises a waste collection service other than, or in addition to, a waste collection service provided by **Council**:
 - (a) the **owner** or **occupier** must ensure that, for the purposes of that **commercial waste** collection service, the **commercial waste** bin provided for the storage of **commercial waste** is:
 - (i) constructed of impervious materials, watertight and pest proof;
 - (ii) emptied before it overflows;
 - (iii) removed from any **public place** immediately after it is emptied;
 - (iv) maintained and kept in a clean condition and free from offensive odours; and
 - (v) not allowed to remain on a nature strip or other part of a **road** for the purpose of emptying for longer than 48 hours;
 - (b) a **person** or the **owner** or **occupier** must not place a **commercial waste** bin from commercial premises out for collection on a **road** prior to 4.00pm on the day before the day of collection, and must return that bin to the premises by 10.00am on the day of collection;
 - (c) a **person** or the **owner** or **occupier** must ensure that any **commercial waste** bin they have placed on a **road** for the purpose of collection or allowed to be so placed does not cause any obstruction or danger to any **person**; and
 - (d) a **person** who has placed a **commercial waste** bin on a **road** for the purpose of collection or the **owner** or **occupier** must repair any damage to the **road** or any works

in or on the **road**, including a **vehicle crossing**, that results from placing the **commercial waste** bin on the **road** or emptying it.

Section C: Keeping of Animals

Part 6: Animals

*Introduction: This Part contains provisions which aim to ensure that any animals kept on **private land** do not cause a **nuisance** or have an adverse impact on the amenity of the area.*

30. Limits on number of animals kept

- (1) Without a **permit**, an **owner** or **occupier** of **private land** must not keep or allow to be kept on that land any more in number for each animal than is set out in the following table:

Type of animal	Number of Animals ¹
Dogs	Two (2)
Cats	Two (2)
Poultry	Five (5)
Small birds	Twenty five (25)
Large Birds	Five (5)
Ferrets, Guinea Pigs, Rabbits or Rodents	Five (5)
Rooster	Nought (0)
Livestock	Nought (0) if private land is less than 4,000 sq metres.

- (2) The limitations and restrictions in this Part do not prohibit the keeping of any animals if a planning permit is required for the keeping of the animals under the **Planning Scheme** and a planning permit has been issued for such keeping.
- (3) **Council** or an **Authorised Officer** may exempt any person or class of **persons** from the application of clause 30(1).
- (4) Notwithstanding clauses 30(1) and (2), a **person** is allowed to keep an **assistance dog** or **assistance animal** on **private land**, provided that the **assistance dog** or **assistance animal** is registered with **Council** or an appropriate body or Applicable Organisation², if required under legislation.
- (5) Unless specifically permitted under a **Planning Scheme** or any Act, a **person** must not keep a **rooster** on any **private land**.

¹ For the purpose of calculating the maximum number of dogs and cats allowed to be kept on land, the progeny of any dog or cat lawfully kept on the land is not to be counted for twelve (12) weeks after their birth. An **assistance dog** or **assistance animal** is not included in the total number of animals allowed in the Table.

² These are specific bodies accredited by State Government (such as the Minister for Agriculture under the *Domestic Animals Act 1994*) that are authorised to train and accredit assistance animals, e.g., Dogs Victoria.

- (6) Unless specifically permitted under a **Planning Scheme** or any Act, a **person** must not keep **livestock** on any **private land** which is less than 4,000 square metres in area.

31. Animal housing

- (1) The **owner** of an animal and the **owner** or **occupier** of the **private land** on which an animal is kept must ensure that the **animal housing**:
- (a) is constructed with adequate roofing, flooring and drainage;
 - (b) is maintained in a clean and sanitary condition;
 - (c) provides adequate shelter for the number of animals and welfare needs of each animal;
 - (d) is maintained in good repair so as to not cause a **nuisance** to **occupiers** of neighbouring properties;
 - (e) is located at a distance from neighbouring properties and dwellings that is to the satisfaction of an **Authorised Officer**; and
 - (f) is kept clear of materials which may harbour **vermin**.
- (2) The **owner** of an animal and the **owner** or **occupier** of the **private land** on which an animal is housed must ensure that animal food is stored to prevent access by **vermin**.

32. Private land adequately fenced

- (1) Unless clause 32(2) applies, the **owner** of an animal and the **owner** or **occupier** of the **private land** on which an animal is kept must ensure that the **private land** is adequately fenced, and the fence is maintained to the satisfaction of **Council** or an **Authorised Officer**, so that any animal kept on the **private land** cannot escape from that **private land**.
- (2) The **owner** of an animal and the **owner** or **occupier** of the **private land** on which an animal is kept may install and maintain an enclosure for the animal to be kept on the **private land** to prevent the animal from escaping.
- (3) Any enclosure installed and maintained for the purposes of clause 32(2) must comply with any applicable Code of Practice applicable to the animal under the *Prevention of Cruelty to Animals Act 1986* or the *Domestic Animals Act 1994* or any other relevant legislation.
- (4) A failure to comply with clause 32(1), (2) and (3) is an offence.

33. Removal of animal waste

- (1) A **person** in charge of an animal on **Council land** or on a **road** must carry a facility for the effective removal of any waste that may be deposited by that animal on the **road** or **Council land**.

- (2) A **person** in charge of an animal on **Council land** or on a **road** must collect from the **Council land** or **road** and appropriately dispose of any waste deposited by that animal on the **road** or **Council land**.

34. **Animal noise and odour**

The **owner** of an animal and the **owner** or **occupier** of the **private land** on which an animal is kept must not allow **noise** or **odour** to emanate from the animal as to interfere with the amenity of the immediate area or cause a **nuisance**.

35. **Feeding of animals and birds**

A **person** must not feed an uncaged bird or animal so as to interfere with the amenity of the immediate area, cause damage to any land or cause a **nuisance**.

Section D: Use of Council Land and Roads

Part 7: Use of Council Land and Roads

*Introduction: This Part contains provisions to protect the amenity of **Council land** or **roads** through controls prohibiting **persons** from causing damage to, or acting in a socially unacceptable manner on **Council land** or **roads**.*

36. Behaviour on Council land (including a municipal place) and roads

A **person** must not:

- (1) create a nuisance on **Council land** or a **road**;
- (2) act in a manner that is likely to interfere with the reasonable use and enjoyment of **Council land** or a **road** by other persons;
- (3) act in a manner which endangers any other person on **Council land** or a **road**;
- (4) use indecent, insulting, offensive or abusive language on **Council land** or a **road**;
- (5) behave in an indecent, offensive, insulting, or riotous manner on **Council land** or a **road**;
- (6) bring onto **Council land** any substance, liquid or powder which may:
 - (a) be dangerous or injurious to health;
 - (b) have the potential to foul, pollute or soil any part of the **Council land**; or
 - (c) cause discomfort to any person.
- (7) organise, conduct, or hold any function or **event** on a **road** or **Council land** without the consent of **Council** or an **Authorised Officer** or a **Council** staff member;
- (8) without a **permit**, erect, operate or cause to be erected or operated any amusement on **Council land** or a **road**;
- (9) obstruct, hinder, or interfere with a **Council** staff member in the performance of their duties on **Council land** or a **road**;
- (10) act contrary to any reasonable direction of an **Authorised Officer** or **Council** staff member given on **Council land** or a **road**, including, without limitation, a direction to leave the **Council land** or the **road**, whether or not a fee for admission has been paid;
- (11) without a **permit**, make any wager for money or engage in any form of gambling on **Council land** or a **road**;
- (12) remain in a **municipal place** while under the influence of alcohol or any prohibited drug; or

- (13) remain on **Council land** or a **road** after being directed to leave by an **Authorised Officer** or a **Council** staff member.

37. Council's power on Council land (including municipal places)

- (1) Under this **Local Law**, **Council** or an **Authorised Officer** or a **Council** staff member may do any of the following in relation to any **Council land**:
 - (a) restrict access to all or part of **Council land** to any **person**;
 - (b) close **Council land** or any part of it to the public;
 - (c) **determine** the hours during which **Council land** or any part of it is open to the public;
 - (d) establish conditions of entry to **Council land** or any part of it;
 - (e) establish conditions for the use or hire of **Council land** or any part of it;
 - (f) set and collect fees or charges for admission to or the hire of or the use of **Council land** or any part of it, including variation in fees or charges depending upon multiple use, period of time or any other basis; and
 - (g) set and collect fees or charges for the hire or use of any **Council** property or **Council asset** in connection with **Council land** or any part of it.
- (2) A **person** must not act contrary to any restriction, closure, condition, fee, charge, agreement or authorised instruction in relation to **Council land** unless authorised by **Council** or an **Authorised Officer** or a **Council** staff member to do so.

38. Access to a municipal place

- (1) A **person** must not, without the consent of **Council** or an **Authorised Officer** or a **Council** staff member:
 - (a) act contrary to any conditions of entry or membership applicable to a **municipal place**;
 - (b) enter or remain in a **municipal place** after being directed to leave by an **Authorised Officer** or a **Council** staff member;
 - (c) enter or remain in a **municipal place** during hours when the **municipal place** is not open to the public;
 - (d) bring any animal into, or allow any animal under their control to remain in, a **municipal place**, except for an **assistance dog** being used by that **person**; or
 - (e) bring any **vehicle** or **wheeled recreational device** or **wheeled toy** into a **municipal place**, except for:
 - (i) a pram or pusher being used by a child; or

- (ii) a wheelchair or motorised disability scooter or similar being used by a person with disabilities.

- (2) A **person** must not act contrary to any reasonable direction of an **Authorised Officer** or **Council** staff member given in a **municipal place**.

39. Camping on Council land or road or public place

Without a **permit**, a **person** must not **camp** in or on any **Council land**, **road** or **public place**.

40. Obstructions on roads and Council land

Without a **permit**, a **person** must not place or **permit** to be placed or allow to remain on **Council land** or a **road**:

- (a) a bulk rubbish container;
- (b) a shipping container;
- (c) a donation bin; or
- (d) any other like thing.

41. Shopping trolleys

- (1) A **person** must not leave a shopping trolley on **Council land** or a **road**, except in an area designated for the leaving of shopping trolleys.
- (2) The **owner** of a shopping trolley must ensure that their name and trading name are clearly marked on the shopping trolley.
- (3) The **owner** of a shopping trolley must not leave or allow a shopping trolley to be left on **Council land** or a **road** except in an area designated for the leaving of shopping trolleys.

42. Use of toy vehicles

- (1) A **person** must not use or allow to be used a **wheeled toy**, **wheeled recreational device** or **motorised toy vehicle** on **Council land** or a **road** so as to:
 - (a) endanger, intimidate, unduly obstruct or cause annoyance to any other person or **vehicle** lawfully using or intending to use the same area; or
 - (b) damage property.
- (2) **Council** may **determine** any **Council land** or a **road**, where a **wheeled toy**, **wheeled recreational device** or **motorised toy vehicle** is used or can be used, to be **Council land** or a **road** on which the presence of a **wheeled toy**, **wheeled recreational device** or **motorised toy vehicle** is prohibited, if the use of these items is reasonably likely to endanger, intimidate or unduly obstruct any other **person** or **vehicle** lawfully using or intending to use the same area or damage property to **Council land** or a **road** or a **Council asset**.

- (3) Any **Council land** or **road** that is the subject of a prohibition in accordance with clause 42(2) must be listed on **Council's** website.
- (4) A **person** must not act contrary to any prohibition **determined** in accordance with clause 42(2).

43. Fireworks on Council land and roads

Without a **permit**, a **person** must not discharge or cause or allow to be discharged any fireworks on **Council land** or a **road**.

Part 8: Vehicles on Council Land or Roads

*Introduction: This Part contains provisions regarding the placement of **vehicles** on **Council land** or **roads**, for matters that are not already regulated for by other legislation.*

44. Vehicles on Council land and roads

Without a **permit**, a **person** must not use, or allow to remain, any **vehicle** on any **Council land** or in any **public place** unless it is set aside for **vehicle** use or parking or it is a **road** or designated roadway.

45. Repairing or displaying vehicles

- (1) A **person** must not dismantle, paint, service, carry out maintenance on, repair or dismantle a **vehicle** on **Council land** or a **road**, or allow or authorise another **person** to do so, except in an emergency breakdown for the purpose of removing it.
- (2) Without a **permit**, a **person** must not display a **vehicle** for sale on **Council land** or a **road**.

46. Abandoned, derelict and unregistered vehicles

A **person** must not abandon or leave a derelict or unregistered **vehicle**, or cause or allow such a **vehicle** to be parked or left standing, on **Council land** or a **road** or a **public place**.

Part 9: Trading, Fundraising and Promotional Activities on Council Land or Roads

*Introduction: This Part contains provisions relating to commercial, fundraising and promotional activities on **Council land** and **roads**. It establishes a **permit** system to regulate these activities, and aims to enhance the appearance and safety of streets and **public places** by controlling the placement of items on **Council land** and **roads**. It contains provisions which aim to manage and facilitate responsible trading, entertainment and promotional activities on **Council land** and **roads** - to ensure the free passage and use of these areas by all users of these areas, and to maintain the amenity of the neighbourhood.*

47. Activities on Council land or roads

Without a **permit**, a **person** must not, on **Council land** or a **road**, cause or authorise another **person** to:

- (1) sell, barter, exchange, display or offer for sale any goods or services;
- (2) place any **street furniture** or associated items; or
- (3) place any structure or thing for the purpose of selling or trading or promoting or offering to sell any goods or services.

48. Signs

- (1) Without a **permit** or a licence entered into with **Council**, a **person** must not place or allow to be placed, or affix to anything, a **sign** on **Council land** or a **road** or in or on a **municipal place**.
- (2) A **person** who has entered into a licence with **Council** for the purposes of clause 48(1) must comply with any conditions of the licence.
- (3) If, after making all reasonable enquiries, an **Authorised Officer** is unable to identify or locate the **person** who placed or allowed the **sign** to be placed on **Council land** or a **road** in contravention of clause 48(1), the **Authorised Officer** may serve a **Notice to Comply** on the **person** who, in the **Authorised Officer's** opinion, benefits from the **sign**, directing that **person** to remove the **sign** by the time and date specified in the **Notice to Comply**.
- (4) A **person** must comply with a **sign** erected on **Council land** or **road** or in or on a **municipal place**.

49. Appeals and collections

- (1) Without a **permit** or written permission under the *Road Safety (Traffic Management) Regulations 2019*, a **person** must not solicit or collect or authorise another **person** to solicit or collect on any **Council land** or **road** any money, items or subscriptions for any purpose.
- (2) Without a **permit**, a **person** must not hand out or distribute or authorise another **person** to hand out or distribute any handbill, placard, notice, pamphlet, book, paper, advertising material or similar thing on any **Council land** or **road**.
- (3) Without a **permit**, a **person** must not erect or place or authorise another **person** to erect or place on any **Council land** or **road** any **vehicle**, **caravan**, trailer, table, stall or similar thing for the purpose of selling or offering for sale any goods or services or conducting a raffle or lottery.

50. Commercial filming and photography on Council land

Without a **permit**, a **person** must not conduct any filming or photography for commercial purposes, public exhibition or purposes associated with formal study, which involves the placement or use of a tripod or other equipment or items or **vehicles** on any **Council land** or a **road**.

Note: Council will take into account the *Filming Approval Act 2014* in considering an application for a **permit** under clause 50.

51. Event and busking on Council land

Without a **permit** or **Council's** consent, a **person** must not hold or allow to be held a function or **event** or engage in **busking** or other form of entertainment on **Council land** or a **road**.

Part 10: Alcohol and Smoking on Council Land and Roads

*Introduction: This Part provides controls, related to the smoking of tobacco and consumption of **alcohol**, to achieve responsible management of **Council land** or **roads** so as to enhance the enjoyment of these areas by the community.*

52. Alcohol

- (1) Without a **permit**, a **person** must not consume **alcohol** or have in their possession **alcohol** in an open container in or on **Council land** or **road** or **public place**, except at the times and in the places **determined** by **Council** or in accordance with a **sign** erected on or in the **Council land, road** or **public place**.
- (2) Where an **Authorised Officer** or Victoria Police Officer reasonably believes that a **person** has contravened or is contravening clause 52(1), the **Authorised Officer** or Victoria Police Officer may direct that **person** to:
 - (a) empty any open container containing **alcohol** or reseal that open container; or
 - (b) surrender any open container containing **alcohol** to the **Authorised Officer** or Victoria Police Officer.
- (3) A **person** who is given a direction under clause 52(2) must comply with that direction.
- (4) If **Council** makes a **determination** in accordance with clause 52(1) the details must appear on **Council's** website.

53. Smoking in a smoke free area

- (1) A **person** must not **smoke** a **tobacco product** in a **smoke free area**.
- (2) Where an **Authorised Officer** believes on reasonable grounds that a **person** is contravening or has contravened clause 53(1), the **Authorised Officer** may direct the **person** to extinguish and then dispose of the **tobacco product**.
- (3) A **person** who is given a direction under clause 53(2) must comply with that direction.
- (4) In addition to the **smoke free areas** identified in Schedule 2 to this Local Law, **Council** may **determine**, by resolution, any other area within the **municipality** to be a **smoke free area**.

Section E: Protection of Council Land and Assets

Part 11: Council Assets, Trees and Regulating Building Sites

*Introduction: This Part protects **Council land** and assets, including drains, **vehicle crossings** and **Council trees and plants**. These provisions establish a system of **asset protection permits**, as a means of regulating **building work** which has potential to damage **Council land** or **assets**.*

54. Asset protection

- (1) An **owner** or **occupier** of **private land** or the **person in charge of building work** must:
 - (a) obtain an **asset protection permit** prior to the commencement of any **building work** on that **private land**; and
 - (b) comply with any conditions of the **asset protection permit**.
- (2) An **asset protection permit** may be subject to such conditions as **Council** or an **Authorised Officer** determines, including:
 - (a) requiring the payment of an **asset protection permit** fee;
 - (b) requiring the payment of a security bond;
 - (c) requiring works to be done on or around the **building site** to protect any **Council asset**, the health and safety of the public, the environment and the amenity of the area, or to be in accordance with a relevant and specified legislative framework;
 - (d) requiring entry to and exit from the **building site** only at or from designated locations; and
 - (e) addressing any other matter referred to in this Part.
- (3) Clause 54(1) does not apply where **minor building work** is being undertaken.

55. Notification upon completion of building work

An **owner** or **occupier** of **private land** or the **person in charge of building work** must notify **Council** in writing within seven (7) days of completion of the **building work** regulated by the **asset protection permit** that such works are complete and ready for inspection by an **Authorised Officer**, to enable a final inspection by **Council** and assessment of any damage to any **Council asset**.

56. Inspection of Council assets and recovery of cost

- (1) **Council** or an **Authorised Officer** may inspect a **building site** at any reasonable time.
- (2) An **Authorised Officer** may undertake an inspection of **Council assets** to determine if any **Council asset** has been damaged, altered, compromised or interfered with in connection with **building work**, the subject of the **asset protection permit**.

- (3) If damage has been caused to any **Council asset** as a result of the execution of the **building work**, **Council** or an **Authorised Officer** may:
- (a) direct the **owner** or **occupier** of **private land** or the **person in charge of the building work** to repair the damage at the cost of the **owner** or **occupier** or the **person in charge of the building work**, to the satisfaction of **Council** or an **Authorised Officer** and within a specified period; or
 - (b) **Council** or an **Authorised Officer** may approve the carrying out of work by another **person**, or carry out the work itself, where:
 - (i) any damage, alteration, compromise or interference has occurred as a result of **building work**; or
 - (ii) there is a danger to life, safety, property, or the environment; and
 - (c) Where **Council** or another person carries out the work on behalf of **Council**, **Council** may recover the cost of the work from the **owner** or **occupier** of **private land** or the **person in charge of building work**.
- (4) **Council** or an **Authorised Officer** may retain all or part of the security bond to offset the costs for **Council** to repair any damage, or any costs associated with carrying out the repairs caused by the damage.
- (5) **Council** or an **Authorised Officer** must refund the security bond to the **person** who lodged it, upon satisfaction that no damage has been caused, or that any damage caused has been repaired to the satisfaction of **Council** or an **Authorised Officer**.
- (6) For any work undertaken by **Council** where the cost is less than the amount of the security bond, **Council** must refund the unused portion of the security bond to the **person** who paid it to **Council**
- (7) **Council** or an **Authorised Officer** may determine the cost of repairs to **Council assets**.

57. Obligations during building work

An **owner** or **occupier** of **private land** or the **person in charge of building work** must provide and ensure the following during the period of the **building work**:

- (1) the presence of an onsite and functioning toilet facility;
- (2) access within and to and from the **building site** for the emptying and collection of waste from the toilet facility;
- (3) a maintenance program so that there are no offensive odours or any adverse visual impact on neighbouring properties from the toilet facility on the **building site**;
- (4) waste produced as a result of **building work** on the **building site** is:
 - (a) contained entirely within the **building site**;

- (b) stored in a manner that does not attract the depositing of waste from sources other than the **building site**;
 - (c) stored in a manner that does not cause detriment to the visual amenity of the area in which the **building site** is located; and
 - (d) disposed of regularly, and, where that waste is in the form of stormwater, to a legal point of discharge.
- (5) the presence of a litter container on the **building site** with a lid of sufficient size;
 - (6) emergency contact details being clearly displayed on the **building site**;
 - (7) a temporary or permanent fence to a minimum height of 1.8 metres that is fully contained within the **building site**, that secures the **building site** and is to the satisfaction of an **Authorised Officer**;
 - (8) the **building site** is provided with clearly legible and clear **site identification**;
 - (9) all approved **building work** is confined to the **building site** unless otherwise directed by an **Authorised Officer**;
 - (10) all building related material is stored on the **building site**;
 - (11) all litter capable of being blown from the **building site** is placed in a suitable litter container kept on the **building site**;
 - (12) any sediment, mud, erosion, potential stormwater pollutants or other site run off is prevented from leaving the **building site**;
 - (13) the **building site** is provided with sediment or fencing barriers that ensure the retention of silt and soil on site and/or the retention of other waterborne particles and pollutants for later transportation to a legal place of disposal;
 - (14) soil that is stripped from the **building site** is stockpiled on the **building site** for re-use or is transported to a legal place of disposal;
 - (15) any dust or air pollutants from the **building site** are managed to minimise **nuisance**;
 - (16) **vehicle** access to the **building site** is via a **vehicle crossing** or a **temporary vehicle crossing**;
 - (17) for the duration of the **building work** the **vehicle crossing** or **temporary vehicle crossing** is maintained in a clean and safe manner for **vehicles** and pedestrians;
 - (18) any **vehicle** is not permitted to deposit any mud, sediment, slurry or similar material from the **building site** in any **public place**; and
 - (19) **building work** does not render unsafe any pedestrian or vehicular traffic in the immediate area.

58. Hours of building work

- (1) A **person** must not, without a **permit**, carry out or allow to be carried out, **building work**:
 - (a) before 7am or after 6pm on any day or days between Monday to Friday (inclusive);
 - (b) before 9am or after 3pm on a Saturday;
 - (c) on a Sunday; or
 - (d) on Anzac Day, Good Friday, Christmas Day, or the Monday after Christmas Day when Christmas Day is a Saturday or the Tuesday after Christmas Day when Christmas Day is a Sunday.
- (2) Clause 58(1) does not apply where **minor building work** is being undertaken.

59. Drains

- (1) The **owner** or **occupier** or **property manager** of **private land** must ensure that any drain on the **private land** is maintained in a condition that is not:
 - (a) dangerous to health;
 - (b) unsightly;
 - (c) a **nuisance**; or
 - (d) hindering, obstructing, or interfering with the operation of the drain.
- (2) A **person** must not discharge or cause to be discharged any substance or material into a drain or watercourse which is vested in or under the control of **Council**, except for the discharge of stormwater.
- (3) A **person** must not damage, obstruct or interfere or cause or allow to be damaged, obstructed, or interfered with any drain which is vested in or under the control of **Council**.
- (4) A **person** must not, without a **permit**, tap into any drain, culvert or sewer vested in or under the control of **Council**.

60. Spoil on roads

- (1) A **person** must not cause or allow any soil, earth, mud, clay, cement slurry, liquid waste, or other litter to fall or escape from a **vehicle** onto a **road** in the course of any trade, industry, or commercial undertaking.
- (2) A **person** must not cause or allow any fuel, grease, oil, mud, clay, cement slurry, paint, detergents, or other litter to run to be deposited onto a **road** or into a drain from a **vehicle** being cleaned.
- (3) If the person driving or in charge of a **vehicle** that is used in the commission of an offence under clause 60(1) or (2) cannot be identified, the **owner** or **occupier** of the **private land**

where the **vehicle** is likely to have been soiled is guilty of an offence under clause 60(1) or (2).

- (4) An **owner** or **occupier** or **property manager** of **private land** must not cause or allow any soil, earth, mud, clay, cement slurry, liquid waste, or other litter to be discharged from that **private land** onto **Council land** or a **road**.

61. Occupation of roads

- (1) Without a **permit** or written consent under the *Road Management Act 2004*, a **person** must not occupy (whether wholly or partially) a **road** for:
 - (a) 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;
 - (iv) making a hole or excavation;
 - (v) reinstating a hole or excavation;
 - (vi) leaving or storing any building, paving or other construction materials or any tools, machinery, plant, or equipment; or
 - (b) any other non-road purpose which does not involve a special **event**.
- (2) Clause 61(1) does not apply to the works or activities of a **utility**.

62. Vehicle crossings

- (1) Without a **permit**, an **owner** or **occupier** or **property manager** of **private land** must not install, construct, alter or reconstruct a **vehicle crossing**, whether permanent or temporary, or authorise another **person** to do so.
- (2) An **owner** or **occupier** or **property manager** of **private land** must ensure that each point of **vehicle** access from any **private land** to a **road** has a properly constructed and maintained **vehicle crossing** approved by an **Authorised Officer**.
- (3) An **Authorised Officer** may direct the:
 - (a) construction of a **temporary vehicle crossing** or **vehicle crossing**;
 - (b) repair or reconstruction of a **temporary vehicle crossing** or **vehicle crossing**;
 - (c) removal of a redundant **temporary vehicle crossing** or **vehicle crossing**; or
 - (d) reinstatement of any kerb, channel, footpath or other area to the satisfaction of an **Authorised Officer**

by the **owner**, **occupier** or **property manager** of adjacent land at the cost of such **owner**, **occupier** or **property manager**.

- (4) An **owner** or **occupier** or **property manager** of **private land** to whom a direction is given under clause 62(3) must comply with that direction.

63. Defacing/damaging Council land and assets

- (1) Without a **permit**, a **person** must not destroy, damage, deface, remove or interfere with:
 - (a) **Council land** or a **road**;
 - (b) any **building**, structure, infrastructure or any other thing on **Council land** or a **road**; or
 - (c) any **Council asset**.
- (2) A **person** must not authorise or engage or allow another **person** to undertake any of the activities in clause 63(1).

64. Trees and plants on Council land and roads

Without a **permit**, a **person** must not remove, lop, destroy, damage or interfere with any tree or plant on **Council land** or a **road** or authorise or allow another **person** to do so.

Section F: Administration

Part 12: Permits

*Introduction: This Part outlines the process for obtaining and retaining **permits** under the **Local Law**. This part also provides for the requiring a security bond if required by **Council**.*

65. When is a permit required under this Local Law?

Where in this **Local Law** a **person** is prohibited from doing a thing “without a **permit**”, a **person** who does the thing which is prohibited to be done without first obtaining a **permit** from the **Council** is guilty of an offence.

66. Permit application and fees

- (1) An application for a **permit** or renewal of a **permit** under this **Local Law** must be in a form approved by **Council** or an **Authorised Officer** and accompanied by any fee **determined** by **Council** in accordance with clause 67(1).
- (2) **Council** or an **Authorised Officer** may require the applicant to give notice of the application for a **permit** or renewal of a **permit**, in the manner **determined** by **Council** or an **Authorised Officer**.
- (3) **Council** or an **Authorised Officer** may require an applicant to provide additional information before it proceeds with the application for a **permit** or renewal of a **permit**.
- (4) A **permit** issued under this **Local Law** is non-transferrable to any other **person**. If a business changes ownership, the **permit** held in connection with the business will cease and an application for a new **permit** will be required by the **person** operating that business.

67. Fees and charges

- (1) **Council** may **determine**:
 - (a) the quantum of any **permit** fee, **asset protection permit** fee, charges, guarantee or bond to apply under this **Local Law**; and
 - (b) an administrative, inspection or processing fee or charge in addition to any fee, charge, guarantee or bond applying under this **Local Law**.
- (2) In **determining** a fee or charge, **Council** may establish a system or schedule of fees and charges, including a minimum or maximum fee or charge, if it considers it appropriate to do so.
- (3) **Council** may waive, reduce, alter or refund, in whole or in part, any fee, charge, bond or guarantee with or without conditions.

68. Duration of permit

- (1) Except where expressly stated in this **Local Law** or in a **permit**, a **permit** operates from the date it is issued and expires one year after the date of issue.
- (2) A **permit holder** has no automatic right to have a new **permit** issued once the original **permit** has expired or has been cancelled.

69. Correction of permits

- (1) **Council** or an **Authorised Officer** may correct a **permit** if that **permit** contains:
 - (a) an unintentional error or an omission; or
 - (b) a material miscalculation or a material mistake in the description of a **person**, thing or property.
- (2) **Council** or an **Authorised Officer** must notify a **permit holder** in writing of any correction under clause 69(1).

70. Granting and refusal of a permit

- (1) **Council** or an **Authorised Officer** may decide to:
 - (a) issue a **permit**;
 - (b) issue a **permit** subject to conditions; or
 - (c) refuse to issue a **permit**.
- (2) In **determining** whether to issue a **permit** and, if a **permit** is to be issued, the scope and conditions that will apply to it, **Council** or an **Authorised Officer** may take into account any of the following where relevant:
 - (a) the health and safety of the public;
 - (b) the amenity of the **municipal district**;
 - (c) the impacts on other **persons** or their property;
 - (d) the extent to which the granting of the application might affect the activities or enjoyment of another **person** or group;
 - (e) the need to protect assets or infrastructure of **Council** or a **utility** from damage;
 - (f) legislative and policy directives of the Commonwealth and State Governments;
 - (g) the need for work to occur which is authorised by Commonwealth or State Government legislation, or by **Council** or a **utility**;
 - (h) any relevant **Council** policies and guidelines;

- (i) any policies, codes of practice, standards or guidelines used as reference by **Council**;
 - (j) any submission or comments that may be received in respect of the application; and
 - (k) any other matter.
- (3) **Council** or an **Authorised Officer** may, during the currency of a **permit**, amend the conditions of the **permit** if the conditions or scope of the **permit** changes.
- (4) Before **Council** or an **Authorised Officer** amends a **permit** under clause 70(3) of this **Local Law**, **Council** or an **Authorised Officer** must provide the **permit holder** an opportunity to make written submissions on the proposed amendment, who then has fourteen (14) days from the date of **Council's** notice of intention to amend the **permit** to provide written submissions to **Council** or an **Authorised Officer** as to why the **permit** should not be amended or amended in the manner proposed.
- (5) A **permit holder** must comply with the conditions of the **permit**.
- (6) A **person** must not make a false representation or declaration or intentionally omit material information in an application for a **permit**.

71. Cancellation of a permit

- (1) **Council** or an **Authorised Officer** may cancel a **permit** if they consider that:
- (a) there has been a serious or ongoing breach of any of the conditions of the **permit**;
 - (b) a **Notice to Comply** has been issued in connection with the **permit**, but not complied with within the time specified in the **Notice to Comply**;
 - (c) there was a significant error or misrepresentation in the application for the **permit**; or
 - (d) there has been a material change of circumstances which has occurred since the issue of the **permit**.
- (2) Before **Council** or an **Authorised Officer** cancels a **permit** under clause 71(1) of this **Local Law**, **Council** or an **Authorised Officer** must provide the **permit holder** an opportunity to make written submissions on the proposed cancellation, who then has fourteen (14) days from the date of **Council's** notice of intention to cancel the **permit** to provide written submissions to **Council** or an **Authorised Officer** as to why the **permit** should not be cancelled.

72. Exemptions

- (1) **Council** or an **Authorised Officer** may, by written notice, exempt any **person** or class of **persons** from the need to obtain a **permit** and such exemption may be subject to conditions, may be amended and may be cancelled.
- (2) **Council** or an **Authorised Officer** may, by written notice, exempt any **person** or class of **person** from the need to pay any **permit** fee and such exemption may be cancelled or corrected in the same way as a **permit**.

73. Security Bonds

- (1) In deciding to issue a **permit**, **Council** or an **Authorised Officer** may require the **person** who applied for the **permit** to lodge with **Council** a security bond in such amount and in such a manner as **Council determines**.
- (2) In the event of a breach of any **permit** condition in respect of which a security bond is paid under this **Local Law**, **Council** may retain an amount of the security bond as is necessary to remedy that breach or repair any damage caused by that breach.
- (3) Upon expiry of a **permit**, **Council** must release any remaining security bond to the **person** who paid it.
- (4) If, after twelve (12) months from the date that the security bond would have been released under clause 73(3), **Council** cannot locate the **person** entitled to the release of any security bond or remaining security bond, **Council** may retain the security bond or remaining security bond and pay the money into its general revenue.

74. Register of permits

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

Section G: Enforcement

Part 13: Compliance and Enforcement of the Local Law

*Introduction: This Part provides a means for enforcing this **Local Law** and powers to impound and serve **Notices to Comply** to seek compliance.*

75. Offences

A **person** who:

- (1) contravenes or fails to comply with any provision of this **Local Law**;
- (2) contravenes or fails to comply with any condition contained in a **permit** issued under this **Local Law** or any requirements in the **Council** policy applicable to that **permit**; or
- (3) contravenes or fails to comply with a direction or a **Notice to Comply** by the date specified in the direction or **Notice to Comply**

is guilty of an offence.

76. Offences by corporations

- (1) If a **person** charged with an offence against this **Local Law** is a **corporation**, any person who is concerned or takes part in the management of that **corporation** may be charged with the same offence.
- (2) If the **corporation** is found guilty of an offence against this **Local Law**, a **person** charged under clause 76(1) with the same offence may also be found guilty of the offence and is liable to the penalty for that offence.
- (3) It is a defence if it is proved that the **person** charged under clause 76(1) with the same offence as the **corporation** took all reasonable precautions and exercised all due diligence to prevent the commission of the offence by the **corporation** or by another **person** under the **corporation's** control.

77. Operator onus offence

If the **person** driving or in charge of a **vehicle** that is used in the commission of an offence under this **Local Law** cannot be identified, the registered owner of that **vehicle** is guilty of that offence.

78. Penalties

A **person** guilty of an offence against this **Local Law** is liable to a penalty:

- (1) not exceeding twenty (20) **penalty units**; and
- (2) in the case of a contravention which continues after a finding of guilt or conviction two (2) **penalty units** for each day after the finding of guilt or conviction for the offence during which the contravention continues.

79. Infringement Notices

- (1) Where an **Authorised Officer** reasonably believes that a **person** has committed an offence under this **Local Law**, the **Authorised Officer** may serve on that **person** an **infringement notice**.
- (2) The fixed penalty in respect of an **infringement notice** is the amount set out in Schedule 1 to this **Local Law**.
- (3) The fixed penalty in respect of an **infringement notice** can differentiate between a natural person and a **corporation** as set out in Schedule 1 to this **Local Law**.

80. Notice to Comply and Direction

- (1) An **Authorised Officer**, who reasonably believes that a **person** has contravened any provision of this **Local Law** may give a verbal direction to and/or serve a **Notice to Comply** on a **person** to do or not do a thing or carry out work to remedy the thing which constitutes a contravention under this **Local Law**.
- (2) A **Notice to Comply** under clause 80(1) must be in writing.
- (3) A **Notice to Comply** or a verbal direction under clause 80(1) may do one or more of the following things:
 - (a) direct the **person** to comply with this **Local Law**;
 - (b) direct the **person** to stop the conduct which constitutes the contravention of this **Local Law**;
 - (c) direct the **person** to deliver up to the **Authorised Officer** or to some specified **person** or some specified location any item or property of the **person**;
 - (d) direct the **person** to remove or cause to be removed any item, goods, equipment or other thing; or
 - (e) direct the **person** to leave an area within the time specified in the notice or direction.
- (4) A **Notice to Comply** or a verbal direction under clause 80(1) must specify the date by which the **person** specified in the **Notice to Comply** or verbal direction is required to comply with the directions stipulated in the **Notice to Comply** or verbal direction.
- (5) The period of time required by a **Notice to Comply** or verbal direction under clause 80(1) must be reasonable in the circumstances, having regard to:
 - (a) the amount of work involved; and
 - (b) the degree of difficulty; and
 - (c) the availability of necessary materials or other necessary items; and
 - (d) climatic conditions; and

- (e) the degree of risk or potential risk; and
 - (f) any other relevant factor.
- (6) A **person** must comply with a **Notice to Comply** or a verbal direction under clause 80(1).
- (7) If a **person** who was given a verbal direction or served with a **Notice to Comply** fails to carry out any work or remedy anything stipulated in the verbal direction or **Notice to Comply**, **Council** or the **Authorised Officer** may approve the carrying out of the work or the remedying of the thing by another **person** or carry out the work itself and recover the cost of performing the work or remedying the thing from the **person** who failed to comply with the verbal direction or **Notice to Comply**.
- (8) A **person** may make written representations, within fourteen (14) days after being given a verbal direction or served with a **Notice to Comply**, to **Council** or an **Authorised Officer** about matters contained in the verbal direction or **Notice to Comply**, but nothing in this right or the exercise of this right relieves the **person** from complying with the verbal direction or **Notice to Comply**, unless the **Authorised Officer** who issued the verbal direction or **Notice to Comply** otherwise directs.

81. Power of Authorised Officer to act in urgent circumstances

- (1) An **Authorised Officer** may, in urgent circumstances arising as a result of a failure to comply with this **Local Law**, take action to remove, remedy or rectify a situation provided:
- (a) the **Authorised Officer** considered the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a **Notice to Comply**, may place a **person**, animal, property or thing at risk or in danger;
 - (b) details of the circumstances and remedying action are forwarded as soon as practicable to the **person** on whose behalf the action was taken; and
 - (c) the Chief Executive Officer of **Council** or their delegate, not being the **Authorised Officer** administering this clause, approves of the proposed action.
- (2) Action taken by an **Authorised Officer** under this clause must not extend beyond what is necessary to cause the immediate abatement or minimisation of the risk or danger.
- (3) Where **Council** undertakes work in accordance with this clause, it may recover the cost of performing the work from the **person** who has contravened or who is likely to contravene this **Local Law**.

82. Power of Authorised Officer to confiscate and impound

- (1) Where a **person** who owns or is responsible for a thing, including goods, equipment, a **bicycle**, **animal** or other property or similar has:
- (a) failed to obtain a **permit** where a **permit** in respect of the thing is required under this **Local Law**;

- (b) placed the item at or on any place in breach of this **Local Law** or in breach of a **permit** condition;
 - (c) failed to comply with a direction from an **Authorised Officer** to remove the item; or
 - (d) the thing is in breach of this **Local Law** -
- the thing may be confiscated and impounded by an **Authorised Officer**.
- (2) An impounded thing must be surrendered to:
- (a) its owner; or
 - (b) a **person** acting on behalf of its owner who provides evidence to the satisfaction of an **Authorised Officer** of their authority from the owner; and -
- on
- (i) evidence to the satisfaction of the **Authorised Officer** being provided of the owner's right to the thing; and
 - (ii) payment of any fee and reasonable costs of impounding determined by **Council** or an **Authorised Officer**.
- (3) If the owner of a confiscated thing can be identified, **Council** or an **Authorised Officer** must serve personally or by registered mail a written notice within fourteen (14) days on the owner of the confiscated thing setting out the fees, costs and charges payable and time by which the thing must be retrieved.
- (4) If the owner or **person** responsible for a confiscated thing is unknown, the **Authorised Officer** must take reasonable steps to ascertain the identity of the owner or **person** responsible for the thing prior to exercising the powers in clause 83.

83. Disposal

- (1) If, after the time required in a notice, a confiscated thing is not retrieved, or if a notice referred to in clause 82(3) is unable to be served, an **Authorised Officer** may take action to dispose of the confiscated thing according to the following principles:
- (a) where the thing has no saleable value, it may be disposed of in the most economical way; and
 - (b) where the thing has some saleable value, the thing may be disposed of either by tender, public auction or private sale but failing sale may be treated as in clause 83(1)(a); or
 - (c) where the owner of a confiscated thing has advised **Council** in writing that **Council** may dispose of the thing because the owner does not intend to retrieve it, **Council** may dispose of the thing by either of the methods identified in clause 83(1)(a) and (b).

- (2) If the impounded thing is perishable and will not survive the period specified in clause 83(1), the **Authorised Officer** may dispose of the thing sooner.
- (3) **Council** is entitled to retain the proceeds of sale of any impounded thing towards its reasonable costs incurred in impounding, keeping, and selling the thing.

Part 14: Delegations

- 84. **Council** may by instrument of delegation delegate any of its powers, functions and duties under this **Local Law** to a member of its staff.
- 85. A reference in an instrument of delegation to a delegate by way of the delegate's position with the **Council** includes:
 - (a) a **person** authorised to carry out the powers, duties and functions of that position at **Council**;
 - (b) a person acting in that capacity; or
 - (c) if that position at **Council** ceases to exist, any **person** exercising any power, duty or function which was previously a power, duty or function of the previous position.

Schedule 1 – Penalties

Clause	Offence	Infringement Notice Penalty Units for a natural person	Infringement Notice Penalty Units for a corporation
11	Dangerous land	5	10
12	Unsightly land	3	10
13	Land which is detrimental to the general amenity of the neighbourhood	3	10
14	Obstructions from private land	3	5
15	Dilapidated buildings	5	10
16	Heavy and long vehicles on private land	5	10
17	Camping on Private Land	3	5
18	Property numbers	1	3
19	Intruder alarms	1	5
20	Lights	1	5
21	Short Stay Rental Accommodation	5	10
22	Shipping containers	5	10
23	Environmental weeds	3	10
24	Tree and vegetation protection	10	10
25	Vermin and pests on private land	3	10
26	Open air burning	5	10
27	Council waste services	2	5
28	Non-Council waste services	2	5
29	Commercial waste	5	10
30	Limits on number of animals kept	3	5
31	Animal housing	3	5
32	Private land adequately fenced	3	10
33	Removal of animal waste	1	N/A
34	Animal noise and odour	2	5
35	Feeding of animals and birds	1	N/A
36	Behaviour on Council land and roads	1	5
37	Act contrary to any restriction, closure, condition, fee,	3	5

Clause	Offence	Infringement Notice Penalty Units for a natural person	Infringement Notice Penalty Units for a corporation
	charge, hire agreement or authorised instruction in relation to a Council land and municipal place		
38	Access to a municipal place	3	5
39	Camping on Council land or road or public place	3	N/A
40	Obstructions	3	10
41(1)	Leaving a shopping trolley	1	N/A
41(2) & (3)	Shopping trolleys	3	5
42	Use of toy vehicles	3	5
43	Fireworks on Council land and roads	10	15
44	Vehicles on Council land and roads	2	5
45	Repairing or displaying vehicles	3	10
46	Abandoned, derelict and unregistered vehicles	3	10
47	Activities on Council land or roads	3	10
48	Signs	5	10
49	Appeals and Collections	3	10
50	Commercial filming and photography on Council land	5	10
51	Event and busking on Council land	3	10
52	Alcohol	3	10
53	Smoking	1	N/A
54	Asset protection	5	15
55	Notification upon completion of building work	3	10
56(3)	Failure to comply with direction or carry out works	5	15
57	Obligations during building work	5	15
58	Hours of building work	5	15
59	Drains	5	15
60	Spoil on roads	5	15
61	Occupation of roads	5	15
62	Vehicle crossing	5	15
63	Defacing/damaging Council land and assets	5	15
64	Trees and plants on Council land and roads	5	15

Clause	Offence	Infringement Notice Penalty Units for a natural person	Infringement Notice Penalty Units for a corporation
70(5) & (6)	Fail to comply with a permit, or engage in misleading conduct	5	15
80(6)	Failing to comply with a direction or Notice to Comply	5	15

Schedule 2 – Smoke Free Areas

Part A – Smoke Free Areas

The following areas are **smoke free areas** for the purposes of clause 53(1) of this **Local Law**:

1. within **Council** owned facilities and/or on **Council land**;
2. at **Council** operated festivals and **events**;
3. any **children’s playground**;
4. any parcel of land on which a **child care centre** is located; and
5. any parcel of land as **determined** by **Council**.

Part B – Guidelines for Determining a Smoke Free Area

When considering whether to **determine** a **smoke free area** for the purposes of this **Local Law**, **Council** must have regard to the following factors:

1. the size of the proposed **smoke free area**;
2. the opinions of any **person** who is the **owner** or **occupier** of any part of the proposed **smoke free area** or the area immediately adjoining the proposed **smoke free area**;
3. the proximity of the proposed **smoke free area** to a **public place**, part or all of which is not in a **smoke free area**;
4. the extent and outcome of any public consultation on the proposed **smoke free area**;
5. any benefits to the community which would be achieved by **Council determining** the proposed **smoke free area**; and
6. any detriments to the community which would be caused by **Council determining** the proposed **smoke free area**.